

# BRIGHTON & HOVE CITY COUNCIL

Date: **17 December 2020**

Time: **4.30pm**

Venue **Virtual Teams meeting**

Members: **All Councillors:**

You are summoned to join a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.

Contact:

**Mark Wall**

Head of Democratic Services

01273 291006

mark.wall@brighton-hove.gov.uk

## **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.

**Note:** in response to current Government Regulations this meeting is being held as a virtual meeting for councillors and accessible via Teams. Public speaking and engagement opportunities will be made available.

The meeting will also be webcast live to the internet.

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Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

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# AGENDA

## 60 DECLARATIONS OF INTEREST

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

If unsure, Members should seek advice from the Monitoring Officer or Democratic Services Officer preferably before the meeting.

## 61 MINUTES

9 - 46

To approve as a correct record the minutes of the last Council meeting held on the 22 October 2020.

Contact Officer: Mark Wall  
Ward Affected: All Wards

Tel: 01273 291006

## 62 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

## 63 TO RECEIVE PETITIONS AND E-PETITIONS.

The following petitions will be presented by Members and/or members of the public to the Mayor at the meeting:

- (1) **Protect CGL FACT Families and Carers Group.** Lead petitioner Tonderayi Madzima;
- (2) **Addressing Children in Poverty in Brighton and Hove.** Lead petitioner Bruno DeOliveira;
- (3) **Brighton & Hove City Council Act on Climate and Biodiversity Emergency Now!** Lead petitioner Tash Fairbanks.

## 64 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 11 December 2020 will be circulated separately as part of an addendum at the meeting.

## **65 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

A list of deputations received by the due date of 12noon on the 11 December 2020 will be circulated separately as part of an addendum at the meeting.

## **66 PETITIONS FOR COUNCIL DEBATE**

**47 - 52**

Petitions to be debated at Council. Reports of the Monitoring Officer:

- (1) **No Confidence in Brighton & Hove Council.** Lead petitioner Katie Brotherton.
- (2) **Close Brighton and Hove Greyhound Stadium.** Lead petitioner Sarah Whitehead.
- (3) **Reduce the Costs of Secondary Uniforms in Brighton & Hove.** Lead petitioner Emma Daniel.

*Contact Officer: Mark Wall*  
*Ward Affected: All Wards*

*Tel: 01273 291006*

## **67 TO RECEIVE NOMINATIONS FOR THE MAYOR AND THE DEPUTY MAYOR-ELECT FOR 2021/22**

The Mayor will seek nominations for the Mayor-Elect and Deputy Mayor-Elect for the 2021/22 Municipal Year in line with the agreed protocol.

## **68 CALL OVER FOR REPORTS OF COMMITTEES.**

- (a) Call over (items 71 - 74) 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.

## **69 WRITTEN QUESTIONS FROM COUNCILLORS.**

**53 - 60**

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*

## **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.



**70 ORAL QUESTIONS FROM COUNCILLORS 61 - 62**

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*

**REPORTS FOR DECISION**

**71 REVIEW OF STATEMENT OF LICENSING POLICY – CONSULTATION RESPONSE REPORT 2020 63 - 182**

Extract from the proceedings of the Licensing Committee meeting held on the 26 November 2020, together with a report of the Interim Executive Director for Housing, Neighbourhoods & Communities.

*Contact Officer: Penny Jennings*

*Tel: 01273 291065*

*Ward Affected: All Wards*

**72 AN UPDATE ON THE ECONOMIC STRATEGY FOR BRIGHTON & HOVE 183 - 202**

Extract from the proceedings of the Policy & Resources Committee meeting held on the 3 December 2020 (to follow); together with a report of the Executive Director for Economy, Environment & Culture.

*Contact Officer: Elizabeth Cadman*

*Tel: 01273 291094*

*Ward Affected: All Wards*

**REPORTS REFERRED FOR INFORMATION**

**73 COVID-19 RECOVERY & RENEWAL PROGRAMME UPDATE 203 - 210**

Extract from the proceedings of the Policy & Resources Committee meeting held on the 3 December 2020 (to follow), together with a report of the Executive Director for Economy, Environment & Culture.

*Contact Officer: Lisa Johnson*

*Tel: 01273 291228*

*Ward Affected: All Wards*

**74 BREXIT RESILIENCE & PLANNING 211 - 258**

Extract from the proceedings of the Policy & Resources Committee meeting held on the 3 December 2020 (to follow), together with a report of the Executive Lead Officer for Strategy, Governance & Law.

*Contact Officer: Lisa Johnson*

*Tel: 01273 291228*

*Ward Affected: All Wards*

## NOTICES OF MOTION

The following Notices of Motion have been submitted by Members for consideration:

**75 NO CUTS TO UNIVERSAL CREDIT - LET FAMILIES KEEP THE £20 INCREASE 259 - 260**

Proposed by Councillor Brennan, as an Independent Member.

**76 ACTION TO REDUCE THE IMPACT OF FIREWORKS 261 - 262**

Proposed by Councillor Fowler on behalf of the Labour Group.

**77 SUPPORT UNITED NATIONS TPNW: ICAN CITIES APPEAL 263 - 264**

Proposed by Councillor Evans on behalf of the Labour Group.

**78 POWER OF YOUTH CHARTER 265 - 266**

Proposed by Councillor Clare on behalf of the Green Group.

**79 PUBLIC HEALTH AND SOCIAL CARE FUNDING 267 - 268**

Proposed by Councillor Shanks on behalf of the Green Group.

**80 REGISTER OF HERITAGE ASSETS 269 - 270**

Proposed by Councillor Nemeth on behalf of the Conservative Group.

**81 FIELD OFFICERS 271 - 272**

Proposed by Councillor Bell on behalf of the Conservative Group.

**82 COMMITMENT TO HELPING THOSE WITH HIDDEN DISABILITIES 273 - 274**

Proposed by Councillor Powell on behalf of the Green and Labour Groups.

**83 CLOSE OF MEETING**

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

*Note:*

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

(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;*

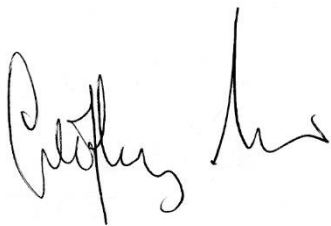
- (b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

*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.*



Chief Executive  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

Date of Publication - Wednesday, 9 December 2020

**ACCESS NOTICE**

**In response to the current situation with Covid-19 and the easing of Regulations, this Committee meeting will be held virtually via Teams and web cast simultaneously.**

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. Provision is also 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 fourth working day before the meeting.

For those members of the public wishing to actively take part in the meeting a link will be emailed so that they can join the meeting.

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

**WEBCASTING NOTICE**

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

Therefore, by joining the meeting via the link provided 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 ensure they do not use the skype video facility and provide a static image.

**FURTHER INFORMATION**

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

**BRIGHTON & HOVE CITY COUNCIL****COUNCIL****4.30pm 22 OCTOBER 2020****VIRTUAL MEETING****MINUTES**

**Present:** Councillors Robins (Chair), Mears (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Bell, Brennan, Brown, Childs, Clare, Davis, Deane, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hill, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Lloyd, Mac Cafferty, McNair, Miller, Moonan, Nemeth, Nield, O'Quinn, Osborne, Peltzer Dunn, Phillips, Pissaridou, Platts, Powell, Rainey, Shanks, Simson, C Theobald, Wares, West, Wilkinson and Williams.

**PART ONE****37 DECLARATIONS OF INTEREST**

- 37.1 Councillor Nemeth declared a personal but not prejudicial interest in Item 52, a Notice of Motion concerning the availability of Beach Huts and Chalets as he was a member of the Hove Association;
- 37.2 Councillor Osborne declared a personal interest but not prejudicial interest in Item 43 (1) Petition for debate on A Basic Income Trial as he was a member of the Basic Income Group for the South East;
- 37.3 Councillors Simson, Barnett, Brown, Theobald, Hamilton, Appich, Mears, Allcock, Gibson, Littman, West and Shanks declared a personal but not prejudicial interest in Item 57, a Notice of Motion on Pension Divestment as they were members of the East Sussex or another local authority pension scheme;
- 37.4 Councillor Peltzer Dunn declared a personal but not prejudicial interest in Items 52, Notice of Motion on Beach Huts as he owned a beach hut and Item 57 as he was in receipt of an East Sussex Pension;
- 37.5 Councillor Druitt declared a personal interest but not prejudicial interest in Item 46 as an oral question related to bus services and he was a Director of the Big Lemon Bus company;
- 37.6 Councillor Phillips declared a personal but not prejudicial interest in Item 46 and an oral question on bus services as she was Councillor Druitt's partner;

37.7 Councillor Powell declared a personal interest but not prejudicial interest in Item 46 and an oral question on community safety given her role with Sussex Police;

37.8 No other declarations of interests in matters appearing on the agenda were made.

### **38 MINUTES**

38.1 The minutes of the last ordinary meeting held on the 23<sup>rd</sup> July and the special meeting held on the 13<sup>th</sup> August 2020 were approved and signed by the Mayor as a correct record of the proceedings.

### **39 MAYOR'S COMMUNICATIONS.**

39.1 The Mayor had the following communications:

Firstly, on behalf of the Council, I would like to recognise the service given by Dr. David Horne who has been one of the two Independent Members serving on the Audit & Standards Committee and has now chosen to stand down from his role. I know that the Monitoring Officer is highly appreciative of Dr. Horne's support and dedication to the role on the committee and that he will be missed.

I would therefore like to present this certificate to Dr. Horne as a mark of the Council's appreciation and gratitude.

39.2 Dr. Horne thanked the Mayor and stated that it had been a huge honour to have served on the committee for the last eight years and to work with councillors and officers during that time. He recognised that the council would face many difficult decisions in the future, and he wished councillors and officers well.

39.3 The Mayor thanked Dr. Horne and stated that he wanted to inform the council that having taken advice and being mindful of the current situation; the Acts of Remembrance across the city are being curtailed with minimum attendance due to Covid-19. A ceremony with reduced numbers will take place at Brighton War Memorial, but there will be no parade, no road closures, no parking suspensions and only 4 wreaths will be laid by;

- The Lord Lieutenant on behalf of Her Majesty the Queen
- The Mayor on behalf of the City and its citizens
- The Chair of the RBL on behalf of the armed services
- Lt Commander Allcock will lay a communal wreath with the names of service organisations and individuals who would normally be called up to lay a wreath.

39.4 The Mayor noted that there were upcoming Charity events subject to Covid 19 restrictions which included:

- The Mayor's virtual Charity Quiz is taking place on the 28 October at 19:00 via Zoom;
- A Miracle on 34<sup>th</sup> Street at All Saints Church, which will be a socially distanced film evening and;
- Actually Gay Men's Choir at All Saints on the 8 December, for socially distanced Christmas carols.

- 39.5 He hoped that councillors and others would join him at these events and noted that all proceeds would go to his charities. He asked that everyone to encourage friends and family to buy tickets too. Further information would be sent once the tickets went on sale for the events at All Saints and your support will be much appreciated.
- 39.6 The Mayor also noted that he had been informed of the Green and Labour Groups wished to composite the two amendments that had been circulated with the addendum papers and related to Item 51, a Notice of Motion on the Urban Fringe. The revised amendment would be circulated in due course but in the meantime, he asked that Council agree to the two amendments being revised into one amendment for consideration later in the meeting.
- 39.7 The Mayor noted that the Council was happy to accept a revised amendment for Item 51.

#### **40 TO RECEIVE PETITIONS AND E-PETITIONS.**

- 40.1 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.
- 40.2 Mr. Bruno DeOliveira presented a petition signed by 84 residents calling on the council to release information on the Ethnic Minority Pay Gap within Brighton and Hove City Council's employees.
- 40.3 The Mayor thanked Mr. DeOliveira for presenting the petition and noted that it would be referred to the Policy & Resources Committee for consideration.

#### **41 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.**

- 41.1 The Mayor reported that 7 written questions had been received from members of the public and invited Mr. Rob Shepherd to address the council.
- 41.2 Mr. Shepherd asked the following question; as custodian of part of England's transport infrastructure, the City has a statutory duty to keep traffic flowing in and beyond its own boundaries and to liaise with other authorities, as set out in the 2004 Traffic Management Act (Network Management, Duty Guidance, Section 31) .

As the predicted traffic delays from Valley Gardens Phase 3 and Black Rock will significantly add to the problems on the already congested A259, please detail the discussions you had with ESSC to ensure traffic flows will be protected on this important section of the Major Road Network?

- 41.3 Councillor Heley stated that planned changes to the A259 that are part of the Black Rock and Valley Gardens Phase 3 projects will help achieve the safer movement of people and vehicles. The use of 'smart' traffic signals (which are mentioned in the council's Corporate Plan) will help to do this by making it easier and more attractive to walk or 'wheel' across the busy A259, or to use the route to cycle. This is especially

important for disabled people who may need more assistance to cross these roads, and who would find this very challenging because there is so much traffic, which causes the current congestion.

The changes will therefore fully meet a key Government objective of the Major Road Network which is to recognise the needs of all users, including cyclists, pedestrians and disabled people. Making changes like this locally will also help us to encourage and enable more people to walk and cycle and therefore contribute to the council's 2030 target of carbon neutrality, especially if this replaces a car or van trip.

The new traffic signals will help manage flows and movement at the busiest times, either in the week for residents and workers or at weekends when we also welcome visitors.

The Duke's Mound and Palace Pier junctions are nearly 4 miles away from the county boundary so are very unlikely to affect traffic flows in East Sussex, and therefore there have not been any specific discussions with county council. Officers are also aware of its' planned study of the A259, and when we are approached about that we will be happy to discuss it with them, including whatever the future levels of sustainable transport use and traffic conditions are at the time.

- 41.4 Mr. Shepherd asked the following supplementary question; delays on the A259 already reach the threshold the City Plan used to determine that no transport interventions would be needed to build thousands of new homes by 2030.

This is even before the impacts of Valley Gardens, Black Rock and thousands of new homes just over the City boundary.

How can City Plan Part Two claim to support the implementation and delivery of City Plan Part One, without addressing this fundamental planning error?

- 41.5 Councillor Heley stated that she was not able to respond to the question and would ensure that Mr. Shepherd received a written reply.
- 41.6 The Mayor thanked Mr. Shepherd for his questions and invited Mr. Nigel Smith to address the council.
- 41.7 Mr. Smith asked the following question; having missed your Transport Carbon Emission Reduction targets by 70% year on year since they were set post-Kyoto, please explain why they were missed and confirm that all parties involved in 2030 zero emissions planning will be fully briefed on this historic failure, so it is not repeated.

Do you agree "that reduction pathways are as important as reduction targets" or in other words that setting a nice sounding 2030 target has little value unless the path to get there is set out and monitored?

- 41.8 Councillor Heley stated that although the council does not have a Transport Carbon Emission Reduction target, it does monitor the Government's dataset which includes CO2 emissions estimates for road transport and railways. Estimates of the level of reduction required in transport emissions since 2005 have been calculated to indicate the scale of change necessary to help meet previously set targets for carbon reduction.



The numbers do show a slight decrease over time compared to previous years, but this has not been enough to stay on track.

In that time, the city's population has continued to grow; its economy has been resilient; public transport use has increased; and traffic flows have also remained stable.

Previous council Administrations and city partners have also delivered measures that can contribute towards reducing emissions in the city, such as:

- travel behaviour change programmes;
- upgrading street lights;
- smart traffic signals;
- providing electric vehicle charging points;
- the BikeShare scheme and e-cargo bikes; and
- new low emission vehicles.

Despite this, developments in vehicle technology have been relatively slow and are not affordable to everybody, and vehicle trips are still a major contributor to carbon emissions and many of those trips come from far and wide, and for many reasons. For example, we are a top visitor destination and people will travel long distances to come here; we have a thriving port that needs large vehicles to transfer materials to and from it daily; and we have a diverse business economy that needs regular deliveries and customers to prosper.

The council has therefore recognised that action is necessary and has declared a climate emergency, and the target to achieve carbon neutrality in the city by 2030 is an ambitious one, but it is essential that we all do everything that we can to meet it. That will take a significant, collective and cumulative effort across all parts of the city and will need to involve every resident, every community and every business. The council cannot be solely responsible for the individual choices that we all make, but it can lead by example, and encourage and enable positive and sustainable change.

We may need to make some very challenging decisions, but our work will be helped by the city's first ever Climate Assembly and its focus on travel and transport. It has already had some fascinating discussions prompted by some excellent presentations, and its continued work and eventual conclusions will contribute towards the development of our next Local Transport Plan (LTP5) and our Carbon Neutral Programme which we will bring to Committee in March 2021. It will set out the route that we intend to take and the milestones that we expect to achieve between now and 2030.

But the onset of Covid-19 and its continuing threat to our health and people's livelihoods is also a defining moment that will make the next 10 years very different from the last 15, as we continue with the city's recovery programme. Active travel measures are a key part of that and will help us focus our minds and decisions on moving more quickly towards reducing transport carbon emissions and meeting a target that everyone in this room is committed to.

41.9 Mr. Smith asked the following supplementary question; would

The Valley Gardens Phase 3 study said it increases traffic delays by 16% which increases our carbon footprint.

Why is the council not using the opportunity of Valley Gardens, as proposed in the 2018 Brighton Bus Network Review, to improve bus routes to avoid North Street to reduce our costly delays and the City's carbon footprint?

- 41.10 Councillor Heley stated that she was not able to respond to the question and would ensure that Mr. Smith received a written reply;
- 41.11 The Mayor thanked Mr. Smith for his questions and invited Mr. Bryan Coyle to address the council.
- 41.12 Mr. Coyle asked the following question; Whitehawk is one of the most deprived areas in the city. East Brighton food co-op has been supplying over 700 hot meals per week to needy people during this crisis. What percentage of funding from the Covid emergency food fund has been allocated to this?
- 41.13 Councillor Gibson noted that on the 9 September 2020 the Policy & Resources Recovery Sub-committee considered a report recommending the allocation of the Local Authority Emergency Assistance Grant for Food and Essential supplies. The report explained the rationale behind the recommended allocations and the objectives being supported in the city-wide response. The report recommendations were approved. The East Brighton Food Co-op was not named as a direct recipient of funding in the report; however, funding was allocated to the Brighton & Hove Food Partnership in order to support food banks and food hubs across the city as appropriate. As a result, he was not currently able to provide a percentage as requested.
- 41.14 Mr. Coyle asked the following supplementary question; would the Council consider funding the East Brighton Food Co-op directly to ensure it could continue supporting the community?
- 41.15 Councillor Gibson stated that he would explore the options open to the council to support the co-op with officers and write to Mr. Coyle.
- 41.16 The Mayor thanked Mr. Coyle for his questions and invited Ms. Rose Bunker to address the council.
- 41.17 Ms. Bunker asked the following question; why has the South Downs National Park's objection to the proposed Joint Venture Development on the Coldean Lane Site not been fully and publicly addressed?  
They called the development 'an inappropriate scale and density for this hillside urban fringe location within the setting of the SDNP' and said that 'It would also appear to conflict with Policy SA4 of the City Plan Part One, and with the proposed designation of the site as a Local Nature Reserve'.
- The number of dwellings was subsequently reduced from 250 to 242, but this in no way answers the SDNP's concerns.?
- 41.18 Councillor Littman stated that planning applications were carefully considered against policies in the adopted development plan and other material considerations. In terms of the Coldean Lane application, this included considering the objections of the South Downs National Park Authority. Concerns about the development were weighed up

against the benefits and following this, and having secured improvements to the application, the case officer recommended the application for approval. Following a debate at Planning Committee on 10 July 2019 members approved the application by 7 votes to 3.

- 41.19 Ms. Bunker asked the following supplementary question; were the South Downs National Park made aware that the application (BN2018/03541) was supposed to be a composite application for both operational development and change of use of the land, as stated retrospectively in March 2020 by Planning Solicitor? The general public weren't made aware of this, and it's far from clear whether the Planning Committee itself were even aware of it.
- 41.20 Councillor Littman stated that he was not able to respond to the question and would ensure that Ms. Bunker received a written reply.
- 41.21 The Mayor thanked Ms. Bunker for her questions and invited Mr. James Noble to address the council.
- 41.22 Mr. Noble asked the following question; people across our city sacrifice their time to publicises and collect signatures about issues that are important to them. Does the Mayor, therefore, agree that the unconstitutional rejection of petitions submitted to full council for debate sends a message that our council doesn't want to listen?
- 41.23 The Mayor replied; firstly, I would say that the decision to not accept the petitions was not "unconstitutional" as you put it. The Council's constitution allows the Mayor and the Chief executive to not accept petitions if they consider them to be inappropriate. The decision was taken after taking all relevant considerations, including professional advice into account.

The process for the approval of the local plan is set out in legislation. In very simple terms, it has generally four main stages:

First the Council consults with the public on a proposed plan, secondly the Council approves the plan. This happened at the Council meeting in April this year, thirdly the Council publishes the plan, as approved by full Council, for consultation. This is the stage we are in and the consultation is happening right now. The deadline for submission of comments is at the end of this month. So, people should be submitting comments in the consultation process. Finally, the draft plan and any representations received are submitted, not to the Council, and I emphasise not to the Council, but to the Planning Inspectorate for determination. There will be a hearing examination by the Inspector next year and there will be opportunities for people to address the hearing.

So, given that we are at the final consultation phase, any representations that people would like to make should be made as part of the statutory consultation process for presentation to the secretary of state, not the Council, because the Council part of the process was finished in April. The decision we took was not taken lightly. We sought and obtained advice from the Head of Planning and the Lead Planning Lawyer. The advice was that the petition to the Council would not be appropriate but that the petition should be added to the consultation responses.

Having considered all the circumstances, including the advice from Officers, it was my view and that of the Chief Executive that it would not be appropriate to accept the petition. I am mindful of and respect the fact that a number of people took the trouble to sign the petitions. I will therefore be asking that they are submitted to the Planning Department for inclusion in the representations to the government. That will ensure that they are addressed to the right place using the right process, which is what should have happened in the first place.

There will, as I said, also be an opportunity to make representations at the examination hearing.

- 41.24 Mr. Noble asked the following supplementary question;
- 41.25 The Mayor stated that if the information provided by the petitioners and the deputations was submitted to the planning officers, they would ensure all the information was passed onto the Planning Inspector as part of the consultation process.
- 41.26 The Mayor thanked Mr. Noble for his questions and invited Ms. Anna de Wit to address the council.
- 41.27 Ms. De Wit asked the following question; why is a site dangerously positioned between Coldean Lane (already an accident blackspot) and the sheer drop to the Brighton Bypass, of so steep a gradient that it was described in a 2008 Urban Study as 'undevelopable', now considered suitable for 240 dwellings in high-rise blocks?
- 41.28 Councillor Littman stated that the site was identified as having potential for residential development in the Urban Fringe Assessment 2014. Detailed highways safety issues were assessed as part of the planning application process. The scheme was designed to overcome safety concerns and £350k was secured to mitigate the impact of travel to and from the site. The planning application was subsequently approved by Planning Committee on 10 July 2019.
- 41.29 Ms. De Wit asked the following supplementary question, has any consideration be given to the condition of the bridge and how that would be resolved with the development?
- 41.30 Councillor Littman stated that he was not able to respond to the question and would ensure that Ms. de Wit received a written reply.
- 41.31 The Mayor thanked Ms. de Wit for her questions and noted that Mr. Jiva Masheder was unable to join the meeting because of work commitments and therefore asked Councillor Druitt to ensure that a written response was sent to Mr. Masheder.
- 41.32 The Mayor noted that this concluded the list of public questions.

## **42 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.**

### **(1) GASWORKS SITE EAST BRIGHTON**

- 42.1 The Mayor reported that one deputation had been received from members of the public and that he would invite the spokesperson to introduce their deputation and for the

relevant Chair to respond. He noted that 15minutes were set aside for the consideration of deputations.

- 42.2 The Mayor welcomed Marie Sandford to the meeting and invited her to address the Council.
- 42.3 Ms. Sansford thanked the Mayor and referred to the deputation and outlined the group's concerns over the possibility of the gas works site being redeveloped. She hoped that the council would give consideration to the request to having an independent assessment of the site and to ensure only limited redevelopment was permitted that would not result in any contamination being released or environmental and health risks for local residents and the local area.
- 42.4 Councillor Mac Cafferty thanked Ms Sanford for the deputation and stated that all planning applications must be determined in line with both local and national planning policy and guidance and relevant planning legislation. This included Environmental Impact Assessments and the impact of a development on human health. He was certain that the city council would scrutinise the information as part of the planning application process and any approval would be subject to stringent planning conditions to address land contamination. He noted that remediation was highly technical, regulated and was licensed and overseen by the Health and Safety Executive. He was sure that if these standards could not be met, then works on the site could not proceed.
- 42.5 The Mayor thanked Ms. Sansford for joining the meeting and noted that the deputation would be referred to the Policy & Resources 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.

## **43 PETITIONS FOR COUNCIL DEBATE**

### **(1) A BASIC INCOME TRIAL FOR BRIGHTON AND HOVE**

- 43.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. He had been made aware of three such petitions and would take each in turn. However, he also noted that since the publication of the agenda the third petition, concerning the Brighton & Hove Greyhound Stadium had been withdrawn.
- 43.2 He noted that there was amendment to the cover reports' recommendation for the first petition which would be taken as part of the debate on the matter in question.
- 43.3 The Mayor then invited Ms. Gordon-Walker to present the petition concerning the introduction of a basic income trial in Brighton and Hove.
- 43.4 Ms. Gordon-Walker thanked the Mayor and stated that the petition which had been signed by 2,308 people was the first in the country to trigger a debate by a council on the matter. She noted that other councils had considered notice of motion that were seeking the ability for those authorities to be able to pilot a scheme and she hoped that

Brighton & Hove would join them in requesting the Government to give them the ability to have a basic income trial in the city.

- 43.5 Councillor Druitt thanked Ms. Gordon-Walker for presenting the petition and noted that Universal Basic Income systems had been trialled in a number of countries and may offer some potential advantages over the current welfare benefits system. He felt that it would be interesting to understand how such a scheme could be designed to help to avoid current benefit poverty traps and help to address the growing inequality of earnings across the country. However, in supporting any trial, the council would wish to be assured that no-one would end up receiving less financial support than through the current benefit system, particularly disabled people. The system was also likely to require additional staffing resources and new systems in order to implement the scheme and process payments. Keeping the system simple for both people and administrators would be important to minimise costs. However, given the council's challenging financial situation, the council would wish to be assured that any government trial provides funding for the additional administrative burden placed on the council or partner authorities involved in any pilot.
- 43.6 Councillor Osborne moved an amendment on behalf of the Green Group which sought to enable a letter to be sent from the Chief Executive to the government registering the council's desire to be able to undertake a pilot scheme.
- 43.7 Councillor Gibson formally seconded the amendment.
- 43.8 Councillors Williams, McNair, Knight, Janio and Littman spoke on the petition and the amendment.
- 43.9 Councillor Gibson noted the comments and welcomed the amendment.
- 43.10 The Mayor thanked Ms. Gordon-Walker for joining the meeting and presenting the petition and noted that the amendment had been moved.
- 43.11 The Mayor then sought the Council's agreement to put the recommendations as amended to the vote which was agreed and he therefore called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the recommendations as amended and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the recommendations as amended and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in against the recommendations as amended and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was in favour of the recommendations as amended;

Councillor Fishleigh confirmed that she wished to abstain from voting on the recommendations as amended;

Councillor Janio confirmed that he was voting against the recommendations as amended;

Councillor Knight confirmed that she was voting in favour of the recommendations as amended.

43.12 The Mayor confirmed that the recommendations as amended had been carried.

43.13 **RESOLVED:**

- (1) That the petition is noted and referred to the Policy & Resources Committee for consideration;
- (2) That the Chief Executive be requested to write to the Chancellor expressing the council's support for a basic income pilot in the area and calling on the government to undertake a feasibility study to detail how best to implement a local basic income trial for the city; and
- (3) That in addition, to request that the Chief Executive includes the reply from the government in the Full Council papers after the reply is received.

**(2) OPEN A NEW HOMELESS SHELTER IN MORLEY STREET, BRIGHTON**

43.14 The Mayor then invited Mr. Barry Hughes to present the petition which called on the council to purchase an empty property in Morley Street so that it could become a new homeless shelter.

43.15 Mr. Hughes thanked the Mayor and stated that the petition which had been signed by 4,519 and started by Mr. John Hadman was seeking the council's support to provide a homeless shelter in the city. The property identified had been vacant for a period of time and rather than continuing to remain vacant it was hoped that the council could purchase it and redevelop it as a shelter for the homeless.

43.16 Councillor Gibson thanked Mr. Hughes for joining the meeting and presenting the petition.

43.17 Councillor Mears stated that she could not support the petition's request in regard to the property in Morley Street as she understood that the owners were not prepared to sell and had plans for the property which were being taken forward.

43.18 Councillor Gibson noted the comments and suggested that the Policy & Resources Committee could consider the general need for the provision of a homeless shelter whilst acknowledging that the property in question was unlikely to be available.

43.19 The Mayor thanked Mr. Hughes for joining the meeting and presenting the petition.

43.20 The Mayor then put the recommendation to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the recommendation and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the recommendation this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative Group were against the recommendation and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting in favour of the recommendation;

Councillor Fishleigh confirmed that she was voting in favour of the recommendation;

Councillor Janio confirmed that he wished to abstain from voting on the recommendation;

Councillor Knight confirmed that she was voting in favour of the recommendation.

43.21 The Mayor confirmed that the recommendation to note the petition and refer it to the Policy & Resources Committee had been carried.

43.22 **RESOLVED:** That the petition be noted and referred to the Policy & Resources Committee for consideration.

### **(3) CLOSE BRIGHTON & HOVE GREYHOUND STADIUM**

43.23 The Mayor noted that the third petition had been withdrawn.

## **44 CALL OVER FOR REPORTS OF COMMITTEES.**

### **(a) Callover**

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

- Item 47 - Anti-Slavery Pledge
- Item 50 - Madeira Terrace

### **(b) Receipt and/or Approval of Reports**

44.2 The Head of Democratic Services confirmed that Items 47 and 50 had been reserved for discussion and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 48 - Amendments to the Scheme of Delegations – Enforcement of Covid-19 Related Legislation



Item 49 - Appointment of an Independent Person to the Audit & Standards Committee

**(c) Oral Questions from Members**

44.3 The Mayor noted that there were no oral questions relating to the items that had not been called.

**45 WRITTEN QUESTIONS FROM COUNCILLORS.**

45.1 The Mayor confirmed 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 prior to the meeting as detailed below:

**(1) Councillor Platts:**

45.2 I'm pleased the Administration supported Labour's amendment at the recent Environment, Transport & Sustainability Committee, calling for local residents and stakeholder groups to be consulted and be able to offer input into the process before the implementation of tranche 2 emergency temporary transport changes. We set out a reasonable timeframe for meaningful consultation. Please can I get an update on that consultation?

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

45.3 We are currently still awaiting a response from the Department for Transport on the outcome of our Emergency Active Travel Fund Tranche 2 bid. Despite initial confirmation that this would be in early September, an announcement has still not been made. We are committed to the 6-week consultation outlined in the September ETS committee decision, subject to it not putting the funding stream at risk. A draft consultation plan is being developed and will be brought to the special ETS committee to discuss this item with members, as committed in September.

**(2) Councillor Platts:**

45.4 Labour were pleased to work cross-party with other political groups in order to set up a range of working groups when in administration. We set up a cross-party Community Wealth Building group, as well as Project Boards covering Black Rock, i360, King Alfred, Madeira Terraces and Waterfront. Lots of these have understandably been hold due to the public health crisis. Please can I get an update on each of these project boards, as well as the Community Wealth Building Working Group?

**Reply from Councillor Mac Cafferty, Leader of the Council**

45.5 You are correct to identify that most of the project boards have started to meet again after the public health crisis as part of the governance around major projects. The Black Rock project board has looked at the designs for the proposals and considered the public art strategy that will be pursued. The King Alfred project board is looking at options for how the development of the site needs to consider the wider leisure strategy

for the city. The i360 Member Working Group has heard positive news about how the i360 is performing relative to other visitor attraction in the city and further afield. Policy & Resources recently agreed the RIBA stage 0-1 report for Madeira Terraces and agreed that officers could move the design on further in consultation with that project board. The Waterfront Project Board is expected to meet in November to start considering how we will arrive at a specification for a new conference centre and venue in the city.

The Corporate Plan commitment to a Community Wealth Building Programme had started with officers commissioning a report into Community Wealth Building in Brighton by the Centre for Local Economic Strategies. A first draft was received in December 2019, and by the time it had been finalised the public health crisis had started and then member working groups were not meeting. Member working groups were reconvened in July and obviously the focus was initially on restarting the ones that had already been operational – such as the Carbon Neutral 2030 Member Working Group that was already well established. The Community Wealth Building member working group was not brought together before the change of administration.

Officers will now take some time to sit down with members and understand what a Community Wealth Building Programme should cover. It is a broad topic, and a member working group ideally needs to be targeted to be able to deliver real benefits in the city. Officers are committed to work with members to deliver this.

### **(3) Councillor Platts:**

- 45.6 COVID-19 impacts upon all of us, but the evidence suggests it hits disadvantaged families the hardest. We know there is already an attainment gap for children living in areas of disadvantage and I am concerned the public health crisis will cause this gap to widen further. What is the Administration doing to ensure that existing educational attainment gap is not widened due to COVID-19?

#### **Reply from Councillor Clare, Chair of the Children, Young People & Skills Committee**

- 45.7 At last full council, I indicated that disadvantage would be a priority for this Administration, and I reaffirm that commitment in writing today. This is something that has to go beyond education – looking at the full picture to tackle what creates this gap. Addressing the needs of disadvantage is a thread through our SEN; Early Help and Early Years Strategy. .

As you indicate, there could be a worrying deepening of disadvantage and a 'lost generation' due to the impacts of the pandemic. This is something we cannot let happen. A further strategy on Education Disadvantage will be further developed through a Covid lens later in the Autumn term and Spring term.

I am pleased that both under your administration and since, officers have been working hard to support children and families through the pandemic. Below is some of that detail.

This is not meant to be an exhaustive list of work currently taking place to ensure the attainment gap is now widened but gives key highlights. It should be noted that in summer 2020 no disadvantaged data was available from the DfE to measure

educational progress of these children. As the year goes on we will look to develop new success measures.

### **Support for Teaching and Learning in Schools:**

The LA has written Home Learning guidance and disseminated best practice. In partnership with South Coast Teaching School Alliance provided extensive training program on home learning. There is a benefit both to catch up of disadvantaged and supporting during self- isolation or any possible lockdown.

The LA have actively engaged with schools and the DfE laptops program so over 1800 laptops have been successfully applied for disadvantaged pupils and those with a social worker in the City. The LA now support any application from the DfE when any school has a partial lockdown. This means the number of laptops is increasing.

Guidance has been produced for schools on how to use catch up money (£80 per child) to maximum effect. In conversations with schools we know of many schools who are using this money to employ teacher and teaching assistants to deliver interventions in reading, maths or other parts of the curriculum. Some schools are using funding to produce extra online or catch up packs that can be done outside of school hours. Some schools are commissioning 1:1 tutoring including from organisations such as 'Action Tutoring'. We will seek to support schools to engage with national disadvantaged 1:1 catch up when DfE share offer at end of October.

The LA have delivered training to heads and other school leaders and produced guidance on recovery curriculum to include support with wellbeing and assessment. This has been welcomed by leaders.

Every Child a Reader Program has continued as pupils have returned to school. Nine schools in the city with high numbers of disadvantaged pupils continue to deliver Reading Recovery (the most intensive part of ECAR) and hold ECaR School accreditation. Reading recovery teachers in the ECAR schools have been able to advise, mentor and support others in the school with responsibilities for children's literacy as well as run interventions in their own schools. In addition to this, nine further schools (with high numbers of disadvantaged) have been targeted to receive additional training for staff and support with specialist resources. A further offer of training is being made to all schools in the City on running successful ECAR interventions for disadvantaged. This is due to start in January.

Every Child Counts (ECC) could not be started during lockdown and we are now to promote training from January as well as commission a number of direct ECC interventions for pupils.

Attendance is clearly an absolute priority post lockdown. To support the attendance of disadvantaged pupil the LA attendance team have:

- Simplified systems to ensure more responsive online/email/phone support for schools from Attendance Team.
- Brighton and Hove inclusion support rolled out the ATTEND form all schools to explore the reasons for absence and ensure tailored support devised.

- Encouraged all schools to take up Studybugs attendance support IT package to improve systems and free up staff time for casework.

### **Support for Early Years**

Huge emphasis is placed on Early Years when addressing the needs of disadvantaged particularly post Covid this includes:

- Focussing on high take up of childcare places by low-income two-year olds including providing council nurseries in disadvantaged areas.
- Rolling out the national Early Years Professional Development Programme to settings with the most disadvantaged children to develop skills of practitioners in speech, language and communication and create communication friendly settings.
- Promoting home learning using the Raising Early Achievement in Literacy (REAL) Programme being delivered virtually with the Library Service and EMAS to disadvantaged families including those with English as an additional language.
- Supporting families with parenting, parental conflict, and health needs in partnership with health visitors. Providing Access to Childcare and Employment (PACE) to support disadvantaged parents to access childcare, training, volunteering and employment.

### **Leadership and Governance**

The LA have revised the School Improvement System and all meetings this term with schools focus conversations on disadvantage and catch up through a Covid lens. They are highly supportive and of course challenge schools on provision for disadvantage.

The LA has revised its program to support Headteacher wellbeing so chances are maximised of Heads being able to lead well in recovery phase

Governor training and workshops are taking place that have Disadvantage as part of or their only focus. Training planned includes more emphasis of addressing outcome for disadvantage during Covid

As you will know, Poverty Proofing (PP) audits were carried out in 90% of schools between April 2017 March 2019. To follow this up Children North East has developed a Covid Poverty proofing model. This involves a training session for senior leaders in school, follow up interviews (held virtually) by members of the PP team and a (virtual) staff meeting with the Senior Leadership Team to discuss the findings. Members from the original Brighton and Hove Poverty Proofing team are receiving training in November and the plan is to offer these visits to 20 schools from January 2021. We will target schools and also aim to work with at least one school in each partnership, developing school champions, so the work will reach beyond the schools. We will also create documentation that all schools can use.

### **Support for Families**

Family Learning run a range of online live courses for parents and families to support disadvantaged families <https://www.brighton-hove.gov.uk/families-children-and-learning/family-learning-online-classroom> . One example is “ Supporting a child with

anxiety” which is due to start next month and proving popular. Other opportunities including “Keeping up with Maths” or “Mindfulness”

EMAS (Ethnic Minority Achievement Service) continue to provide home school liaison and support families and children and families post lockdown. This can involve very practical support helping overcome any barriers in the home or at school that can in any way stop a BAME child thriving. This can be anything from understanding admissions to helping a family access home learning. EMAS run specific intervention for BAME children in Early Years. For example, REAL as mentioned previously.

**(4) Councillor Barnett:**

45.8 I refer to the council land comprising Benfield Valley Golf Course that I understand is currently on a long lease.

Can the Leader of the Council confirm?

- a) The extent of the land that has been leased and its definition
- b) The year the land was leased by the council
- c) The term of the long lease
- d) The amount the land was leased for
- e) How much it would cost for the council to buy back the long lease.

**Reply from Councillor Mac Cafferty, Leader of the Council**

45.9 There is a 225-year lease in place, originally granted in 1992 by Hove Borough Council to J Sainsbury plc. The lease formed part of the Section 106 planning agreement for the Sainsbury development (also the adjacent Wimpey, Meads residential development). In addition to the CPO of the land at that time the objective was for appropriate comprehensive development, restricting uses with ensuring and preserving rights of way. The lease has subsequently been assigned and the current lessee is Benfield Investments Ltd on a pepper corn rent. Any surrender of the current lease back to the council would be subject to negotiation and would be based on the value to lessees, if indeed the current lessees are willing to surrender the lease.

**46 ORAL QUESTIONS FROM COUNCILLORS**

46.1 The Mayor noted that 15 oral questions had received and that 30 minutes were set aside for the duration of the item. He also noted that he had been informed that Councillor Pissaridou wished to withdraw her question. The Mayor then called on Councillor Platts to put her question to Councillor Heley.

46.2 Councillor Platts asked if the bus services in the city were running at an effective level bearing in mind the impact of the pandemic?

46.3 Councillor Heley stated that Brighton & Hove buses were running at 90% of their pre-Covid journeys, although capacity was reduced as a result of social distancing guidelines.

- 46.4 Councillor Nemeth noted that a memorandum of understanding existed between the Green and Labour Groups and suggested that it meant that there was no proper opposition and asked how the Administration would be held accountable?
- 46.5 Councillor Mac Cafferty stated that both the Green and Labour Groups had areas where their manifestos were closely aligned and meant that they could work together for the benefit of the city, but it would not prevent the Administration from being scrutinised.
- 46.6 Councillor Nemeth asked if Councillor Mac Cafferty would make the memorandum of understanding public?
- 46.7 Councillor Mac Cafferty replied, no.
- 46.8 Councillor Grimshaw asked when the Coombe Road Parking Scheme was due to come into operation and how it would be made known to residents?
- 46.9 Councillor Heley noted that the Coombe Road area parking scheme was due to start on 1<sup>st</sup> December 2020 and we will be sending correspondence out to all households within the next couple of weeks which will update residents and outline when and where application details will be available. This will allow us to focus dedicated staff on this resident / visitor permit process which usually takes about 6 weeks alongside completing all the work started on site. She offered to discuss the matter further with Councillor Grimshaw outside of the meeting.
- 46.10 Councillor Mears asked how an effective opposition could be provided on the Housing Committee?
- 46.11 Councillor Mac Cafferty stated that the no overall control protocol dealt with the constitutional position and believed that the Labour Members on the committee provided the rigour to hold the Green Administration to account.
- 46.12 Councillor Mears noted that there were problems in the Housing department and the committee deserved an effective opposition and yet the Labour Group were in receipt of allowances and queried whether he agreed Councillor Williams should be removed as the Opposition Spokesperson?
- 46.13 Councillor Mac Cafferty stated that the appointments to committees was agreed at full Council and it was open for all members of a committee to scrutinise policy which councillor Mears could do as a member of the Housing Committee.
- 46.14 Councillor Janio noted that the council had adopted the IHRA definition for anti-Semitism, and asked if the Leader of the Council would commit to root out anti-Semitism wherever it exists?
- 46.15 Councillor Mac Cafferty stated that he did make it clear at the July Council meeting and again with the Anti-Racist Strategy to TECC in September that there is no place for this in the city.

- 46.16 Councillor Janio noted that the definition of anti-Semitism as set out by the IHRA, and asked if the Leader agreed with that statement and would he hold all who don't to account as anti-Semitic?
- 46.17 Councillor Mac Cafferty stated that the Council has adopted the definition and there is no place for being anti-Semitic in the city.
- 46.18 Councillor Williams asked if the current Housing dispute was likely to have any impact on residents?
- 46.19 Councillor Hugh-Jones stated that discussions were on-going and that services would be maintained.
- 46.20 Councillor Peltzer Dunn asked the following question relating to car crime in West Hove.
- 46.21 Councillor Powell stated that officers had been made aware of an increase in vandalism to cars and the police had confirmed that arrests had been made and enquiries were ongoing.
- 46.22 Councillor Peltzer Dunn asked if further action was required what form that would take to protect residents' properties.
- 46.23 Councillor Powell offered to meet with Councillor Peltzer Dunn to discuss the matter further.
- 46.24 Councillor Childs referred to the changes to the planning process outlined in the White Paper and asked if the Administration intended to challenge these?
- 46.25 Councillor Littman stated yes and that officers were working on a response to the White Paper as the proposals would have a detrimental effect for local communities.
- 46.26 Councillor Childs questioned whether there was an intention to get local residents involved in lobbying the government on the matter?
- 46.27 Councillor Littman stated that the Communications Team were working with Planning officers to get information out on the potential impact of the proposed changes and urged all councillors to use their resources to highlight the issue in their wards.
- 46.28 The Mayor stated that the 30 minutes set aside for Members' oral questions had been reached and he was minded to move onto the next item.
- 46.29 Councillor Nemeth moved a motion to suspend Standing Orders to enable the remaining oral questions to be taken, and this was formally seconded by Councillor Mears.
- 46.30 The Mayor put the motion to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion and extending the time for oral questions to be completed and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were against the motion and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in favour of the motion and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting against the motion;

Councillor Fishleigh confirmed that she wished to abstain from voting on the motion;

Councillor Janio confirmed that he was voting in favour of the motion;

Councillor Knight confirmed that she was voting against the motion.

46.31 The Mayor confirmed that the motion had been carried and invited Councillor Theobald to put her question to Councillor Heley.

46.32 Councillor Theobald asked the following question, when will the state of the pavements be addressed?

46.33 Councillor Heley replied, this year, City Environment has adopted a different approach to weed management, following the committee decision to become pesticide free by 2022. This means the service has not used pesticide on pavements and hard surfaces. Since the decision was taken, the removal of weeds in parks and on hard surfaces, such as pavements and highways, has been completed using manual techniques.

Cityclean has cleared most of the worst affected areas in the city. Unfortunately, the weeding and deep cleaning schedule has been substantially impacted upon by the Covid-19 pandemic and the effects of restrictions and lockdown. A large number of Cityclean staff were self-isolating and some of our street-cleansing operatives were also diverted to priority tasks.

The weeding season has only just ended, with the focus now on leaves. We have already started looking at what has gone well, the positive and negative impact on the environment including pavements and where we can make improvements. We are also looking at new equipment and will review funding, equipment and resources for the following year. A report will be brought to Environment, Transport & Sustainability Committee in the New Year.

It is important to note that many residents have asked us not to remove weeds when they have seen the insects flourish due to other concerns for biodiversity, so we also need to take on board what these residents are saying.

I want to thank our Street Cleansing operatives who have worked hard to remove weeds and continue to get rid of leaves from the most affected areas of the city. I'd also like to



thank the 300 people who took part in the Keep Brighton & Hove Tidy fortnight in September. Their efforts helped tidy up the city, which included weeding.

Residents who would like excessive weeds removed from public land can report this online and street cleaners will attend the area.

- 46.34 Councillor Theobald asked the following supplementary question, in view of the on-set of winter, can the Chair agree to send a reminder to residents that bins should only be left on the pavement on the day of collection?
- 46.35 Councillor Heley replied, I would be happy to discuss the matter with officers and consider any action necessary.
- 46.36 Councillor O'Quinn referred to the cuts to the police service and an increase in drug related incidents and asked whether the Administration would sign the open letter from the Labour Group to the Government calling for a reversal of these cuts?
- 46.37 Councillor Powell stated that any incidents of drug dealing should be reported to the police and noted that all agencies were working together to address the issue.
- 46.38 Councillor O'Quinn urged the Conservative Members to sign the letter and whether Councillor Powell agreed that more resources were required to address the issue?
- 46.39 Councillor Powell stated that without question there was a need for more resources for all agencies to enable them to tackle the issue of drugs etc. and everyone should support that objective.
- 46.40 Councillor Barnett asked whether the Leader stood by his previous comments to transform Brighton and Hove into a democratic city when petitions that had been submitted in July were not being taken for consideration at the meeting?
- 46.41 Councillor Mac Cafferty noted that the Mayor had given a detailed response to Mr. Noble on the question of why it was not appropriate to take the petitions relating to the City Plan Part 2. He noted that should the Council choose to re-open the matter it would have significant costs to the city and the council.
- 46.42 Councillor Barnett asked the following supplementary question, will there be a compromise on Benfield Valley and a buy back of the long lease as the land was part of the South Downs National Park?
- 46.43 Councillor Mac Cafferty stated that a response had been given in the written answer to a question and the city council had not heard back from the lessee, but he would ensure a written response was given to Councillor Barnett.
- 46.44 Councillor Wilkinson asked whether there was an intention to tackle the on-going problem of graffiti in the city?
- 46.45 Councillor Heley replied, as Members will be aware, in recognition of the scale of graffiti within Brighton & Hove, the Environment, Transport & Sustainability Committee approved a Graffiti Reduction Strategy in November 2018.

Activities continue to be delivered to deliver the strategy.

- Increasing the resources to deal with graffiti including a new jet washer and a new van
- The creation of a graffiti hotline
- Resuming the zonal method of graffiti removal
- Identifying further options for anti-graffiti coating
- Identifying a graffiti removal spray for volunteers to use to replace costly and environmentally damaging graffiti wipes
- Expanding the Community Clean Up supplies available to residents
- Working with IT&D to create a graffiti / tagging database

Last month, at Environment, Transport & Substantiality Committee, we agreed to introduce enforcement measures to address graffiti on private property, something which up until then, the council did not have any powers to take action.

46.46 Councillor Wilkinson asked if the matter was seen as a priority for the Administration?

46.47 Councillor Heley stated that the Environmental Enforcement Team was looking into procuring mobile CCTV to identify and deter graffiti vandalism in hotspot areas. We have already issued Fixed Penalty Notices for fly-tipping and littering as a result of the new CCTV cameras at locations across the city and hope we can achieve the same results for graffiti.

Again, I'd like to express my thanks to all those who took part in the Keep Brighton & Hove Tidy Campaign. Many people completed graffiti paint outs on bins in a bit to tackle this type of vandalism

46.48 Councillor Evans asked if there was an intention to take forward the concept of a circular economy as outlined in the Economic Strategy?

46.49 Councillor Druitt replied, in the Brighton & Hove Economic Strategy 2018-23, the council committed to the development of a circular economy Route Map that will detail how we aim to make the circular economy model central to the way we use our buildings, supplies and skills to deliver public services. Since then the council's City Development & Regeneration Team has been engaging with colleagues from relevant teams across the Council to progress with embedding circular principles into the council's directorates and the built environment and construction sector as an initial focus for the Route Map. The discussions and work undertaken by officers in these sessions have further helped to inform the develop of the circular economy Route Map which is due to be reported to Policy & Resources Committee on the 3rd December.

46.50 Councillor Allcock noted that there had been a significant increase in the number of FOI requests and asked if the impact on council resources could be addressed in anyway?

46.51 Councillor Mac Cafferty stated that consideration was being given to how these could be dealt with and would be happy to provide a more detailed written response.

## **47 ANTI-SLAVERY PLEDGE**

- 47.1 Councillor Powell introduced the report which detailed the proposal to sign up to the Anti-Slavery Pledge spearheaded by Birmingham City Council and supported by the Home Office. She wished to thank the officers involved in bringing the report forward and the work that was underway and hoped that it would be supported by everyone in the council.
- 47.2 Councillors Deane, Appich, Simson, Mears and Brennan spoke in support of the recommendations.
- 47.3 Councillor Powell noted the comments and stated that it was an important topic and she hoped that a positive change could be made.
- 47.4 The Mayor then put the recommendations to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the recommendations and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the recommendations and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative Group were in favour of the recommendations and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting in favour of the recommendations,

Councillor Fishleigh confirmed that she was voting in favour of the recommendations;

Councillor Janio confirmed that he was voting in favour of the recommendations;

Councillor Knight confirmed that she was voting in favour on the recommendations.

- 47.5 The Mayor confirmed that the recommendations had been carried.

47.6 **RESOLVED:**

- (1) That the council signs up to the Anti-Slavery Pledge and statement of intent as drafted; and
- (2) That an elected Member be appointed to champion the work required under the auspices of the pledge.

**48 AMENDMENTS TO THE SCHEME OF DELEGATIONS - ENFORCEMENT OF COVID-19 RELATED LEGISLATION**

48.1 **RESOLVED:**

- (1) That the changes to the scheme of delegation to the Health & Wellbeing Board as set out in paragraph 3.3.5. be approved; and

- (2) That the changes in resolution (1) above, come into effect immediately they are approved by full Council, as appropriate and that the Monitoring Officer be authorised to make necessary and consequential changes to the council's constitution to reflect the changes.

#### **49 APPOINTMENT OF AN INDEPENDENT PERSON**

##### **49.1 RESOLVED:**

- (1) That the appointment of Mr David Bradly as Independent Person and co-opted member of the Audit & Standards Committee, to take effect on 25<sup>th</sup> October 2020 be approved; and
- (2) That the appointment be approved for a period of 4 years, and that the Monitoring Officer be granted delegated authority to implement a 2-year extension thereafter at his discretion, after consulting with the Chair of Audit & Standards Committee.

#### **50 MADEIRA TERRACE**

- 50.1 Councillor Mac Cafferty stated that the report had been referred to the council for information as it was a matter that was of interest to all Members and residents. He noted that a great deal of work had progressed due to the cross-party support and the work of the officers and architects. He hoped that this would continue as the Madeira Terrace and the arches were important to the whole of the city.
- 50.2 Councillors Evans and Miller spoke in support of the progress made to date and thanked the officers and interested groups for their work and support. Councillor Janio stated that he believed it was a waste of public funds and could be achieved with other means.
- 50.3 The Mayor stated that the report had been referred for information and was therefore to be noted.
- 50.4 **RESOLVED:** That the report be noted.

#### **Notices of Motion**

#### **51 COUNCIL OWNED LAND ON THE URBAN FRINGE**

- 51.1 The Notice of Motion as listed on the agenda was proposed by Councillor Nemeth on behalf of the Conservative Group and formally seconded by Councillor Bagaen who reserved his right to speak later in the debate.
- 51.2 Councillor Hill proposed a joint amendment on behalf of the Labour and Green Groups which was formally seconded by Councillor Littman.
- 51.3 Councillors Barnett, Janio, Ebel, Platts, Theobald, Atkinson, McNair and Bagaen spoke on the motion and the amendment.

- 51.4 Councillor Nemeth noted the comments and confirmed that he did not accept the amendment and asked that the minutes should include a full list of the vote.
- 51.5 The Mayor noted that the amendment had not been accepted and therefore put it to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the amendment and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the amendment and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were against the amendment and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she wished to abstain from voting on the amendment;

Councillor Fishleigh confirmed that she was voting for the amendment;

Councillor Janio confirmed that he was voting against the amendment;

Councillor Knight confirmed that she was voting in favour of the amendment.

		For	Against	Abstain			For	Against	Abstain
1	<b>Allcock</b>	√			28	<b>Lewry</b>		x	
2	<b>Appich</b>	√			29	<b>Littman</b>	√		
3	<b>Atkinson</b>	√			30	<b>Lloyd</b>	√		
4	<b>Bagaeen</b>		x		31	<b>MacCafferty</b>	√		
5	<b>Barnett</b>		x		32	<b>McNair</b>		x	
6	<b>Bell</b>		x		33	<b>Mears</b>		x	
7	<b>Brennan</b>			Ab	34	<b>Miller</b>		x	
8	<b>Brown</b>		x		35	<b>Moonan</b>	√		
9	<b>Childs</b>	√			36	<b>Nemeth</b>		x	
10	<b>Clare</b>	√			37	<b>Nield</b>	√		
11	<b>Davis</b>	√			38	<b>O'Quinn</b>	√		
12	<b>Deane</b>	√			39	<b>Osborne</b>	√		
13	<b>Druitt</b>	√		Ab	40	<b>Peltzer Dunn</b>		x	
14	<b>Gibson</b>	√			41	<b>Phillips</b>	√		

15	<b>Grimshaw</b>	√			42	<b>Pissaridou</b>	√		
16	<b>Ebel</b>	√			43	<b>Powell</b>	√		
17	<b>Evans</b>	√			44	<b>Platts</b>	√		
18	<b>Fishleigh</b>	√			45	<b>Rainey</b>	√		
19	<b>Fowler</b>	√			46	<b>Robins</b>	√		
20	<b>Hamilton</b>	√			47	<b>Shanks</b>	√		
21	<b>Heley</b>	√			48	<b>Simson</b>		x	
22	<b>Henry</b>	√			49	<b>Theobald</b>		x	
23	<b>Hill</b>	√			50	<b>Wares</b>		x	
24	<b>Hills</b>	√			51	<b>Wilkinson</b>	√		
25	<b>Hugh-Jones</b>	√			52	<b>Williams</b>	√		
26	<b>Janio</b>		x		53	<b>West</b>	√		
27	<b>Knight</b>	√			54	<b>Yates</b>	Not present		
							38	14	1

51.6 The Mayor confirmed that the amendment had been carried and therefore put the motion as amended to the vote:

This Council

1. Requests that the Chief Executive contacts Robert Jenrick MP, to expresses council's preference that the land on the urban fringe of Brighton & Hove which is presently privately owned or owned by Brighton & Hove City Council (BHCC), or subsequently acquired by BHCC, should not be put at risk, used or disposed of for housing development by housebuilding targets imposed through central government planning policy, and that our preference is for brownfield development.; and;
2. Notes that the inclusion of urban fringe sites in the City Plan was expressly required by the current government's Planning Inspector, and the council's refusal to consider sites would have resulted in a failure to adopt a plan and an inability to apply local policies;
  - (1) Expresses concern that the government's planning reforms do not by default consider urban fringe sites to be "protected", provide no guarantees that the urban fringe sites which would be protected from development in the proposed City Plan Part 2 would remain so, and do not rule out development on so-called "protected sites" in any case; and
  - (2) Stating that while the council's City Plan means that over 85% of new residential development will take place on brownfield sites, the requirement to

meet centrally set housebuilding targets continues to force councils to use urban fringe sites for housing development;

3. Notes that the city's current urban fringe policies providing amenity to residents, such as increased public access, biodiversity net gain, food growing, and sustainability are at risk from the government's proposed reforms.

51.7 The Mayor then called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion as amended and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion as amended and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were against the motion as amended and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she wished to abstain from voting on the motion as amended;

Councillor Fishleigh confirmed that she was voting against the motion as amended;

Councillor Janio confirmed that he was voting against the motion as amended;

Councillor Knight confirmed that she was voting in favour of the motion as amended.

		For	Against	Abstain			For	Against	Abstain
1	<b>Allcock</b>	√			28	<b>Lewry</b>		x	
2	<b>Appich</b>	√			29	<b>Littman</b>	√		
3	<b>Atkinson</b>	√			30	<b>Lloyd</b>	√		
4	<b>Bagaeen</b>		x		31	<b>MacCafferty</b>	√		
5	<b>Barnett</b>		x		32	<b>McNair</b>		x	
6	<b>Bell</b>		x		33	<b>Mears</b>		x	
7	<b>Brennan</b>			Ab	34	<b>Miller</b>		x	
8	<b>Brown</b>		x		35	<b>Moonan</b>	√		
9	<b>Childs</b>	√			36	<b>Nemeth</b>		x	
10	<b>Clare</b>	√			37	<b>Nield</b>	√		
11	<b>Davis</b>	√			38	<b>O'Quinn</b>	√		
12	<b>Deane</b>	√			39	<b>Osborne</b>	√		

13	<b>Druitt</b>	√		Ab	40	<b>Peltzer Dunn</b>		x	
14	<b>Gibson</b>	√			41	<b>Phillips</b>	√		
15	<b>Grimshaw</b>	√			42	<b>Pissaridou</b>	√		
16	<b>Ebel</b>	√			43	<b>Powell</b>	√		
17	<b>Evans</b>	√			44	<b>Platts</b>	√		
18	<b>Fishleigh</b>	√			45	<b>Rainey</b>	√		
19	<b>Fowler</b>	√			46	<b>Robins</b>	√		
20	<b>Hamilton</b>	√			47	<b>Shanks</b>	√		
21	<b>Heley</b>	√			48	<b>Simson</b>		x	
22	<b>Henry</b>	√			49	<b>Theobald</b>		x	
23	<b>Hill</b>	√			50	<b>Wares</b>		x	
24	<b>Hills</b>	√			51	<b>Wilkinson</b>	√		
25	<b>Hugh-Jones</b>	√			52	<b>Williams</b>	√		
26	<b>Janio</b>		x		53	<b>West</b>	√		
27	<b>Knight</b>	√			54	<b>Yates</b>	Not present		
							37	15	1

51.8 The Mayor confirmed that the motion as amended had been carried.

### Closure Motion

51.9 The Mayor noted the meeting had been in session for 4 hours and in accordance with council procedural rules, he was required to move a closure motion. He therefore moved that the meeting should be concluded and put the motion to the vote.

51.10 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in against the motion and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were against the motion and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting against the motion;



Councillor Fishleigh confirmed that she was voting against the motion;

Councillor Janio confirmed that he was voting against the motion;

Councillor Knight confirmed that she wished to abstain from voting on the motion.

51.11 The Mayor noted that the motion had been lost and therefore moved to the next item.

## **52 IMPROVING THE AVAILABILITY OF BEACH HUTS AND CHALETs**

52.1 The Notice of Motion as listed in the agenda was proposed by Councillor Platts on behalf of the Labour Group and formally seconded by Councillor Allcock who reserved his right to speak in the debate.

52.2 Councillor Nemeth moved an amendment on behalf of the Conservative Group which was formally seconded by Councillor Mears.

52.3 Councillors Ebel, Fowler and Allcock spoke on the motion and the amendment. Councillor Platts thanked everyone for their comments and confirmed that she did not accept the amendment.

52.4 The Mayor noted that the amendment had not been accepted and therefore put the amendment from the Conservative Group to the vote and called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were against the amendment and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were against the amendment and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in favour of the amendment and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting against the amendment;

Councillor Fishleigh confirmed that she was voting in favour of the amendment;

Councillor Janio confirmed that he was voting in favour of the amendment;

Councillor Knight confirmed that she was voting against the amendment.

52.5 The Mayor confirmed that the amendment had been lost and therefore put the motion as listed to the vote:

This Council notes that we are currently conducting a consultation on beach chalets and that due to demand, the waiting lists are currently closed; Council also notes that a report is due to go before committee after the current consultation ends in November in order to receive the findings of this consultation;

Council requests that this report:

1. Explores options to finance the building of additional beach chalets or beach huts to rent or to purchase;
2. Identifies locations for more chalets and huts along parts the seafront including less well-visited parts to help regenerate those areas and provide essential footfall for local businesses including east of the Palace Pier;
3. Identifies how beach huts and chalet income east of the Palace Pier could support additional borrowing and regeneration of Madeira Terraces and contribute to the wider area's regeneration and renewal.

52.6 The Mayor then called on each of the Group Leaders to confirm their position as well as the Groups in turn followed by each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion and this was confirmed by the Green Group Members;

Councillor Platts stated that the Labour Group were in favour of the motion and this was confirmed by the Labour Group Members;

Councillor Bell stated that the Conservative were in favour of the motion and this was confirmed by the Conservative Group Members;

Councillor Brennan confirmed that she was voting for the motion;

Councillor Fishleigh confirmed that she was voting for the motion;

Councillor Janio confirmed that he was voting for the motion;

Councillor Knight confirmed that she was voting for the motion.

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

52.8 The Mayor then called a short adjournment from 21.13 to 21.28 hours.

### **53 20 MINUTE NEIGHBOURHOODS**

53.1 The Notice of Motion as listed on the agenda was proposed by Councillor Evans on behalf of the Labour Group and formally seconded by Councillor Childs who reserved his right to speak later in the debate.

53.2 Councillor Hills proposed an amendment on behalf of the Green Group which was formally seconded by Councillor Heley.

53.3 Councillors Hamilton, Simson and Williams spoke on the motion and the amendment and expressed their support for both the motion and the amendment. Councillor Janio also spoke on the motion and the amendment and expressed his opposition to them.

53.4 Councillor Evans thanked those Members for their supportive comments and confirmed that she was happy to accept the amendment.

53.5 The Mayor noted that the amendment had been accepted and that the Council was happy to move to a vote on the motion as amended. He therefore put the motion as amended to the vote:

This Council notes our shared targets set out in both the corporate plan and City Plan Part 2 to build community wealth and affordable housing and reach carbon neutrality by 2030, and the importance to these goals of fostering a circular local economy.

Council recognises that both during and after the ongoing COVID crisis there is a pressing need to grow local place-based cohesion and wellbeing, and believes launching a “20-minute neighbourhood” initiative as part of a community wealth building approach to Covid recovery could build on the work already agreed by ETS committee around the introduction of low traffic neighbourhoods and help meet these shared aims.

Council therefore calls for;

- 1) The convening of the Community Wealth Building Working Group at the earliest opportunity and;
- 2) For that group to work with officers to produce a report for committee(s) that seeks - alongside ward councillors and residents groups - to identify feasible locations to implement both micro “20-minute neighbourhood” projects (such as community gardens and edible bus stops) and a full-scale pilot scheme for the model;
- 3) That report to include the exploration of possible sources of funding to support investment in this full-scale pilot; and
- 4) That officers and CWB working group liaise with councillors and local community groups both on possible locations and on identifying potential partners from other local institutions – particularly those involved in the areas of education, health and wellbeing for these “20-minute neighbourhood” projects.

53.6 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion as amended and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion as amended and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were in favour of the motion as amended and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting for of the motion as amended;

Councillor Fishleigh confirmed that she was voting for the motion as amended;

Councillor Janio confirmed that he was voting against the motion as amended;

Councillor Knight confirmed that she was voting for the motion as amended.

53.7 The Mayor confirmed that the motion as amended had been carried.

#### **54 SUPPORTING THE ANTI-HARASSMENT CLUB**

54.1 The Notice of Motion as listed on the agenda was proposed by Councillor Powell on behalf of the Green and Labour Groups and formally seconded by Councillor Grimshaw.

54.2 Councillors Henry, Brennan and Simson spoke on the motion and expressed their support for the campaign.

54.3 Councillor Powell thanked the Members for their contributions and hoped that the motion would receive full council support.

54.4 The Mayor then put the motion as listed to the vote:

That this council recognises the work of the local organisation the Anti-Harassment Club to bring to light more than 120 testimonies of gender-based street harassment in Brighton & Hove since June 2020. We call on all Councillors to express their support for this important local campaign group and its message;

This Notice of Motion therefore:

- Requests that the Chief Executive writes with urgency to Katy Bourne PCC, to request that, in line with a similar pilot undertaken by Nottinghamshire Police in 2016, that she commit to adopting a pilot 'misogyny as a hate crime' policy locally, in order to enable our city to:
  - collect the data necessary to understand and evaluate the prevalence and nature of public sexual harassment in our community;
  - utilise such data to understand the impact of this on our local community and how this can be addressed;
  - to establish work with partners to establish support for victims of public sexual harassment

And further requests that:

- the Chief Executive writes to the government to request that misogyny is made a hate crime in England and Wales as part of an overhaul of legislation, as recently recommended by the Law Commission.

54.5 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were in favour of the motion and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting for of the motion;

Councillor Fishleigh confirmed that she was voting for the motion;

Councillor Janio confirmed that he was voting for the motion;

Councillor Knight confirmed that she was voting for the motion.

54.6 The Mayor confirmed that the motion as amended had been carried unanimously.

## **55 PLANNING BY COMMITTEE, NOT BY GOVERNMENT**

55.1 The Notice of Motion as listed on the agenda was proposed by Councillor Ebel on behalf of the Green and Labour Groups and formally seconded by Councillor Childs.

55.2 Councillor Miller proposed an amendment on behalf of the Conservative Group, which was formally seconded by Councillor Bagaeen, who reserved his right to speak later in the debate.

55.3 Councillors O'Quinn, Littman and Gibson spoke on the motion and the amendment and expressed their opposition to the amendment. Councillors Janio and Bagaeen also spoke on the motion and their support for the amendment.

55.4 Councillor Ebel thanked those Members for their supportive comments and confirmed that she did not accept the amendment.

55.5 The Mayor noted that the amendment had not been accepted and he therefore needed to put the amendment to the vote.

55.6 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were voting against the amendment and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were voting against the amendment and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were voting for the amendment and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting against the amendment;

Councillor Fishleigh confirmed that she was voting for the amendment;

Councillor Janio confirmed that he was voting against the amendment;

Councillor Knight confirmed that she was voting against the amendment.

- 55.7 The Mayor confirmed that the amendment had been lost and therefore he needed to put the motion as listed and detailed below to the vote:

That this council supports the call of the Local Government Association to 'Keep Planning Local,' and calls on the Chief Executive to write to Robert Jenrick, MP, urging the Government to address flaws in the Government's Planning White Paper and provide support for Local Planning Authorities, as follows:

- 1) to consider reform to the Land Compensation Act, (as referenced in the 2018 Letwin Review of Build Outs) in order to prevent 'land banking' and ensure affordable housing provision [1]
- 2) to provide additional funding to local planning authorities, to address the impact of long-term austerity cuts on local planning teams [2] and equip them with the resources needed to support local communities
- 3) to increase, not restrict the ability of Local Planning Authorities and residents to influence local plans and planning applications, by abandoning current proposals to shorten the consultation process in favour of proposals that would enhance consultation and local control; [3] and
- 4) to remove the imposition of further 'housing targets,' and 'zonal' plans that risk the status of green spaces in the city.

- 55.8 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were voting in favour of the motion and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were voting in favour of the motion as amended and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were voting against the motion and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting for of the motion;

Councillor Fishleigh confirmed that she was voting for the motion;

Councillor Janio confirmed that he was voting against the motion;

Councillor Knight confirmed that she was voting for the motion.

- 55.9 The Mayor confirmed that the motion had been carried.

**56 COVID-19 NATIONAL ACTION FOR LOCAL IMPACT**

- 53.1 The Notice of Motion as listed on the agenda was proposed by Councillor Evans on behalf of the Labour Group and formally seconded by Councillor Childs who reserved his right to speak later in the debate.
- 53.2 Councillor Hills proposed an amendment on behalf of the Green Group which was formally seconded by Councillor Heley.
- 53.3 Councillors Hamilton, Simson and Williams spoke on the motion and the amendment and expressed their support for both the motion and the amendment. Councillor Janio also spoke on the motion and the amendment and expressed his opposition to them.
- 53.4 Councillor Evans thanked those Members for their supportive comments and confirmed that she was happy to accept the amendment.
- 53.5 The Mayor noted that the amendment had been accepted and that the Council was happy to move to a vote on the motion as amended. He therefore put the motion as amended to the vote:

This Council notes our shared targets set out in both the corporate plan and City Plan Part 2 to build community wealth and affordable housing and reach carbon neutrality by 2030, and the importance to these goals of fostering a circular local economy.

Council recognises that both during and after the ongoing COVID crisis there is a pressing need to grow local place-based cohesion and wellbeing, and believes launching a “20-minute neighbourhood” initiative as part of a community wealth building approach to Covid recovery could build on the work already agreed by ETS committee around the introduction of low traffic neighbourhoods and help meet these shared aims.

Council therefore calls for;

- 1) The convening of the Community Wealth Building Working Group at the earliest opportunity and;
- 2) For that group to work with officers to produce a report for committee(s) that seeks - alongside ward councillors and residents groups - to identify feasible locations to implement both micro “20-minute neighbourhood” projects (such as community gardens and edible bus stops) and a full-scale pilot scheme for the model;
- 3) That report to include the exploration of possible sources of funding to support investment in this full-scale pilot; and
- 4) That officers and CWB working group liaise with councillors and local community groups both on possible locations and on identifying potential partners from other local institutions – particularly those involved in the areas of education, health and wellbeing for these “20-minute neighbourhood” projects.

- 53.6 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion as amended and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion as amended and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group were in favour of the motion as amended and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting for of the motion as amended;

Councillor Fishleigh confirmed that she was voting for the motion as amended;

Councillor Janio confirmed that he was voting against the motion as amended;

Councillor Knight confirmed that she was voting for the motion as amended.

- 53.7 The Mayor confirmed that the motion as amended had been carried.

## **57 PENSION FUND DIVESTMENT**

- 57.1 The Notice of Motion as listed on the agenda was moved by Councillor Druitt on behalf of the Green and Labour Groups and was formally seconded by Councillor Appich.

- 57.2 Councillor Miller stated that the Pension Board was an independent body and should therefore be left to determine how investments were made. Councillor Childs expressed his support for the motion and noted that the council were represented on the Board and should therefore be able to make its views known.

- 57.3 Councillor Druitt stated that there was a need to move away from investment in fossil fuels and hoped that the motion would be supported.

- 57.4 The Mayor then put the following motion to the vote:

That council agrees to request that officers contact the East Sussex Pensions Committee in order to:

- 1) Congratulate the East Sussex Pensions Committee (ESPC) on the moves it is making to reduce the exposure of the Pensions Fund from 4% to 2%;
- 2) Highlight the overcapacity and fragility of the fossil fuel system, and the prospect of big near-term losses for investors like the East Sussex Pensions Committee, as a result of analysis which shows that demand for fossil fuels has likely already peaked; [1] and further, wishes to stress to the ESPC that rapid and unprecedented action is going to be necessary in order to keep global warming to 'well below 2°C' and that such action is incompatible with continued investment in giant oil and gas companies like Shell and BP;



Council therefore also requests, through contact with the East Sussex Pensions Committee:

- 3) That the ESPC commit now to a complete phase-out of the Fund's investments in fossil fuels, in line with the declarations made by both Brighton and Hove City Council and East Sussex County Council of a 'climate emergency,' and associated climate change mitigation targets.

57.5 The Mayor called on each of the Group Leaders to confirm their position as well as the Groups in turn and each of the Independent Members:

Councillor Mac Cafferty stated that the Green Group were in favour of the motion and this was confirmed by the Members of the Green Group;

Councillor Platts stated that the Labour Group were in favour of the motion and this was confirmed by the Members of the Labour Group;

Councillor Bell stated that the Conservative Group wished to abstain from voting on the motion and this was confirmed by the Members of the Conservative Group;

Councillor Brennan confirmed that she was voting for of the motion;

Councillor Janio confirmed that he wished to abstain from voting on the motion;

Councillor Knight confirmed that she was voting for the motion.

57.6 The Mayor confirmed that the motion had been carried.

## **58 FIELD OFFICERS**

58.1 Councillor Nemeth informed the Mayor that the Conservative Group wished to withdraw the notice of motion.

58.2 The Mayor noted that the motion had been withdrawn and that concluded the item.

## **59 CLOSE OF MEETING**

59.1 The Mayor thanked everyone for participating in the meeting and formally closed the meeting.

The meeting concluded at 11.19pm

Signed

Chair

Dated this

day of

2020

<b>Subject:</b>	<b>No Confidence in Brighton and Hove Council - Petition for Debate</b>		
<b>Date of Meeting:</b>	<b>17 December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	Mark Wall	Tel: 01273 291006
	<b>E-mail:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	<b>All</b>		

**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 4,409 signatures confirmed at the time of printing the report.

**2. RECOMMENDATIONS:**

- 2.1 That the petition is noted.

**3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:****3.1 The Petition:  
No Confidence in Brighton & Hove Council**

The greens are going to destroy this town more and more and they do not care. We as residents and people who come to the town need to put a stop to the madness happening here!

I hope together we can show them what we think of their stupid ideas for our once great town.

They pretend to care about the environment and yet Brighton is becoming a dive and now with all the new road layouts are causing a lot more pollution, not bad for the green party.

They need to remember they are meant to represent the people but that definitely is not the case, not for me and many others that I know anyway.

What they are doing will inevitably destroy local businesses and the town in general. We cannot let this happen.

We have to fight this all the way.

We need to try and get them to remove the old Shoreham road and the seafront cycle lanes.

I say we get as many people as we can to sign this petition and then show the council just how many people actually do not have any trust or confidence in them. I know they would not care but at least we can show them.

This is something I feel needs to be done because I worry about all the people that work in and around the town and disabled people who this will also effect greatly.

There are so many things this council have and will get wrong and it will be us that suffer.

Lead Petitioner – Katie Brotherton

Additional Information:

#### **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 Mayor'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).

<b>Subject:</b>	<b>Close Brighton and Hove Greyhound Stadium - Petition for Debate</b>		
<b>Date of Meeting:</b>	<b>17 December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	Mark Wall	Tel: 01273 291006
	<b>E-mail:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	<b>All</b>		

**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 6,901 signatures confirmed at the time of printing the report.

**2. RECOMMENDATIONS:**

- 2.1 That the petition is noted.

**3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:****3.1 The Petition:  
Close Brighton and Hove Greyhound Stadium**

We are asking Brighton and Hove City Council to revoke the licence of Coral Greyhound Stadium and put an end to the cruelty of greyhound racing in this constituency. Every week at least two dogs fall, are injured or die at this stadium. 10,000 dogs are removed from the racing circuit every year as more dogs are bred for this industry. The dogs may be exported abroad to countries like China for breeding and racing, killed as surplus to requirements or languish in isolation in kennels for the rest of their lives. All London tracks have closed; let Brighton and Hove be the next. The land in Nevill Road could be used for much needed affordable housing.

If this track is not closed, dogs will continue to be forced to race, exploited and abused. Please help us to end their suffering!

Lead Petitioner – Sarah Whitehead

Additional Information:  
None.

- 3.2 The petition's request does not fall directly within the Council's responsibilities and therefore can only be referred to the owners of the greyhound stadium.

#### **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 Mayor'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).

<b>Subject:</b>	<b>Reduce the Costs of Secondary School Uniform in Brighton &amp; Hove - Petition for Debate</b>		
<b>Date of Meeting:</b>	<b>17 December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	Mark Wall	Tel: 01273 291006
	<b>E-mail:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	<b>All</b>		

**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 1,495 signatures confirmed at the time of printing the report.

**2. RECOMMENDATIONS:**

- 2.1 That the petition is noted and referred to the Children, Young People & Skills Committee for consideration.

**3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:****3.1 The Petition:  
Reduce the Costs of Secondary School Uniform in Brighton & Hove**

In our city, we already had some areas with high levels of child poverty. The economic impacts of the COVID crisis have made this situation even worse. 33,000 people were furloughed in our city and by June 2019 the numbers of households on Universal Credit had risen from 5,860 in February 2019 to 14,180 in May 2019.

Secondary schools in Brighton and Hove have branded items which you can only source from a single supplier. My daughter's school have branded PE socks at £7 a pair, white polo neck shirts with a tiny logo at £8.95 (available for £4 on the high street without the logo). Without the branding you can save nearly £40. In addition, people need to have multiple items such as 2 or 3 polo necks to send their kids to school clean and smart.

We challenge the heads to reduce the number of items with branding on to save hard pressed families money. No new uniform should cost more than £55 for mandatory items.

Poverty means that every penny spent on uniform is taken from something else that child needs. Providing discounts using pupil premium helps, but that could be spent on enrichment such as free school trips.

Please listen to the city's families and act.

Lead Petitioner – Emma Daniel

**Additional Information:**

None.

**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 Mayor'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).



**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 Platts:**

Will the Council consider improving the facilities, interior and area around Damson Block, Bowring Way on the Bristol Estate in East Brighton Ward?

This block needs some basic decoration internally and the public areas need to be upgraded. Lockdown has highlighted a poor internet connection to some parts of the block which is not strong enough to stream or pick up Freeview television as well as making it difficult for households to work from home or access Council services online. There is no TV aerial because that was removed. Residents would like to have fibre optic cable brought into the block.

The area around Damson block also needs serious attention. Cars and vans are frequently parked illegally and contractors' vehicles have been parked on the grassed areas over many months now. This has churned up the grass making it muddy and unattractive. This area is the residents garden and it is not acceptable for contractors to keep claiming the Council has allowed them to park there. Internally, the bin and storage areas have been reported several times recently for overflowing rubbish and drug taking. The residents of this block want the Council to take some action on improvements; to stop illegal parking and to have a named housing officer responsible for each block so that actions needed can be noted and tracked.

**Reply from Councillor Gibson / Hugh-Jones, Joint Chair of the Housing Committee**

**(2) Councillor Platts:**

Parking at Black Rock and on Madeira Drive - Can the Council confirm the amount of car parking spaces in Black Rock car park; to what extent these spaces have been under-used since the re-opening of Madeira Drive for car parking and the amount of parking on Madeira Drive itself?

Can you list separately the amount of revenue generated by use of on street parking in Madeira Drive and the Black Rock car park for the same period plus the parking charges per hour?

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

**(3) Councillor Allcock:**

Labour was pleased to work cross party with the Greens to include School Streets as part of the Emergency Traffic Measures introduced during the Covid pandemic and we welcome the Administrations continuation of this scheme. The Council has said that the scheme will be reviewed after six months and that the impact of the measures will be monitored. Please can you provide details on:

- What form the review will take and what factors will be used to assess future viability;
- What plans are in place to move to a more permanent School Street arrangement at the schools where the scheme is judged to be successful; and
- How the schools involved and the fantastic School Street volunteers who work in all weathers are being updated on progress.

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

**(4) Councillor Fishleigh:**

**E-Scooters on the Undercliff between The Marina and Saltdean**

Please will the council erect large signs at all five access points onto the undercliff as well as by the three cafes on the seafront so that everyone knows that it is against the law to ride e-scooters down there.

There are two access points in Saltdean, one in Rottingdean, one in Roedean and one at the marina.

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

**(5) Councillor Fishleigh:**

**Cityclean Service over Christmas and New Year.**

What measures have been put in place to ensure that both communal and household recycling and general waste bins will be emptied on a regular basis over Christmas and New Year and that we will not see a repeat of the overflowing bins and non-collections experienced last December, January and February?

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

**(6) Councillor Fishleigh:  
Additional Communal Recycling and General Waste Bins**

Please can we have extra communal general waste and recycling bins in the following areas in Rottingdean Coastal over Christmas and New Year?

These are areas with hundreds of flats and fewer car users: Sussex Square, The Arundels, Rottingdean recycling point, Saltdean recycling points x 2.

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

**(7) Councillor Barnett:  
Benfield Valley**

Brighton & Hove City Council's Property Team, after extensive research, has advised the following:

*That there is nothing to suggest from the property register that the lease dated 27/10/92 made between Hove Borough Council & Sainsbury Plc has been varied or that a sublease for 7 years or more has been granted (there is no requirement to register a lease for 7 years or less at the land registry).*

The 1992 lease includes the following provisions of note:

**(13) COVENANT TO KEEP VACANT LAND IN PROPER ORDER**

To keep the land not occupied by buildings in a clean well cultivated and proper condition so far as is appropriate to the actual use of the Premises and so as not to cause injury to the environment of the area or any adjoining land and to forthwith comply at its own expense with any notice of a relevant authority whether served on the Tenant or the Landlord reasonably requiring the abatement of any such injury.

**(14) TO PRESERVE TREES ETC**

To keep trees shrubs and hedging on the Premises in good order and condition so far as reasonably possible and properly tended cultivated in accordance with the principles of good husbandry and pruned or trimmed and to replace all losses PROVIDED that so to do shall not interfere unreasonably with the use of the Premises for outdoor recreational and leisure purposes AND PROVIDED FURTHER that the same quantities of trees shrubs and hedging as at the date hereof shall be maintained hereafter and any revised layout thereof shall (before removal of the existing trees and shrubs and hedging) first be agreed with the Landlord which shall act reasonably in reaching such agreement with the Tenant

**(16) NOT TO MAKE ALTERATIONS OR ADDITIONS**

Not to erect any new or additional buildings on the Premises or any part thereof or make any alteration or addition whatsoever to the exterior of the buildings without the Landlord's written consent (such consent not to be unreasonably withheld or delayed) PROVIDED that it shall be unreasonable for the Landlord

to withhold consent with regard to any application for consent to build or to make alterations or additions to buildings used for or ancillary to a use permitted by Clause 3(8) hereof.

(18) NOT TO ASSIGN ETC WITHOUT CONSULTATION/CONSENT AND ASSIGNMENT ETC TO A COMPANY

The Tenant covenants with the Landlord not to share possession or occupation or grant licence to use or grant third party rights over the Premises or any part or parts thereof

According to the official copy of register of title (Land Registry) the following information relating to the current tenants Benfield Investments Limited regarding the title absolute:

- (27/09/2004) PROPRIETOR: BENFIELD INVESTMENTS LIMITED (Co. Regn. No. 5121561) of 73 Church Road, Hove E Sussex BN3 2BB.
- RESTRICTION: Except under an order of the registrar no disposition of the land edged blue on the filed plan or any part thereof made before **12 May 2080** is to be registered without the consent of Capital and Regional Estates Limited or their successors in title in accordance with clauses 7.1 and 7.2 of the Transfer dated 12 May 2000 referred to in the Charges Register.
- The price stated to have been paid on 10 September 2004 was £625,000 According to an Option Agreement lodged with the Land Registry dated 25/07/2016:
- Benfield Investments Limited signed an Option Agreement with Futureform Global Investments Limited offering the land for development of **814 dwellings** with a purchase price of **£25,236,750**

Given the information above, including the confirmation that the 1992 lease is still in effect, I have the following questions:

1. Has the Tenant Benfield Investments Limited broken section 3 clause 14 of the lease above by clearing a large area of land, as reported by the Argus on 5 April 2017? <https://www.theargus.co.uk/news/15203948.amp/>
2. Has the Tenant Benfield Investments Limited broken section 3 clause 16 of the lease by signing an option agreement with Futureform Global Investments in 2016?
3. Has the Tenant Benfield Investments broken section 3 clause 18 of the lease by subletting the land to Brighton Footgolf?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**(8) Councillor Barnett:  
Benfield Valley**

At the last council meeting I asked you the following oral question:  
I refer to the council land comprising Benfield Valley Golf Course that I understand is currently on a long-lease.

Residents in my ward have since 2006 had to fight against proposal after proposal for housing developments on this land.

I recently met with one of the leaseholders who said he would be happy to enter negotiations with the council to discuss the council potentially buying back the long-lease.

Will the Leader of this Green Council consider buying back the long-lease and making the land part of the South Downs National Park to end these perpetual battles and protect it for ever from development for the benefit of our City.

Thank you.

In your response you said you would investigate the matter and write back to me. I have not yet received the response promised.

Please could you write back to me so that I can advise residents in my ward? Please can we have extra communal general waste and recycling bins in the following areas in Rottingdean Coastal over Christmas and New Year?

These are areas with hundreds of flats and fewer car users: Sussex Square, The Arundels, Rottingdean recycling point, Saltdean recycling points x 2.

**Reply from Councillor Mac Cafferty, Leader of the Council**

**(9) Councillor Simson:  
South Down Riding School**

Please can I have the information asked of the Chief Executive of the Council on the 8th October with a reminder sent on the 19th October? Has Southdown Riding School, at the top of Bear Road, been informed by the council, as the landlord, that they have to vacate the premises next year and is this with the intention of building on the land as one of the urban fringe sites that residents are fighting so hard to stop the development of in City Plan part 2?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**(10) Councillor Simson:  
Empty Council Houses**

Please can you tell me how many empty council homes there are in the city currently, how long the longest one has been empty for, and why the Council is ripping out perfectly good fittings from vacated homes at enormous expense when it was agreed several years ago this wasn't going to be done anymore?

**Reply from Councillor Gibson/Hugh-Hugh-Jones, Joint Chair of the Housing Committee**

**(11) Councillor Mears:  
Update on Re[airs & Maintenance to Council Housing Stock**

Following on from a report - *Update on Repairs & Maintenance to Council Housing Stock* - that went to the Housing Committee on the 16th September 2020, why was the internal Audit report presented to Audit and Standards committee on the 27th November 2020 never been shown to the Housing Committee on the 16th September or the 18th November committee meeting?

The Housing Committee has Delegated Powers under the Council's Constitution. Therefore, this also raises a number of other questions:

1. After spending £9.3m the procurement reports states that Service Management has identified that it requires additional resources to deliver a full service. How much extra is needed, and when will this be reported to Housing committee as this is paid from the HRA Budget?
2. The conclusion in the October 2020 report states that only Partial Assurance can be given on the operation of the new service and related systems. When will Full Assurance be given for the service?
3. Audit found that the service has not yet contracted with enough subcontractors to meet the needs of the service. When will this be put in place?
4. The internal Audit report includes eight high priority actions for improvement, which have been agreed with management. Please give details of all eight actions needed.

Please give details of the medium priority actions needed for improvement with the service.

**Reply from Councillor Gibson/Hugh-Hugh-Jones, Joint Chair of the Housing Committee**

**(12) Councillor McNair:  
Mobile Phone Masts**

Through what mechanism, for example a supplementary planning document, could 5G mast developers with prior approval be required to provide suitable camouflaging of cabinets and base stations, and would you support the implementation of such a mechanism?

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

**(13) Councillor Theobald:  
Patcham Roundabout**

The Patcham roundabout (London Road) is the gateway to the City for many visitors and residents of the City.

The roundabout is in a very poor condition and has been for many years now. It is not a good advert for our City and disappointing for residents who want to see our city kept well presented.

Patcham Councillors were promised that work would start this year on landscaping the roundabout to improve the visual amenity of this entry point to the City.

This hasn't happened to date.

Please provide an update on the status of this work.

**Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability 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 Platts**

Subject matter: **Recruitment**

Reply from Councillor Mac Cafferty, Leader of the Council

**(2) Councillor Bell**

Subject matter: **Tourism**

Reply from Councillor Mac Cafferty, Leader of the Council

**(3) Councillor Appich**

Subject matter: **Public Toilets**

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

**(4) Councillor Nemeth**

Subject matter: **Democracy in Brighton & Hove**

Reply from Councillor Mac Cafferty, Leader of the Council

**(5) Councillor Janio**

Subject matter: **The Future of Democracy**

Reply from Councillor Mac Cafferty, Leader of the Council

**(6) Councillor Fishleigh**

Subject matter: **Additional Funding for City Parks**

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

**(7) Councillor Wilkinson**

Subject matter: **Fly-Tipping**

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

- (8) **Councillor Mears**  
Subject matter: **Accountability of Council Leadership**  
  
Reply from Councillor Mac Cafferty, Leader of the Council
- (9) **Councillor Williams**  
Subject matter: **Rough Sleeping**  
  
Reply from Councillor Gibson/Hugh-Jones Chair of the Housing Committee
- (10) **Councillor Barnett**  
Subject matter: **Breaches to Terms of Benfield Valley Lease**  
  
Reply from Councillor Mac Cafferty, Leader of the Council
- (11) **Councillor Childs**  
Subject matter: **Planning**  
  
Reply from Councillor Littman, Chair of the Planning Committee
- (12) **Councillor Miller**  
Subject matter: **Black Rock**  
  
Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee
- (13) **Councillor Fowler**  
Subject matter: **Electric Charging Points**  
  
Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee
- (14) **Councillor McNair**  
Subject matter: **Traders in Brighton**  
  
Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee
- (15) **Councillor Simson**  
Subject matter: **Traffic Calming**  
  
Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee
- (16) **Councillor Theobald**  
Subject matter: **Cycling in the City**  
  
Reply from Councillor Heley, Chair of the Environment, Transport & Sustainability Committee

**Council**

17 December 2020

**Agenda Item 71**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Statement of Licensing Policy 2021 – Consultation Response Report</b> - Extract from the proceedings of the Licensing Committee (Licensing Act 2003 Functions) meeting held on the 26 November 2020		
<b>Date of Meeting:</b>	<b>17 December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel:</b> 01273 291006
	<b>E-mail:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	All		

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

That the report and recommendations of the Licensing Committee be considered and approved.

**Recommendation:** That the revised Statement of Licensing Policy as detailed in appendix A and revised by the Licensing Committee be adopted and that officers be granted delegated authority to make any minor, formatting and numbering corrections that may be required.

## BRIGHTON & HOVE CITY COUNCIL

### LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

4.45pm (at the conclusion of the preceding Licensing Committee (Non-Licensing Act 2003 Functions Committee) Meeting)

26 November 2020

#### VIRTUAL MEETING - SKYPE

#### MINUTES

**Present:** Councillors Deane (Chair), Davis (Deputy Chair) O'Quinn (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Atkinson, Bagaean, Ebel, Fowler, Henry, Hugh-Jones (in substitution for Rainey), Nemeth (in substitution for Lewry), Knight and Wares

#### PART ONE

#### 18. REVIEW OF STATEMENT OF LICENSING POLICY 2021 – CONSULTATION RESPONSE REPORT 2020

- 18.1 The Committee considered a report of the Interim Executive Director of Housing, Housing, Neighbourhoods and Communities setting out the consultation response to the Review of Statement of Licensing Policy which had taken place.
- 18.2 It was noted that the Council, as Licensing Authority, had a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy had been adopted on March 2016 by Full Council and revised in March 2019. It was required that the Policy be kept under review. The Cumulative Impact Policy (CIZ) and Special Stress Area (SSA) had been introduced in 2008 and expanded in 2011. The SSA had been further expanded into central Hove in 2019. At its meeting on 25 June 2020, the committee had authorised officers to go out to statutory consultation in order to review the council's Statement of Licensing Policy 2019.
- 18.3 The Head of Regulatory Services, Jim Whitelegg, explained that the Consultation had commenced on 20 July 2020 and had closed on 4 October. The consultation document had included background information and documents relevant to the specific questions on areas listed in the recommendations as well as copy of the revised document a copy of which was set out in Appendix B. An extensive pre-consultation had been carried out with relevant key stakeholders prior to going out to consultation including Public Health, the Police, Environmental Health, Highways, Arts and Tourism, the Licensing Strategy Group and the Committee.
- 18.4 The Legal Adviser to the Committee, Rebecca Sidell, advised that the proposal at 2.1.4 to restrict new café licenses to a 10pm rather than 11pm closing time in the SSA and other areas, could be regarded as inconsistent in terms of promotion of the licensing

objectives as pubs had a terminal hour of 11pm where incidents of crime, disorder and anti-social behaviour were more common than for cafes. The restriction works for cafes in the CIZ category where new pubs were not permitted but not really elsewhere where pubs could have a later time. The police opposed the proposal on this basis. It was however a matter for decision by the Committee.

- 18.5 Councillor O'Quinn noted the comments made but stated that having sat on numerous Panels, it was all too often the case that applicants applying as a café bar licence in order to sell alcohol intended essentially to run a bar. The Policy was not absolute and each application would continue to be considered on its individual merits. Councillors Simson and Appich concurred in that view.
- 18.6 Councillor Simson welcomed the proposed changes in relation to local shopping parades, where applications could be refused in areas where there were already several existing outlets selling beers wines and spirits. Councillor Simson stated that she had become increasingly concerned that in a small parade of shops there could be an off-licence a post office, a convenience store and sometimes even a fish and chip shop all selling alcohol, an area could become awash with alcohol sales, that could be taken into account now.
- 18.7 Councillor Hugh-Jones welcomed the proposals to extend the Special Stress Area north along Preston Road and Beaconsfield Road between Preston Circus and Stanford Avenue.
- 18.8 The Chair, Councillor Deane also commended the proposed revisions which had been recommended, thanked officers for their work in bringing them forward, noted the comments which had been made and put the recommendations to the vote, which were carried.
- 18.9 **RESOLVED:** That the Committee agree to the revisions of the Statement of Licensing Policy as follows:
- (1) Maintain the current cumulative impact policy and zone and publish the Cumulative Impact Assessment;
  - (2) Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue);
  - (3) Include the Marina into "Other areas" of the Matrix to reflect the increased number of residential properties;
  - (4) To amend the "Café" category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and "other areas";
  - (5) Shopping parades - Amend note 8 of the Matrix to "*In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.*";

- (6) Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that *“Non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered unique. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.5-3.3.7”;*
- (7) Shadow Licences – add a new shadow licences section 3.10 to revised policy with advice, guidance and possible conditions;
- (8) Alcohol Delivery – amend the Off-Licence section 3.5.5-3.5.8 of the revised policy with suggested conditions.;
- (9) That the revised Statement of Licensing Policy is referred to Full Council for adoption. See Appendix A for a copy of the revised statement of licensing policy and cumulative impact assessment (CIA) and that Council gives officers delegated authority to make any minor, formatting and numbering corrections that may be required.

**LICENSING  
COMMITTEE  
(LICENSING ACT  
2003 FUNCTIONS)****Agenda Item 18**

Brighton and Hove City Council

**Subject:** **Review of Statement of Licensing Policy 2021 –  
consultation response report 2020****Date of Meeting:** **26 November 2020****Report of:** **Interim Executive Director of Housing,  
Neighbourhoods & Communities****Contact Officer:** Name: **Jim Whitelegg** Tel: **01273 292438**E-mail: [Jim.whitelegg@brighton-hove.gov.uk](mailto:Jim.whitelegg@brighton-hove.gov.uk)**Wards Affected:** All**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council, as Licensing Authority, has a statutory duty to review and publish its Statement of Licensing Policy (SoLP) every five years. The current policy was adopted on 24 March 2016 by Full Council and revised in March 2019. The policy should be kept under review.
- 1.2 The cumulative impact policy, zone (CIZ) and special stress area (SSA) were introduced in 2008 and expanded in 2011. The SSA was further expanded into central Hove in 2019. A review looking at expanding the CIZ up London Road and Lewes Road was carried out in 2014 but found no evidence to justify the expansion so the special policy retained as existing.
- 1.3 S141 of the Policing and Criminal Act 2017 came into force on 6 April 2018 and gave cumulative impact assessments (CIAs) a statutory basis in the Licensing Act 2003. A policy must take into account any CIAs that an authority has published under 5A of the Act.
- 1.4 The Council, as a licensing authority must carry out a consultation exercise prior to any review of its Licensing Policy (Section 5(3) of the 2003 Act).
- 1.5 On 25 June 2020 the Licensing Committee authorised officers to go out to statutory consultation to review the council's Statement of Licensing Policy 2019.

## 2. RECOMMENDATIONS:

2.1 That Committee agree the revisions to the Statement of Licensing Policy as follows:

- 2.1.1 Maintain the current cumulative impact policy and zone and publish the Cumulative Impact Assessment.
- 2.1.2 Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue).
- 2.1.3 Include Marina into “Other areas” of the Matrix to reflect the increased number of residential properties.
- 2.1.4 To amend the “Café” category of the Matrix by reducing the terminal time to 10pm for the sale of alcohol within the special stress area and “other areas”.
- 2.1.5 Shopping parades - Amend note 8 of the Matrix to *“In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.”*
- 2.1.6 Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that *“Non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered unique. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.5-3.3.7”.*
- 2.1.7 Shadow Licences – add a new shadow licences section 3.10 to revised policy with advice, guidance and possible conditions.
- 2.1.8 Alcohol Delivery – amend the Off Licence section 3.5.5-3.5.8 of the revised policy with suggested conditions.
- 2.2 That the revised Statement of Licensing Policy is referred to Full Council for adoption. See Appendix A for a copy of the revised statement of licensing policy and cumulative impact assessment (CIA).

## 3. CONSULTATION

- 3.1 Consultation commenced on 20<sup>th</sup> July 2020 and closed on the 4<sup>th</sup> October 2020. The consultation document included background information and relevant documents to the specific questions on the areas listed in the recommendations (see section 2.1) as well a copy of the revised document. A copy of the consultation document can be found in Appendix B.



3.2 National Guidance states at 13.4 that before determining its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- The chief officer of police for the area
- The fire and rescue authority for the area
- The local authority's Director of Public Health in England
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

3.3 Consultation was undertaken with these statutory consultees and more generally via the council's on-line consultation portal, Licensing website, Licensing Strategy Group, the city LATs (Local Action Teams), residents associations and community associations, Business Improvement District (BID), Brighton & Hove Economic Partnership, Brilliant Brighton, other Council services including Tourism, Events Office, Seafront Office (including Seafront Trader Association), Trading Standards, Legal and Finance.

#### **4. Consultation Responses**

4.1 It should be noted that extensive pre-consultation was carried out with relevant key stakeholders prior to going out to consultation, including Public Health, Police, Environmental Health, Highways, Arts and Tourism, Licensing Strategy Group and licensing committee members.

4.2 A summary of the responses are detailed below. A detailed breakdown of the on-line consultation portal responses, together with the additional responses submitted by email and letter can be found in Appendix C.

4.3 The consultation document contained specific questions relating to the proposed changes together with a question on comments on any aspect of the policy.

4.4 With regard (add 4.2) to comments on the specific questions relating to the areas of recommendation in 2.1, I will summarise the comments but it is important that the consultation responses are considered in their entirety (please see Appendix C).

- Maintain the current cumulative impact policy and zone – majority agree (79%)

- Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue) – majority agree (64%)
- Café – terminal times in “special stress areas” and “other areas” – more of a mixture of comments with the majority suggesting 10pm or 11pm.
- Including Marina into “Other areas” of the Matrix to reflect the increased number of residential properties – majority agree (59%)
- Shopping parades - Amend note 8 of the Matrix to *“In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.”* – majority agree (65%)
- Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that *“Non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered unique. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.5-3.3.7”* – majority agree (65%)
- Shadow Licences – add a new shadow licences section 3.10 to revised policy with advice, guidance and possible conditions – majority agree (57%)
- Alcohol Delivery – amend the Off Licence section 3.5.5-3.5.8 of the revised policy with suggested conditions – note general comments
- In addition to the on-line consultation portal we received an email and letter from a community group, local action team and licensing consultant which can also be found in Appendix C.

If members were minded to agree the statement of licensing policy, Full Council alone can exercise the function of revising the authority’s policy.

#### 4. FINANCIAL & OTHER IMPLICATIONS:

##### 4.1 Financial Implications:

There are no financial implications arising from the recommendations made in this report. The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally by government.

Finance Officer Consulted: Michael Bentley

Date: 16/10/2020

##### 4.2 Legal Implications:

These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Following the consultation exercise, the views of all those persons or bodies should be given appropriate weight when determining the policy. The new requirement to publish a Cumulative Impact Assessment and the evidence underpinning it is significant. Revisions made to the policy without evidential basis are likely to be vulnerable to challenge.

Lawyer Consulted: Rebecca Sidell

Date: 16/10/20

#### 4.3 Equalities Implications:

An Equality Impact Assessment was completed as part of the policy review process to assess if there is any adverse impact on a particular group.

#### 4.4 Sustainability Implications:

Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

#### 4.5 Crime & Disorder Implications:

CIA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. The Special Policy promotes the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

#### 4.6 Risk and Opportunity Management Implications:

Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

#### 4.7 Corporate / Citywide Implications:

The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

**Appendix A** – Revised Statement of Licensing Policy and Cumulative Impact Assessment

**Appendix B** – Consultation Document

**Appendix C** – Consultation responses

**Brighton & Hove City Council**

# **Statement of Licensing Policy 2021**

**Licensing Act 2003**



**Brighton & Hove  
City Council**

## Executive Summary

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the Act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received.

The Policy recognises the public health role in local authorities and the legal framework for local government after the introduction of The Health and Social Care Act 2012. Local authorities will be responsible amongst other things for alcohol and drug misuse services.

The city receives 9.5 million tourism day trips and 1.5 million staying visitors per year. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs. The city has the highest level of current arts engagement outside London and the seventh highest out of 150 in the country at 61.2%. Brighton & Hove is known for its colourful and interesting arts and creative industries which attract tourism and new businesses. The sale and consumption of alcohol contributes greatly to the city's economy and tourism.

However, alcohol-related death rates are above the national average in Brighton & Hove. The city experiences local problems and local trends such as pre- and post loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.

The Alcohol Programme Board (APB), a partnership of licensee representatives and colleagues from health, licensing, the police, universities and voluntary sector oversees the city's public health approach to minimising the harms from alcohol.

Brighton & Hove has created a Cumulative Impact Zone (CIZ) and adjacent Special Stress Area (SSA), designed to restrict the amount of licensable premises in the city centre and promote good practices to minimise the adverse impact from alcohol-use. The Council have also adopted a matrix approach to decision making to encourage the right type of alcohol establishment across the city. Enforcement polices focus on reducing irresponsible promotions and underage sales.

In addition, the APB also supports various initiatives: such as the council-led "Sensible on Strength" scheme to reduce the availability of cheap super strength beers and ciders; working with student organisations to raise the awareness of alcohol harm; and night-time economy safeguarding initiatives that protect the vulnerable and raise awareness of sexual exploitation.

# Brighton & Hove City Council: Statement of Licensing Policy 2021

## Contents

<b>1</b>	<b>Introduction</b>	<b>5</b>
1.2	Licensing objectives	5
1.3	Scope	5
1.4	Consultation	5
1.5	Partnership	6
1.6	Local features	7
1.7	Culture and Tourism	7
1.8	Arts	7
1.9	The Planning Context	8
1.10	Delegations	8
1.11	Human Rights	9
<b>2</b>	<b>Public Health and Alcohol</b>	<b>10</b>
2.1	Public Health Perspective	10
2.2	Alcohol Programme Board and Sensible on Strength Campaign	11
<b>3</b>	<b>Special Policies and Initiatives</b>	<b>12</b>
3.1	Cumulative impact	12
3.2	Special Stress Area	15
3.3	The Matrix Approach	18
3.4	Night-time Economy Safeguarding Initiatives	21
3.5	Off licences	23
3.6	Street drinking	24
3.7	Temporary Event Notices	24
3.8	Student and Organised Pub Crawls	24
3.9	Promoters and irresponsible drinks promotions	25
3.10	Shadow Licences	25
<b>4</b>	<b>Prevention of Crime and Disorder</b>	<b>26</b>
4.2	Sussex Police	27
4.3	Care, control and supervision of premises	28
<b>5</b>	<b>Public Safety</b>	<b>29</b>
<b>6</b>	<b>Prevention of Public Nuisance</b>	<b>30</b>
6.2	Smoking Advice	30
<b>7</b>	<b>Protection of Children from Harm</b>	<b>31</b>
<b>8</b>	<b>Integration of Strategies</b>	<b>33</b>
8.2	Other regulatory regimes	34
8.3	Enforcement	35
<b>9</b>	<b>Reviews</b>	<b>36</b>

<b>10</b>	<b>Live Music, Dancing &amp; Theatre</b>	<b>36</b>
<b>11</b>	<b>Contact Details, Advice and Guidance</b>	<b>37</b>
	APPENDIX A – Licensing Best Practice Measures	39
	APPENDIX B - Licensing Enforcement Policy	43
	APPENDIX C - Film Classification	55
	APPENDIX D - Lead Agency Status	57



# Brighton & Hove City Council: Statement of Licensing Policy

## 1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

### 1.2 The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

### 1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

### 1.4 Consultation

1.4.1 Before **revising** or determining policy for any five-year period, the licensing authority must consult:

- (a) the chief officer of police for the licensing authority's area;
- (b) the fire and rescue authority for that area;

- (c) the Director of Public Health
- (d) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- (e) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority;
- (f) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
- (g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

1.4.2 In relation to this, its fifth statement of licensing policy, the licensing authority has also chosen to consult the following persons or bodies:

- The Licensing Strategy Group
- South East Coast Ambulance Service
- Accident & Emergency Services
- Brighton & Hove Bus and Coach Company
- Taxi Forum
- The council's Transport Planning, Planning Policy, Community Safety, Tourism, Drug & Alcohol Awareness and Economic Development departments
- Ward Councillors
- Individual premises and personal licence holders and club premises certificate holders
- Residents' Associations
- Generally via the licensing pages of the council's website and also via the council's Consultation Portal.
- Brighton & Hove Economic Partnership, Business Investment District (BID).

Appropriate weight was given to the views of all of those who responded. This policy is subject to Guidance and Regulations issued by the government including any issued after the date of publication of this statement.

## **1.5 Partnership**

- 1.5.1 The Policy recognises the public health role in local authorities and the legal framework for local government after the introduction of The Health and Social Care Act 2012. Local authorities are responsible amongst other things for commissioning alcohol and drug misuse treatment and prevention services.
- 1.5.2 Local leadership for public health is at the heart of the new public health system. Unitary authorities have responsibilities to improve the health of their populations, backed by a ring-fenced grant and a specialist public health team, led by the Director of Public Health. Unitary authorities are supported in this by the expertise within Environmental Health, Trading Standards and Licensing.
- 1.5.3 Local authorities should embed public health functions into all their activities including its duty as licensing authority, tailoring local solutions to local problems, and using all the levers at their disposal to improve health and reduce inequalities. They will create a 21st century local public health system, based on localism, democratic accountability and evidence.
- 1.5.4 Supporting local political leadership in improving health is the duty of the director of public health and their team. The Director of Public Health is the lead officer in the

local authority for health, and a statutory chief officer. The Regulatory Services Manager will act as principal licensing officer.

- 1.5.5 They champion health across the whole of the authority's business, promoting healthier lifestyles to promote better health and ensure threats to health are addressed.
- 1.5.6 The policy recognises the need to balance economic prosperity with community protection. Good regulation at a local level provides fair trading conditions. This creates a fair trading environment, discourages irresponsible practices and promotes community well-being. Local regulation is attuned to supporting the local economy and local businesses. Partnership between responsible authorities reduces conflict between agencies and targets resources.
- 1.5.7 The licensing authority encourages partnership working with other authorities and agencies. The Licensing Strategy Group, Business Crime Reduction Partnership, Pub and Club Watch, Door Supervisors Business Forum and similar schemes, for instance with Home Office approval, will be encouraged to share information and facilitate exclusion of troublemakers.

## **1.6 Local features**

- 1.6.1 The local visitor economy is characterised by three sectors: conferences, leisure and English language education. In 2018 the city welcomed 9.5 million tourism day trips and 1.5 million staying visitor, this translated to just under 5 million bed nights used in the City for that year. Tourism generates £850m of direct income for local businesses and supports in excess of 21,000 jobs which equates to approximately 16% of the total number of employed in jobs supported by tourism in Brighton & Hove.

## **1.7 Culture and Tourism**

- 1.7.1 Licensing policy supports entrepreneurial activity, promoting the city's businesses, supporting growth of creative industries sector, extending the business improvement district. The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs. This range of work also provides solutions to some of the problems of inequality in the city.
- 1.7.2 VisitBrighton, the council's tourism department, has developed and implemented The Brighton & Hove Visitor Economy Strategy 2018-2023 as one of its guiding principles it recognises the value of all visitors to the city and continues, alongside important work on 'target leisure markets' to improve the visitor experience for everyone.

## **1.8 Arts**

- 1.8.1 Brighton & Hove has taken a leading role in the national consortium, the Cultural Cities Network. The city's cultural offer has grown through new festivals, venues and organisations developing in or moving to the city.
- 1.8.2 The city has the highest level of current arts engagement outside London and the seventh highest out of 150 in the country at 61.2%. Brighton & Hove is known for its colourful and interesting arts and creative industries which attract tourism and new businesses. About one in five businesses and 10% of jobs are in the arts or creative industries.

1.8.3 The city currently hosts around 60 festivals each year including the largest arts festival in England, the Brighton Festival and its Fringe, which contributes annually £20 million to our economy

## 1.9 The Planning Context

- 1.9.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.
- 1.9.2 Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.
- 1.9.3 Where appropriate, when considering planning applications within the above policy framework, planning conditions can be attached to permissions to safeguard amenity and mitigate against cumulative impact.

## 1.10 Delegations

For convenience, the national scheme of delegation for determinations is set out below.

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no relevant representation made
Application for personal licence with unspent convictions		If a police objection	
Application for premises licence/club premises certificate	If discretion engaged for major applications	If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases

Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police/EHA objection to a temporary event notice		All cases	
Policy decisions	All cases		
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

1.10.1 The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of good administrative decision making.

## 1.11 Human Rights

1.11.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for private and family life and his home.
- Article 1 of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence).

## 2 Public Health and Alcohol

### 2.1 Public Health Perspective

- 2.1.1 Where a local authority's Director of Public Health exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services. Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives.
- 2.1.2 Public Health England and the Local Government Association recognise that the Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health concerns within the wider policy context of the local licensing authority and that as a responsible authority, the Director of Public Health has a key role in identifying and interpreting health data and evidence. Although there have been improvements in some alcohol related health issues alcohol still has a significant impact on the health and wellbeing of local people. The Statement of Licensing Policy operates in this context and decisions about licensing need to be taken to protect the local population, including families and children, from the many harms that alcohol can cause.
- 2.1.3 In 2017/18 there were 4,416 hospital admissions episodes for a broad definition of alcohol-related conditions in Brighton & Hove, a rate of 1,820 per 100,000 population. In recent years the Brighton & Hove rate has fallen below the rate for England Although for alcohol specific conditions the Brighton & Hove rate of 697 per 100,000 was greater than the national rate of 570 per 100,000, the gap between the two has narrowed considerably over the last ten years.
- 2.1.4 Central Brighton and particularly the West Street area have been identified as a violent crime hotspot. Through effective coordination of relevant strategies and policy areas (e.g. licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups and managing existing late night uses within identified parts of central Brighton. Local work to reduce violent crime is coordinated through the Local Public Service Agreement / Violent Crime Action Plan. In addition, a 'Cumulative Impact Area' within central Brighton has been adopted by the Council and grants greater powers to control the number of licensed premises in the city centre.

Brighton & Hove scores significantly worse than the England average for a range of indicators that profile alcohol related harm. Of the indicators produced by Public Health England, [\[localalcoholprofiles\]](#) Brighton & Hove does significantly worse than England for many of them including:

- Alcohol-Specific Mortality
- Alcohol-related mortality
- Alcohol specific hospital admissions – under 18s
- Alcohol specific hospital admissions
- Adults binge drinking on their heaviest drinking day

- Adults drinking over 14 units per week
- Dependent drinkers

- 2.1.5 An annual report entitled 'Public Health Framework for assessing Alcohol licensing' is produced by the Public Health Intelligence team. It contains ward by ward analysis of crime and disorder data and health data and as such is a valuable tool in assessing the potential impact of new licences within a community. The Director of Public Health may use this information to inform a representation relating to an individual application. This document is available on the following page of our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 2.1.6 From 1<sup>st</sup> April 2020 the substance misuse recovery service for Brighton and Hove has been provided by Change, Grow, Live (CGL). CGL is a large health and social care charity successfully providing drug and alcohol services in many areas across the UK including East and West Sussex. The recovery service is delivered by an integrated team of doctors, nurses, psychiatrists, recovery coordinators, recovery champions, peer mentors and volunteers. Some aspects of the service are subcontracted to community pharmacy and local specialist voluntary sector partners Oasis Project and Cascade Creative Recovery. The service works collaboratively with a range of NHS and voluntary sector partners across the City to improve outcomes for those affected by drugs or alcohol.

## **2.2 Alcohol Programme Board and Sensible on Strength Campaign**

- 2.2.1 The Alcohol Programme Board (APB) includes health commissioners and NHS/voluntary sector providers, the Council, University student reps, police, licensees, retailers and probation services. The APB is concerned about the availability of alcohol, in particular, local problems such as pre-loading, binge drinking and street drinking created by cheap alcohol and fierce, localised price competition, particularly between off-licence stores and supermarkets.
- 2.2.2 Over recent years problems associated with street drinking have been experienced across the city but particularly by the Level, Lewes Road, Norfolk Square and New Road. There are many support services in place to deal with this and the drinkers themselves. In November 2013 the Licensing Authority launched the 'Sensible on Strength' scheme to reduce the availability of cheap super-strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3), for which they receive an accreditation as a responsible retailer. This has been a considerable success and we have received positive feedback including from businesses, alcohol treatment centres and health professionals, where 80% of the high profile street drinkers have moved to lower ABV and more clients are engaging with rehab treatment centres, as well as breaking up hot spot drinking areas. This is an ongoing scheme that is regularly reviewed.
- 2.2.3 Through achieving this change, the ultimate aim is to reduce alcohol related harm and anti-social behaviour, and to move vulnerable drinkers onto weaker alcohol as experience shows that if this can be achieved, the level of deterioration in health is dramatically slowed and there is more likelihood that they will take the step to abstinence and long-term sobriety. Public health is not a licensing objective but reducing high alcohol by volume drinks from the off licence trade should benefit alcohol related morbidity and mortality.
- 2.2.4 Out of a total of 286 off licences in Brighton and Hove over 70% have joined the scheme (205), with a further 49 stopped selling but not joined the scheme.

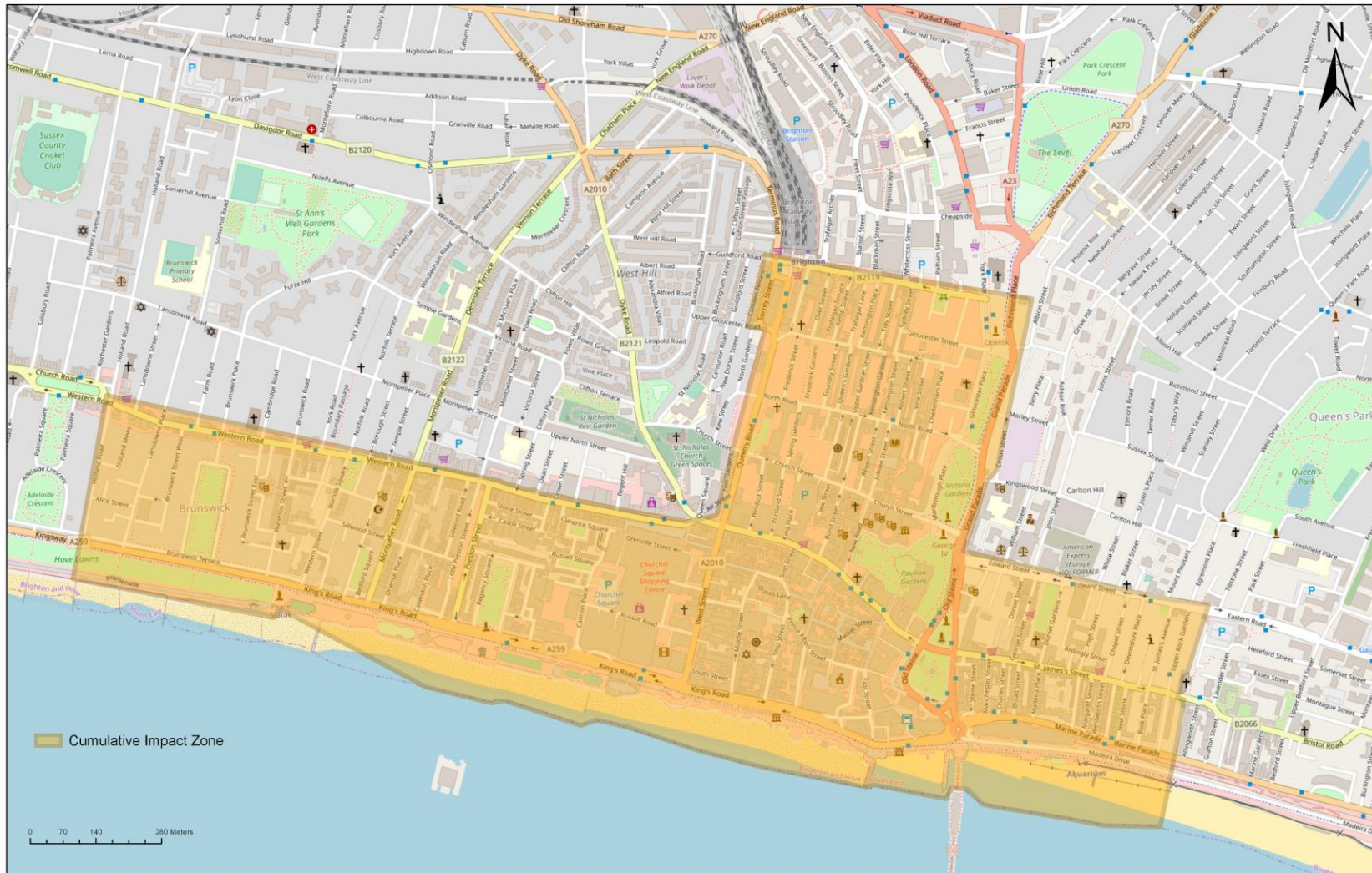
### 3 Special Policies and Initiatives

#### 3.1 Cumulative impact

- 3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.
- 3.1.2 **Special Policy** - Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20<sup>th</sup> November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29<sup>th</sup> November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.
- 3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.



# Cumulative Impact Zone, January 2020



- 3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.
- 3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **3.2 Special Stress Area**

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:



Special Stress Area & Cumulative Impact Zone, January 2021



The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

- 3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.
- 3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.
- 3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

### 3.3 The Matrix Approach

#### The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people’s fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Cafe</b>	Yes (10.00pm)	Yes ( <del>midnight</del> )10 or 11pm	Yes ( <del>midnight</del> )10 or 11pm
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (eg Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (□100 capacity) (11pm)	Yes (□100 capacity) (11pm)	Yes

### Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.5-3.3.7.

3.3.3 **Cafes** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

3.3.3 **Restaurants** - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.

- Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
- Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
- The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

3.3.4 **Alcohol in shared workplaces** - for the purpose of this Policy, a shared workplace or shared workspace can be defined by being a building that has been converted into office space, which is operated overall by one company that rents workspace to many different entrepreneurs and small businesses. Its general offering is of hot-desk working, meeting spaces, single or team desk hire and/or private office space, etc.

3.3.5 Licensing Guidance, issued under Section 182 of the Licensing Act 2003, states that each application must be considered on its own merits. While the council's Statement of Licensing Policy (SoLP) does provide some guidance within its matrix approach on terminal times for licensable activities in pubs, cafes and restaurants, etc., it does not provide specific guidance for premises that could be defined as shared workplaces. The SoLP does refer to non-alcohol led premises in its Matrix Approach table; however, this definition refers to premises where the primary activity involves regulated entertainment rather than a shared workplaces.

3.3.6 It is recognised that there is a demand for flexible workspace across the UK, particularly in Brighton & Hove, where there is a high proportion of start-ups and one of the UK's largest homeworker population. Where alcohol is supplied to "members" a premises licence is likely to be required. Whilst there is no evidence to suggest that Local Authorities have encountered issues with these licences, it's important to acknowledge the potential negative impact alcohol can have on the workplace and to individuals. It will be important to restrict public access to such premises and to ensure that the licensed area on the premises is clearly defined in order to prevent consumption of alcohol throughout a large office premises. Therefore, in order to promote the licensing objectives, the Licensing Authority or applicant may consider the conditions set out in Appendix A for shared workspaces.



### **3.4 Night-time Economy Safeguarding Initiatives**

The licensing authority continue to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pastors. The Community Safety Partnership Board continues to oversee the Community Safety Strategy and Safety in the Night Time Economy Action Plan as part of their remit. The action plan has been updated and recently the updated strategic assessment has been completed. In addition, the University of Sussex operates a “Good Night Owl” scheme which includes 40 volunteers and is currently funded by the Police Community Safety Fund. Licensed premises are being encouraged to use the “Ask 4 Angela” initiative.

#### **3.4.1 Operation Marble (Sussex Police)**

Due to the large concentration of licensed premises and night clubs in the centre of Brighton, a high proportion of the Division’s violent crime and serious sexual offences are committed within a relatively small area. The Division receives a large influx of visitors to the city centre at weekends. Many of these people attend the pubs and night-clubs during night time hours and as a result an enhanced policing operation is provided, called Op Marble. Traditionally this ran from 2100hrs through to 0400hrs on a Friday and Saturday night but since a review in 2017 has run from 20:00 to 06:00 between 1st May and 30th September. This was in response to pressures from the Night Time Economy as pubs and clubs remained open later and increases in crimes in the earlier hours of the morning. The emphasis of Op Marble is a highly visible presence of officers deployed on foot as well as focus on regularly updated hot spots to help reduce the risk of violent crimes.

In addition to the standard Friday and Saturday night, there are a number of standalone operations such as Bank Holidays, New Year’s Eve, Halloween and Pride. In the run up to Christmas, additional resources are at times deployed during the end of week to monitor Christmas Parties.

Op Marble covers an area between Preston Street to the West – The Level to the North – Kemptown to the East and the seafront between West Pier and Concorde 2 to the South. This covers the majority of the Cumulative Impact Zone defined in this policy at 3.1 and is regularly under review to ensure that limited Police resources are being used to their optimum.

#### **3.4.2 Doorstaff Briefing**

In association with BCRP – Business Crime Reduction Partnership – Police attend a weekly Friday night doorstaff briefing at Pryzm. Covered are persons of interest and share information on any events that might impact the city during that weekend – music events, football etc. Weekly meeting is held between Police and BCRP. The previous weekend is reviewed and plan for the weekend ahead and any future events. Premises of concern are also discussed.

#### **3.4.3 Vulnerability training**

Training delivered by Sussex Police to staff working within the night time economy to provide them with knowledge of vulnerability and ensure they understand their responsibilities and duty of care to vulnerable people including actions that must be taken to reduce identified risk. Training will include:

##### **Ask for Angela**

An initiative for persons that are on dates and they are feeling uneasy and need a safe way of leaving. The individual can approach a member of bar staff and ask for Angela and the staff will know this person needs some help getting out of a situation

they don't feel safe or comfortable in. This could be calling them a taxi or a friend of family member to come and collect them.

### **Op Bobcat**

How to identify a possible sexual predator within the night time economy. What kind of behaviour to look out for. What to do when you feel someone could be out to cause sexual harm to other individuals.

## **Partner Agencies Initiatives**

### **3.4.4 Safe Space**

YMCA Safe Space, run by the YMCA DownsLink Group, on West Street runs throughout the year on Fridays and Saturdays (23.30-04.00Hrs) from its base in St Pauls Church, West Street. The project provides a safe place for users of the night time economy who are rendered more vulnerable due to alcohol and/or drug use, or through physical injury or emotional distress. Safe Space regularly provides emotional support to distressed people, including delivering suicide prevention interventions and safety planning (through the ASIST model). First Aid is provided by EMS Ltd, with emotional and practical support from the YMCA team. Dependent on funding, the YMCA can also provide a mobile outreach team to operate along the seafront, providing an immediate response to vulnerable people, and where safe to do so taking people to St Pauls Church. Mobile teams also operate on New Year's Eve in the Kemp Town and East Street areas. Safe space also has a positive impact in reducing the need for police and medical attendance.

The Licensing Authority supports initiatives such as the YMCA's sexual exploitation project, YMCA WiSE, which amongst its work, increases awareness of sexual and criminal exploitation in the night time economy through the offer of training to the NTE workforce and through awareness campaigns.

### **3.4.5 Beach Patrol**

Quad bike(s) patrolling the beach between 23:00-05:00 Friday and Saturday nights by SIA qualified staff. Equipped with first aid kits, thermal blankets, defibrillator and night-safe radio. Visual presence has reduced crime on the beach including sexual assaults. Educates persons of the dangers of going in to the sea and has actively got people out of the sea and back on to the safety of the beach.

Brighton Beach Patrol (BBP) started in May 2015 and is operated by volunteers. The service is currently joint funded by Resolve Security Solutions Ltd and the Laines Brewery Company. BBP are in the process of applying for charitable status. The service utilises a quad bike and SIA security staff to patrol the beach between the Piers protecting the vulnerable from potential drownings, assaults, intoxication and safeguarding matters. BBP operate every weekend and operate on additional days for high risk events and bank holidays. BBP provide weekly reports to key stakeholders, including the police, council and coastguard.

### **3.4.6 Street Pastors**

Operate every Friday night from around 22:00-02:30. Patrol West Street, North Street, East Street, Queens Road, Churchill Sq., The Lanes and Seafront.

### **3.4.7 Street Wise Community Street Marshalling Scheme**

Operates during term time pm a Wednesday, Thursday and Friday night between 22:00-04:00. Covering Lewes Road, Hanover, Upper Lewes Road and around the North end of London Road, they are looking out of students to ensure they get home safely as well as reminding them of noise levels and prevent ASB issues. This is run by University of Sussex.

### 3.5 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

- 3.5.1 The special policy on cumulative impact and the special stress areas apply to off-licences as explained in the matrix approach at 3.3. But in general where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.
- 3.5.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.4), for which they receive an accreditation as a responsible retailer.
- 3.5.3 Areas of best practice that may be included in an Operating Schedule include;
- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
  - Challenge 25 policy
  - Refusals system
  - Documented staff training including underage sales, drunkenness and proxy sales
  - Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
  - BCRP membership (or other accredited scheme)
  - No sale of single cans
  - Displays should not be located at the entrance/exit points or near checks out
- 3.5.5 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of

delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

- 3.5.6 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.
- 3.5.7 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.
- 3.5.8 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

### **3.6 Street drinking**

- 3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

### **3.7 Temporary Event Notices**

- 3.7.1 The Licensing Authority will encourage bona fide community events. Applications for TENs at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny by Police and Environmental Health. Licensing Guidance recognises that TENs are a light touch process, not requiring specific authorisation. The role of the licensing authority is purely administrative. However, the licensing authority will take into account the history. If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must issue an objection notice.

### **3.8 Student and Organised Pub Crawls**

- 3.8.1 The Licensing Team and other agencies work with universities, event organisers and promoters to ensure events are responsibly run to include good practice measures based on mandatory conditions and promoting licensing objectives. Such

measures include stewarding, on site medics, discounted non alcoholic drinks, water angels, and promotion of non-alcohol events.

### **3.9 Promoters and irresponsible drinks promotions**

- 3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Area regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.
- 3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

### **3.10 Shadow Licences**

- 3.10.1 A “shadow licence” is a simple way of describing a licence which has been obtained by one party in respect of premises to which another licence has already been granted to someone else. The usual reason for this would be to protect the landlord in case the tenant surrenders the licence without giving the landlord any notice or if review proceedings are brought against the licence and the licence is revoked and the landlord has no knowledge of this. In such a scenario there is a primary or live licence operated usually by a tenant and the ‘shadow licence’ is an additional licence often by the landlord which sits behind the primary licence.
- 3.10.2 The word Shadow Licence is used in practice, but has no legal definition. It is simply another licence on exactly the same terms as the first licence, normally granted to a landlord, whose sole purpose is to provide the landlord with the comfort and protection of having a licence in its own name. If the original operating licence then lapses or is surrendered, the landlord is able to use the Shadow Licence to replace it and market the premises as having the benefit of a licence of the same quality.
- 3.10.3 The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises. The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the second licence.

- 3.10.4 Similarly Responsible Authorities, including the Police, Trading Standards and the Licensing Team, have expressed concerns regarding the enforcement of the terms and conditions of the premises licences if it is unclear under the authorisation of which premises licence the licensable activities are taking place and who is the relevant premises licence holder and DPS.
- 3.10.5 In order to promote the licensing objectives and provide clarity as to which premises licence is being used to provide licensable activities conditions can be added to the an additional premises licence application, these may include:
- The Licensing Authority and Police are informed at least 14 days prior to the provision of licensable activities under this licence.
  - When this licence is used to provide licensable activities and the licence summary is displayed on the premises, the licence summary of any other premises licence will not be displayed at the same time.
  - The premises licence holder will not trade/operate the premises for a period of 3 months after the revocation of the existing trading premises licence. This condition will not apply if the aforementioned licence is surrendered or lapses due to insolvency or death.
  - The conditions will remain in exactly the same terms as licence number [LICENCE NUMBER]
- 3.10.6 To promote the licensing objectives this Authority will take a holistic view of the licensing circumstances at the premises. The Licensing Authority will encourage Responsible Authorities and other persons when submitting an application to review a premises licence, to also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives.

## **4 Prevention of Crime and Disorder**

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

- 4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the

night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## 4.2 Sussex Police

- 4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix A.
- 4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.
- 4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.
- 4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

- 4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.
- 4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **4.3 Care, control and supervision of premises**

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier



closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

## **5 Public Safety**

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:
  - (a) provision of closed-circuit television and panic buttons.
  - (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
  - (c) use of door supervisors, licensed by the Security Industry Authority.
  - (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
  - (e) occupant capacity conditions will be applied where appropriate.
  - (f) the provision of designated and suitably trained first aiders.
- 5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant

guidance and publications including, for example: HSE approved code of practice for events.

## **6 Prevention of Public Nuisance**

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

- 6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).
- 6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
- 6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

### **6.2 Smoking Advice**

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on their premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.

- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence it may be necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

## **7 Protection of Children from Harm**

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting

alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

- 7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.
- 7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-
- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
  - b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
  - c) Further take-up of proof of age schemes will be promoted
  - d) In-house, mystery shopper type schemes operated by local businesses will be supported
  - e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked
- 7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises;
  - where entertainment of an adult or sexual nature is commonly provided;
  - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
  - age limitations (below 18);
  - limitations or exclusions when certain activities are taking place;
  - requirements for an accompanying adult;
  - full exclusion of people under 18.
- 7.1.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification,

or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authority's procedures for dealing with unclassified films are appended at Appendix C.

- 7.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police. The "What to do" booklet is a national one and can be accessed at: [www.brightonandhovepsc.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf](http://www.brightonandhovepsc.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf) Probably also worth getting him to put in that if you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.
- 7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.
- 7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

## **8 Integration of Strategies**

- 8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
  - Liaising and consulting with Public and Alcohol Programme Board
  - Liaising and consulting with the East Sussex Fire & Rescue Service
  - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
  - Liaising and consulting with the Planning authority
  - Liaising and consulting with the Highways authority
  - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
  - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

- 8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

## 8.2 Other regulatory regimes

- 8.2.1 This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

**Health and Safety:** Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

**Fire Safety:** Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

**Noise:** Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

**Equality Act 2010:** The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

**Community relations:** Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve well being and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

**Anti-Social Behaviour, Crime and Policing Act 2014:** Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

**Litter and Smoking:** Cityclean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

**Gambling Act 2005:** In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

### **8.3 Enforcement**

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council

and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

## **9 Reviews**

- 9.1.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.
- 9.1.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

## **10 Live Music, Dancing & Theatre**

- 10.1.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.
- 10.1.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.



## 11 Contact Details, Advice and Guidance

11.1.1 Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found:

- E-mail [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk)
- Via [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk) (search under Licensing Act 2003 and follow the relevant links, for example to the Licensing Applications page for a weekly update of applications received)
- By contacting the Health & Safety and Licensing Team at:  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP
- By telephoning them on 01273 294429

11.1.2 Advice and guidance to applicants may also be sought from other agencies and departments by contacting them at:

### **Police**

Licensing Unit  
Police Station  
John Street  
Brighton  
BN2 0LA  
Tel: 101

### **East Sussex Fire and Rescue Service**

Brighton & Hove Fire Safety Office  
Hove Fire Station  
English Close  
Hove  
BN3 7EE  
Tel: 01323 462130

### **Health & Safety**

For non-council owned premises:  
Environmental Health & Licensing  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP  
Tel: 01273 294429

For council parks & other council-run premises:  
Enforcement Liaison Officer, HSE  
Phoenix House  
23-25 Cantelupe Road  
East Grinstead RH19 3BE  
Tel: 01342 334200

### **Planning**

Development Control  
Hove Town Hall  
Norton Road  
Hove  
BN3 1PT  
Tel: 01273 290000

### **Child Protection**

Director of Children's Services  
Hove Town Hall  
Norton Road,  
Hove BN3 1PT  
Tel: 01273 290000

### **Environmental Health:**

Environmental Protection Team  
Bartholomew House  
Bartholomew Square  
Brighton, BN1 1JP  
Tel: 01273 290000

### **Trading Standards:**

Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP  
Tel: 01273 292523

**Director of Public Health**

Hove Town Hall

Norton Road

Hove

BN3 1PT

Tel: 01273 296555

Please note the above were correct at time of publication but may be subject to change; please contact the Licensing Authority if you have queries regarding the above contact points.

## APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA:

Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

## Shared Workspace

The Licensing Authority and the Police are aware that each set up and office block will be different and so support the approach of each case on its own merits. We would of course look at location, timings of licensable activity as well as the types of licensable activity being applied for upon receipt of any application. This would be taken into consideration as part of the decision making process and appropriate and proportional conditions agreed with the applicant if suitable. The conditions below are a selection of what have been offered/suggested/agreed in recent applications for shared office spaces.

- Access to the premises will be restricted to members only who are in possession of a key fob or similar access device and their invited guests. All guests attending functions at the premises where alcohol will be served must sign in and a record kept.
- ON sales only
- There will be no overt advertising of the licence facilities outside of the premises.
- No children under the age of 18 will be allowed on the premises unless accompanied by and under the control of an adult.
- There shall be no consumption of alcohol in the other non-licensed areas of the building and appropriate signage shall be displayed throughout the building to reinforce this.
- The sale of intoxicating liquor on the ground floor shall only be for consumption by persons seated at tables within the café bar area and on the [NAMED/NUMBERED] floor only by persons seated. There will be no vertical drinking in the licensed areas and substantial food shall be available at all times.
- From [X TIME] for pre-arranged events held inside the premises, for educational, networking or other similar events linked with the use of the premises to promote business vertical drinking will be permitted. A record of such of events will be kept on the premises and available for inspection by the Licensing Authority or the police.
- Whenever the premises is conducting the sale of alcohol for events for 100 persons or more, then either the designated premises supervisor, another personal licence holder or suitable Licensing act 2003 trained manager shall be present within the licensed premises.
- SIA registered door supervisors shall be employed when a requirement is identified by the Licence Holders risk assessment. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take in to account information of guidance offered by the Police and also taking in to account busy periods such as Bank Holidays, seasonal variations and other city centre events e.g. Pride. The written risk assessment will be available on the

premises for inspection of the Police and Authorised Officers of the Licensing Authority.

### **Alcohol Delivery Service**

Conditions for consideration by any potential applicant may include (but are not exhaustive):

- Alcohol will only be delivered to residential and business addresses. The recipient will be required to show the requisite ID to ensure that they are clearly a resident or employed at the named delivery address. Alcohol will not be delivered to customers at a park, in an open space, the beach, a bus stop etc.
- Delivery riders must be instructed to abort delivery where that sale is believed to be a “street sale” or to an open space. All such instances will be recorded in the refusals/incidents log.
- The alcohol delivery service will be ancillary to the provision of takeaway food. All alcohol deliveries must be accompanied by an order for food, the food contingent of the delivery being a minimum of [£X].
- All orders received with an alcohol element will be for delivery only, there will be no collection facilities available from the premises.
- All forms of advertising and promotional literature dealing with the delivery service (including internet sites and flyers/leaflets) will clearly and prominently state that alcohol will only be delivered together with an order for food, the food contingent of the total delivery being a minimum of [£X]. It will also advise of the premises ‘Challenge 25’ policy, which forms of approved ID will be accepted and that failure to show the required form of ID will result in non-delivery of the alcohol. This will be reiterated at the point of sale e.g. through an online ordering website/platform.
- All employees and agents of the premises or agents delivering orders will receive full advance training in selling alcohol, approved forms of ID and Challenge 25 policy as per condition [x] on the premises licence. All staff and agents will be fully trained and understand the company’s policy of non-delivery where approved ID is not available during final interaction with the customer.
- All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- A record of sales and deliveries will be kept and made available for inspection by the Police, Licensing Authority or officers from the Trading Standards team for 6 months from the date of delivery or refusal of alcohol.
- Where an order is taken for delivery by an employee of the premises to a customer, all customers will sign a delivery note which will contain:

- a) A list of individual items delivered;
  - b) The delivery address;
  - c) The method of payment;
  - d) The name of the person ordering and receiving alcohol;
  - e) The date and time of delivery;
  - f) If proof of age was asked for, confirmation of the type of proof of age document presented and accepted;
  - g) The name of the employee or representative of the premises who made the delivery.
- 
- For deliveries where the alcohol is delivered personally by the Designated Premises Supervisor, or their employees or agents (including Deliveroo couriers) where the DPS has direct supervision over them and in the event that the person ordering and paying for the alcohol nominates another person (the third party) as the recipient of the alcohol (as a gift etc) and the alcohol is to be delivered directly to the third party and not the person ordering and paying for the alcohol, then the person ordering and paying for the alcohol will be required to state as part of their order that the third party/recipient is aged over 18.

## APPENDIX B - Licensing Enforcement Policy

### 1.0 STATEMENT OF OBJECTIVES

The council as licensing authority and responsible authority is committed to the council's priorities and will inform the enforcement actions taken. Amendments to priorities will be embedded automatically.

1.1 This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.

1.2 In certain instances the service may conclude that a provision in the code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the code will be properly reasoned, based on material evidence and documented.

1.3 The service pursues a positive and proactive approach towards ensuring compliance by:

- Supporting the better regulation agenda;
- Helping make prosperity and protection a reality for the city's community;
- Helping and encouraging regulated entities to understand and meet regulatory requirements more easily;
- Responding proportionately to regulatory breaches; and
- Protecting and improving public health and the environment.

1.4 This policy is based on the seven 'Hampton Principles' of:

**Economic Progress:** Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

**Risk Assessment:** Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most;

**Advice and Guidance:** Regulators should provide authoritative, accessible advice easily and cheaply;

**Inspections and other visits:** No inspection should take place without a reason;

**Information requirements:** Businesses should not have to give unnecessary information or give the same information twice;

**Compliance and enforcement actions:** The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and

**Accountability:** Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

- 1.6 The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

## **2.0 SCOPE OF THE POLICY**

- 2.1 This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Brighton & Hove City Council's Corporate Enforcement Policy, Statutory Codes of Practice and relevant guidance documents and guidelines issued by government departments and co-ordinating bodies.
- 2.2 This policy relates to actions taken to educate and enforce legislation where non-compliances have been identified or have a realistic potential to occur.
- 2.3 The policy is limited to those enforcement activities lead by the Head of Environmental Health & Licensing.

## **3.0 TRAINING**

- 3.1 Officers undertaking enforcement duties will be suitably trained and qualified so as to ensure they are fully competent to undertake their enforcement activities.

## **4.0 MANAGEMENT SYSTEMS**

- 4.1 The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, so far as is reasonably practicable, uniformity and consistency.

## **5.0 ENFORCEMENT OPTIONS**

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by government departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.
- 5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the environment is adequately protected. The aim of sanctions and penalties are to:
- Change the behaviour of the offender;
  - Eliminate any financial gain or benefit from non-compliance;
  - Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
  - Proportionate to the nature of the offence and the harm caused; and
  - Aim to deter future non-compliance.
- 5.3 Criteria to be taken into account when considering the most appropriate enforcement option include:
- the potential of the offence to cause harm;
  - confidence in the offender;



- consequences of non compliance;
- likely effectiveness of the various enforcement options.

5.4 Having considered all the relevant options the choices for action are:

- **Informal Warning:** All advice issued will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. An informal warning may be included with the advice, and may accompany higher-level actions, such as Enforcement Notices or Voluntary Surrender:
- **Licence review:** Licence review power will be used where an application for review relates to one or more of the licensing objectives.
- **Taxi licence:** Taxi licence suspension or revocation will be used to protect public safety. Other sanctions such as DSA testing will be used to protect public safety and in accordance with the taxi licensing policy (Blue book).
- **Simple Caution:** The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.
- **Prosecution:** A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical well-being or the environment or environmental amenity is adversely affected.

The Crown Prosecutor's Code of Evidential and Public Interests tests must be met in all cases. However, certain circumstances will normally justify prosecution to prevent the undermining of the service's enforcement responsibilities.

- Failure to comply with an Enforcement Notice
- Declining a Simple Caution
- Continued, reckless, negligent or pre-meditated non-compliance.
- Failure to pay a fixed penalty.
- Non-cooperation, acts of obstruction or threats of physical harm or abuse.
- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.

5.5 If the department is considering taking enforcement action which it believes may be inconsistent with that adopted by other authorities, the matter will be referred to the appropriate local co-ordinating body.

## 6.0 **INFORMAL WARNING**

6.1 Informal action may be taken when:

- the act or omission is not serious enough to warrant formal action, or
- from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance, or
- confidence in the individual/enterprise's management or ability to resolve the matter is high, or
- the consequences of non-compliance will not pose a significant risk to public health, public safety, animal welfare or the environment.

- 6.2 When an informal approach is used to secure compliance with regulations, written documentation issued will:
- contain all the information necessary to understand what is required and why;
  - indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen;
  - clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

## **7.0 SIMPLE CAUTIONS**

7.1 A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

7.2 The following factors will be considered when deciding whether a caution is appropriate:-

- evidence of the suspect's guilt
- has a clear and reliable admission of the offence been made either verbally or in writing
- is it in the public interest to use a caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

7.3 No pressure will be applied to a person to accept a Simple Caution.

7.4 The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.

7.5 Should a person decline the offer of a simple caution a prosecution will be recommended.

## **8.0 PROSECUTION**

8.1 The department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

8.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:

- the seriousness and nature of the alleged offence;
- the role of the suspect in the commission of the offence;
- any explanation by the suspect or any agent or third party acting on their behalf;
- was the suspect in a position of trust, responsibility or authority in relation to the commission of the offence;
- is there evidence of premeditation or disregard of a legal requirement for financial reward;
- risk of harm to the public, an individual or the environment;
- relevant previous history of compliance;
- reliability of evidence and witnesses
- any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence;
- suspect's willingness to prevent a recurrence of the offence;
- the need to influence future behaviour of the suspect;
- the likely penalty to be imposed; and
- a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

8.3 All relevant evidence and information will be considered before deciding whether to instigate proceedings in order to enable a consistent, fair and objective decision to be made.

8.4 Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered:

- the gravity of the offence;
- the adequacy or otherwise of the powers of the summary court to punish the offence;
- the record of the suspect;
- the suspect's previous response to advice or other enforcement action;
- the magnitude of the hazard;
- any circumstances causing particularly great public alarm;
- comments from the council's Solicitor's Office.

8.5 As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstances prosecution may be undertaken without giving prior warning, e.g.

- the contravention is a particularly serious one;
- the integrity of the licensing framework is threatened.

## **9.0 Home Office and Government Advice: Problem premises on probation**

9.1 The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released in 2008. The current version is appended (appendix A).

## 10. **APPEALS**

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director.

Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

Complaints that are not dealt with by the council's complaints procedure are listed in corporate policy and include:

- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council.
- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint.

## 11. **SHARED ENFORCEMENT ROLES**

Lead agency status between Sussex Police, East Sussex Fire and Rescue Service and the council's trading standards, environmental health and licensing officers are determined between the agencies at county level. The current position is appended (appendix H).

## ANNEX A

### “PROBLEM PREMISES ON PROBATION” – RED AND YELLOW CARDS : HOW IT WOULD WORK

#### The problem

1. In many cases, revocation of a premises licence effectively kills any business which is focussed on retailing alcohol. This means that not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrong-doing. There is also an impact on those who rely indirectly on income from the premises – such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol-related problems around the country.
2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.
3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a “yellow card / red card” system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.
4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a “test purchase” failure often masks multiple offences that have gone undetected.

#### **Supporting enforcement agencies**

5. The government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.
6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.

7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by other persons like a local resident or another local business.

### **First intervention**

8. Responsible authorities will be encouraged to propose a package of touch new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:
  - Removal of the designated premises supervisor and his/her replacement (the manager is removed);
  - Suspension of the licence for between one day and three months according to the circumstances.
  - Restriction on trading hours – cutting hours of trading in alcohol.
  - Clear warning that a further appearance will give rise to a presumption of revocation.
9. If appropriate following review, the licensing authority should consider these packages of conditions and actions to challenge problem premises more aggressively.
10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of supervision at other stores.
11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.
12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

### **Second intervention**

13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.
14. If satisfied on the issue of the lack of improvement, the licensing authority should look to **revoke the licence**. The action should be publicised in the area as an example to other retailers.

## **Implementation**

15. Requires:
  - Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
  - Initial letters to Leaders of local authorities and Chief Executives;
  - Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.
  
16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

## **ANNEX B**

### **POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES**

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

#### **GREATER CONTROL OVER SALE**

1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.
4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.
5. Alcohol sales only to be made only by person aged not less than 25 years. Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).
6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or drunks.
7. The licensed premises shall join the Business Crime Reduction Partnership scheme.

#### **TRAINING**

8. All staff to read and sign a declaration that they understand the law every time they start a shift.
9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.



## **ALCOHOL SALE BANNED AT CERTAIN HOURS**

10. No alcohol sales Mon – Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.
11. No alcohol sales – Friday to Sunday. Impact on all four licensing objectives.

## **ALCOHOL DISPLAYS**

12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.
13. No alcohol stocks promoted alongside goods likely to appeal to children (eg confectionary, toys).

## **CUTTING DOWN ON SHOPLIFTING**

14. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.
15. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.
16. No direct public access to alcohol products – like tobacco, alcohol to be kept behind a dedicated kiosk.

## **NAMING AND SHAMING**

17. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

## **OTHERS**

18. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.
19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.

20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to provide evidence of unlawful sales if product found commonly in possession of persons under 18.
21. Designated single items – beer, alcopops and cider – not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.
22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.
23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.

## **APPENDIX C - Film Classification**

- 1.1 The British Board of Film Classification (BBFC) and the Licensing Authority are the classification bodies for films shown in the city, and as such has the right to issue film classifications to films that are shown in premises such as cinemas and film festivals. The Licensing Authority can be requested to classify a film that has not yet been classified by the BBFC. A typical example of this would be a locally made film, such as a student production, to be shown at a film festival in the borough.
- 1.2 Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films.
- 1.3 Any classification issued by the Licensing Authority only applies when the film is exhibited within the city, and does not effect the classification in other areas.
- 1.4 A decision will be made at an officer level regarding the classification to be issued. This decision will be based on the BBFC guidelines. In sensitive cases, officers would consult with the Chair or Deputy.
- 1.5 Classification Requirements when films are not viewed in advance  
  
Requests for an 18 certificate classification requirements be determined on an officer basis subject to the conditions shown below.. An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:
  - (a) A film festival
  - (b) A one off screening of a film
  - (c) A trailer for a film
- 1.6 Any request to classify a film will be considered by the licensing authority and must be accompanied by both the synopsis of the film and a full copy of the film in DVD or video format.
- 1.7 All requests must be made with a minimum of 7 days notice of the proposed screening or 28 days for multiple requests.

### **Mandatory Conditions - Licensing Act 2003**

The conditions detailed below are mandatory conditions required to be placed on all Premises Licenses where the showing of films is authorised under the Licensing Act 2003

#### **Exhibition of films**

S 20; mandatory condition: exhibition of films

- the admission of children is to be restricted in accordance with the following
  - (a) where the film classification body is specified in the licence, unless subsection (3)(b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body

- (b) where the film classification body is not specified, or [(S20 (3)(b))] the relevant licensing authority has notified the holder of the licence that this subsections applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority

### **Additional Conditions Attached to Cinema Licences**

#### **Conditions Attached to an 18 Certificate Film Classification Requirements where films have not been viewed in advance**

The conditions listed below are attached by BHCC on all waivers to the film classification requirements:

1. The films must not encourage or incite crime; or lead to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards women.
2. The films must not have the effect such as to tend to deprave and corrupt persons who see them.
3. The films must not contain a grossly indecent performance thereby outraging the standards of public decency.
4. Persons under the age of 18 must not be admitted to any such film exhibitions.

## APPENDIX D - Lead Agency Status

Offence / Issue	Police	Local / Licensing Auth	Fire & Rescue	Trading Standards
<b><u>Licensing Objective 1:</u></b> <b>Crime and Disorder</b>				
Offences of failing to notify changes in details <i>Section 33(6) Licensing Act 2003</i>		Lead		
Offences of failing to display licences or certificates <i>Section 57(4) Licensing Act 2003</i>		Lead		
Unauthorised use of premises for licensable activities <i>Section 136 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Exposing alcohol for unauthorised sale <i>Section 137 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Keeping alcohol on premises for unauthorised sale <i>Section 138 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Allowing Disorderly Conduct on Licensed Premises <i>Section 140 Licensing Act 2003</i>	Lead			
Obtaining/supplying alcohol to drunk <i>Sections 141 / 142 Licensing Act 2003</i>	Lead			
Failure to leave licensed premises <i>Section 143 Licensing Act 2003</i>	Lead			
Keeping of smuggled goods <i>Section 144 Licensing Act 2003</i>	HMRC&E	HMRC&E		
False statements made for purposes of the Act <i>Section 158 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Enforcement of closure order <i>Section 169 Licensing Act 2003 (repealed by the Anti-Social Behaviour Crime and Policing Act 2014)</i>	Lead			

<b>Offence / Issue</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Prohibition of alcohol sales at service / garage areas <i>Section 176 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Public Drunkenness <i>Section 12 Licensing Act 1872</i>	Lead			
Underage drinking <i>Section 169 Licensing Act 1964</i>	Shared Lead			Shared Lead
Misuse of Drugs <i>Section 4 Misuse of Drugs Act 1971</i>	Lead			
Anti Social Behaviour <i>Section 1 Crime &amp; Disorder Act 1998 (repealed by the Anti-Social Behaviour Crime and Policing Act 2014 (ASBO)</i>	Shared Lead	Shared Lead		
Acceptance of accredited proof of age cards				Lead
Provision of effective CCTV in and around premises	Lead			
Employment of SIA licensed door staff	Shared Lead	Shared Lead		
Failure to comply with CCTV conditions	Shared Lead	Shared Lead		
Employment of SIA licensed door staff	Shared Lead	Shared Lead		
Requirements to provide toughened or plastic glasses	Shared Lead	Shared Lead		
Provision of secure deposit boxes for confiscated items (sin bins)	Shared Lead	Shared Lead		
Provision of litterbins, other security measures such as lighting	Shared Lead	Shared Lead Lead		

<b><u>Licensing Objective 2:</u></b> <b>Public Safety:</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Sales of alcohol on vehicles <i>Section 156 Licensing Act 2003</i>	Lead			
Overcrowding of premises	Shared Lead	Shared Lead	Primary Lead	
Use of special effects such as lasers, pyrotechnics, smoke machines and foam		Shared Lead	Shared Lead	
Blocked or locked means of escape		Shared Lead	Primary Lead	
Provision of sufficient number of people employed to secure safety of patrons	Shared Lead	Shared Lead Lead		
Regular testing and certification of systems and appliances		Shared Lead	Shared Lead	

<b><u>Licensing Objective 3:</u></b> <b>Public Nuisance:</b>				
Public nuisance from noise		Lead		
Public nuisance from litter		Lead		
Public nuisance from persons leaving the premises	Shared Lead	Shared Lead		
Public nuisance from odour		Lead		
Effective public transport		Lead		
Adequate public lighting/security lighting		Lead		

<b><u>Licensing Objective 4:</u></b> <b>Protection of Children from harm:</b>	<b>Police</b>	<b>Local / Licensing Auth</b>	<b>Fire &amp; Rescue</b>	<b>Trading Standards</b>
Exposure to explicit films/plays <i>Sections 74 &amp; 76 Licensing Act 2003</i>		Lead		
Requirements for children to be accompanied by an adult <i>Section 145 Licensing Act 2003</i>	Shared Lead	Shared Lead		
Sale of Alcohol to Children <i>Section 146 Licensing Act 2003</i>	Lead On licence			Lead Off licence
Sale of liqueur confectionery to children under 16 years <i>Section 148 Licensing Act 2003</i>	Lead			
Purchase, acquisition or consumption of alcohol by or for children <i>Sections 149 &amp; 150 Licensing Act 2003</i>	Lead			
Delivering to or sending a child to obtain alcohol <i>Sections 151 &amp; 152 Licensing Act 2003</i>	Lead			
Unsupervised sales by children <i>Section 153 Licensing Act 2003</i>	Lead			
Confiscation of sealed containers of alcohol and unsealed <i>Confiscation of Alcohol (Young Persons) Act 1997)</i>	Lead			
Provision of sufficient number of staff to secure protection of children from harm <i>Section 12(1) Children and Young Persons Act 1933</i>	Shared Lead	Shared Lead	Shared Lead	
Concerns of moral/psychological harm	Shared Lead	Shared Lead		
Concerns over physical harm	Shared Lead	Shared Lead	Shared Lead	
Exposure to drugs, dealing or taking	Lead			
Exposure to gambling	Shared Lead	Shared Lead		
Exposure to activities of adult/sexual nature	Shared Lead	Shared Lead		
Exposure to incidents of violence/disorder	Lead			



Exposure to environmental pollution such as noise or smoke		Lead (with HSE)		
Exposure to special hazards i.e. suitability of the premises		Shared Lead	Shared Lead	
Limitation on hours when children may be present on all or parts of premises	Shared Lead	Shared Lead		
Exclusions by age when certain activities are taking place		Lead		



## Appendix A

### **Draft Cumulative Impact Assessment (CIA) for Consultation.**

#### **Background.**

The concept of Cumulative Impact has been described in the Home Office Guidance to the Licensing Act 2003 since the commencement of that Act. Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance, crime and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. These conditions are more likely to arise in city centres.

This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this CIA.

CIA's were introduced into the Licensing Act 2003, and thus given a statutory footing, by the Policing and Crime Act 2017 with effect from 6 April 2018. A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

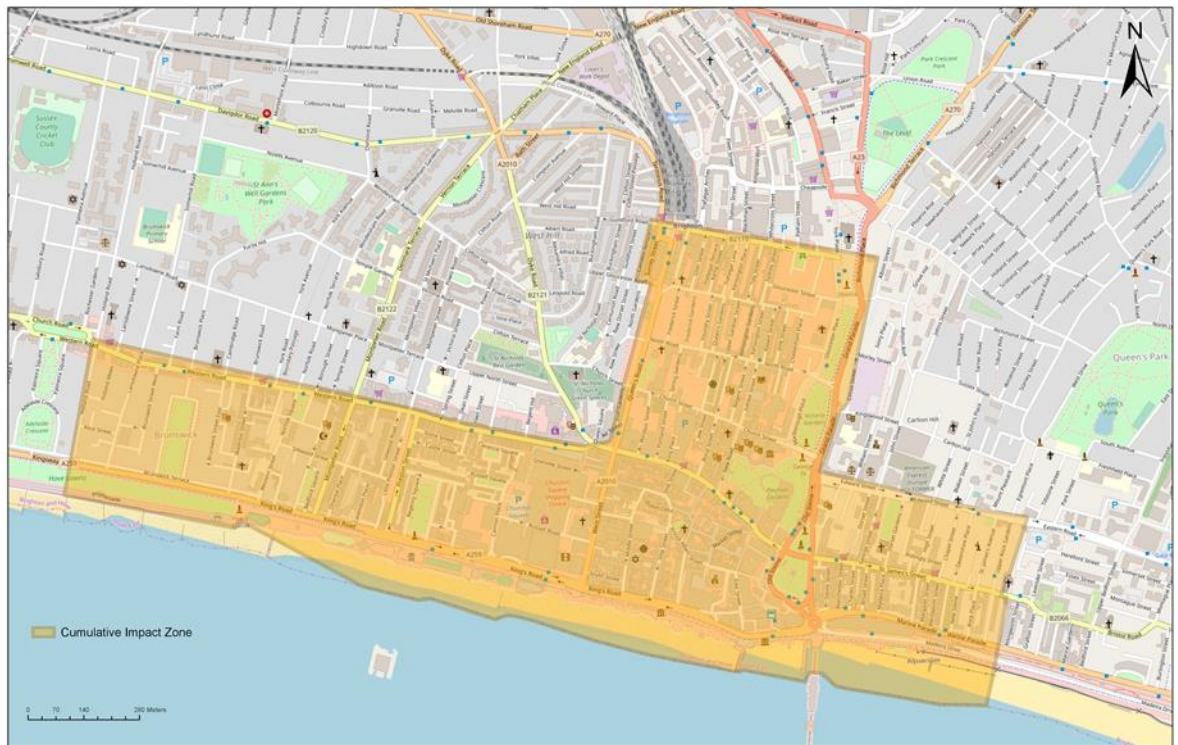
#### **Cumulative impact in Brighton & Hove – Special Policy.**

The licensing authority, after careful consideration, determined that the concentration of licensed premises in an area of the city centre was causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' was necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20<sup>th</sup> November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29<sup>th</sup> November 2018 Licensing Committee resolved to expand the SSA into Central Hove.

## Appendix A

This CIA incorporating the special policy will refer to a Cumulative Impact Zone (“the CIZ”) in the Brighton city centre, a detailed plan of which is shown below:

Cumulative Impact Zone, January 2020



Brighton & Hove Public Health Intelligence, 2020  
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The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

## Appendix A

### **The CIA and special policy.**

The Licensing Authority continues to consider that the number of licensed premises in the CIZ is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

This CIA and special policy is thus setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the CIZ.

The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact/ will not add to cumulative impact.

This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional. Applications for premises within the CIZ should give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.

The Matrix approach: The licensing authority has published within its statement of licensing policy a framework of what types of premises it would like to see in the CIZ and which it believes are less likely to add to problems of cumulative impact in the

## **Appendix A**

area. Such premises include a restaurant until midnight, a café to 10 pm and favourable consideration to non-alcohol led premises such as theatres.

If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **Evidence and support for the CIA, special policy and CIZ**

Since it was first introduced in 2008 the Special policy has had widespread support from the responsible authorities – police and licensing authority, from residents and residents associations and from local councillors. Successive reviews of the policy have shown that it remains relevant and necessary. For residents the areas within the CIZ of most concern are the North Laine, St James’s Street and the Norfolk Square and Brunswick areas. The North Laine Community Association (NLCA) has consistently put forward evidence at Licensing Panels about the impact that the increase in licensed premises in this area has had on the licensing objectives notably that of prevention of public nuisance and Crime and Disorder. Likewise Kingscliffe Society representing St James’ Street residents has consistently made representations as have residents in the Norfolk Square and Brunswick area.

For the purposes of this CIA the police have compiled a report to support the continuation of the current special policy. The report highlights the policing challenges of the night time economy and the work of the special task force ‘Operation Marble’. This is attached as **appendix A.**

The public health team at the Council has provided evidence in a series of maps to illustrate the number and types of premises and associated crime and disorder. This is attached at **appendix A.**

Further evidence – looking at including some statistics from the licensing team about representations to panels.

# Statement of Licensing Policy (SoLP) 5 year review 2021

## Overview

The Council, as Licensing Authority, is carrying out a consultation exercise as part of the 5 year statutory review of its **Statement of Licensing Policy (SoLP)**. [<user\\_uploads/q.9-statement-of-licensing-policy-2021-revised.pdf>](#)

The policy reflects national legislation and guidance and demonstrates how responsible authorities will operate at a local level.

The council would like local stakeholders, residents and members of the public as well as statutory consultees and “responsible authorities” to have their say about the proposed policy.

The key changes and proposals are detailed below:

1. Maintain the current cumulative impact policy and zone as explained in the **Cumulative Impact Assessment document** [<user\\_uploads/q.1a-cia-document.pdf>](#)
2. Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue).
3. Consider including Marina into “Other areas” of the Matrix to reflect the increased number of residential properties.
4. Amended Matrix approach to Licensing decisions
  - a. To amend the “Café” category of the **Matrix** [<user\\_uploads/q.3--q.4---q.5-amended-matrix.pdf>](#) by reducing the terminal time for the sale of alcohol from midnight to 11pm or 10pm within the SSA and “other areas”.
  - b. Shopping parades - Amend note 8 of the **Matrix** [<user\\_uploads/q.3--q.4---q.5-amended-matrix.pdf>](#) to *“In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.”*
  - c. Alcohol in shared workspaces - Amend note 10 of the Matrix to clarify that *“Non-alcohol led category does not include “alcohol in shared workplaces”. These type of premises are considered unique. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on “alcohol in shared workplaces” please see paragraph 3.3.5-3.3.7.* [<user\\_uploads/q.6-shared-work-spaces-v2.pdf>](#)

5. Shadow Licences – add a new **shadow licences** <user\_uploads/q.8-shadow-licences-v2.pdf> section 3.10 to revised policy with advice, guidance and possible conditions.
6. Alcohol Delivery – amend the **Off Licence section 3.5.5-3.5.8** <user\_uploads/q.7-alcohol-delivery-service.pdf> of the revised policy with suggested conditions.
7. Update out of date/irrelevant data, legislation and text, update night time economy safeguarding initiatives (see section 3.4 of the **revised Statement of Licensing Policy** <user\_uploads/q.9-statement-of-licensing-policy-2021-revised.pdf> ).

## Cumulative Impact Assessment and Special Policy

With the introduction of Cumulative Impact Assessments the licensing authority must review the existing special policy and Cumulative Impact Zone and publish a cumulative impact assessment (CIA) along with the evidence underpinning it for consultation. A copy of the CIA is contained in Appendix A and in the Related Information box below.

The Police and the Council's Public Health Intelligence Analyst have provided extensive evidence of alcohol related crime and health data relating to the special policy areas and citywide. Both sets of evidence show clear city centre hot spots all sitting within the cumulative impact zone and supports maintaining these boundaries. The Police and Public Health Intelligence submission with maps and data analysis can be found in Appendix A and in the Related Information box below.

## Related Information

**All links open a pdf in a new window**

- **Cumulative Impact Assessments (CIA)** <user\_uploads/q.1a-cia-document.pdf>
- **Police submission** <user\_uploads/q.1b---police-cip-submission.doc.pdf>
- **Public Health submission** <user\_uploads/q.1c-public-health-submission.pdf>

**Q1a** Do you agree or disagree with the proposal to maintain the Special policy on cumulative impact and to maintain the current Cumulative Impact Zone?

*Please select only one item*

- Strongly agree   
  Tend to agree   
  Neither agree nor disagree  
 Tend to disagree   
  Strongly disagree   
  Don't know / not sure



**Q1b** Why do you agree or disagree with the proposal?**Q1c** Do you have any comments to make about the CIA?

## Special Stress Area (SSA)

Expanding the **Special Stress Area (SSA)** to cover Preston Road and Beaconsfield Road (up to Stanford Avenue) to reflect the number of licensed premises in Preston Road and Beaconsfield Road, north of Preston Circus and the evidence from Public Health framework document. The proposed extension includes commercial parades with residential above north of Preston Circus along these two arterial routes in and out of the city including a significant number of licensed premises. The SSA is defined as an area of concern to be monitored for levels of public nuisance and anti-social behaviour (ASB). Applications in the SSA are expected to have a robust operating schedule with appropriate conditions. Unlike the CIZ there is no presumption of refusal.

**See Related Information below for map of proposed area and supporting evidence.**

**Also in Related Information is a link to the matrix which show the proposed terminal times for alcohol to be sold in the special stress area and in 'other areas'.**

## Related Information

**Both links open a pdf in a new window**

**Extension of Special Stress Area** <user\_uploads/q.2-extension-of-ssa.pdf>

**matrix** <user\_uploads/q.3--q.4---q.5-amended-matrix.pdf>

**Q2a** Do you agree or disagree with the proposal to extend the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)?

*Please select only one item*

- Strongly agree    Tend to agree    Neither agree nor disagree  
 Tend to disagree    Strongly disagree    Don't know / not sure

**Q2b** Do you have any comments about the proposal to extend the Special Stress Area?

**Q3a** It is proposed to reduce the terminal times for alcohol to be sold in cafes to 11pm or 10pm in the “special stress area” and “other areas” of the matrix? What do you think is the appropriate terminal times for alcohol to be sold in cafes in the “special stress area” and “other areas” of the matrix?

*Please select only one item*

Midnight  11:00 PM  10:00 PM  Other, please give details below

Q3b. Why do you consider your chosen time to be appropriate?

What 'other' time should the terminal times for alcohol be?

## The Marina

The Marina has seen a substantial increase in the amount of residential development since the Policy was last reviewed in 2016.

## Related Information

Details of the **Matrix** <user\_uploads/q.3--q.4---q.5-amended-matrix.pdf>

**Q4a** Do you agree or disagree with including the Marina into “Other areas” of the Matrix? (see Related Information above)

*Please select only one item*

Strongly agree  Tend to agree  Neither agree nor disagree  
 Tend to disagree  Strongly disagree  Don't know / not sure

**Q4b** Do you have any comments about including the Marina into “Other areas” of the Matrix?

## Shopping parades

To recognise the potential cumulative impact on the local area of more than one off licence in a parade of shops surrounded by residential accommodation Please see **amended note 8 paragraph 3.2 in draft policy** <[user\\_uploads/q.3--q.4---q.5-amended-matrix.pdf](user_uploads/q.3--q.4---q.5-amended-matrix.pdf)>

**Q5a** Do you agree or disagree that the terminal times for off licences in shopping parades should reflect opening hours of other shops in the parade?

*Please select only one item*

- Strongly agree    Tend to agree    Neither agree nor disagree  
 Tend to disagree    Strongly disagree    Don't know / not sure

**Q5b** Do you have any comments about terminal times for off licences in shopping parades reflecting opening hours of other shops in the parade?

## Shared work spaces

A shared workplace or shared workspace can be defined by being a building that has been converted into office space, which is operated overall by one company that rents workspace to many different entrepreneurs and small businesses. Its general offering is of hot-desk working, meeting spaces, single or team desk hire and/or private office space, etc., usually to freelance workers and/or small or medium businesses who do not want to rent offices of their own. Customers who rent such office spaces are often termed 'members' of the applicant companies, however this term is not the same as members of clubs operating under a Club Premises Certificate.

It is recognised that there is a demand for flexible workspace across the UK, particularly in Brighton & Hove, where there is a high proportion of start-ups and one of the UK's largest homemaker population. Where alcohol is supplied to "members" a premises licence is likely to be required. Whilst there is no evidence to suggest that Local Authorities have encountered issues with these licences, it's important to acknowledge the potential negative impact alcohol can have on the workplace and to individuals.

It is proposed to add clarity to the notes of the matrix and provide guidance with suggested conditions for shared workspaces ( [<user\\_uploads/q.6-shared-work-spaces-v2.pdf>](#) **see amended note 10 to the matrix and paragraphs 3.3.5-3.3.7 with suggested conditions**) [<user\\_uploads/q.6-shared-work-spaces-v2.pdf>](#) in order to promote the licensing objectives.

**Q6a** Do you agree or disagree with the inclusion of “shared work spaces” into the notes of the matrix and the suggested paragraph and conditions? It is proposed to amend note 10 of the matrix to clarify that “Non-alcohol led category does not include “alcohol in shared workplaces”. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm.

*Please select only one item*

- Strongly agree    Tend to agree    Neither agree nor disagree  
 Tend to disagree    Strongly disagree    Don't know / not sure

Q6b. Would you like to make any comment about the inclusion of shared work places in the notes of the matrix and the suggested paragraphs?

## Alcohol delivery

As well as the existing advice regarding off licences given in paragraph 3.5 of the **Policy** [<user\\_uploads/q.9-statement-of-licensing-policy-2021-revised.pdf>](#) , we are proposing to add additional paragraphs addressing the concerns around the delivery of alcohol off the premises as well as a number of conditions for the licensing authority to consider when addressing applications that include delivery. These can be found in the Off Licence section 3.5.5-3.5.8 of the revised **please click here** [<user\\_uploads/q.7-alcohol-delivery-service.pdf>](#) .

**Q7** Do you have any comment to make about the suggested conditions for alcohol delivery in Appendix A of the draft Policy?

## Shadow licences

The licensing team are seeing more applications for shadow licences as landlords look to protect the premises licence where a tenant goes insolvent or surrenders the licence. **Please click here for more information.** [<user\\_uploads/q.8-shadow-licences-v2.pdf>](#)

**Q8a** Do you agree or disagree with the inclusion of the guidance paragraphs and suggested conditions for shadow licences in 3.10 of the draft policy?

*Please select only one item*

- Strongly agree    Tend to agree    Neither agree nor disagree  
 Tend to disagree    Strongly disagree    Don't know / not sure

**Q8b** Do you have any comments about the inclusion of the guidance paragraphs and suggested conditions for shadow licences?

## Final comments

### This Statement of Licensing draft Policy

**This Statement of Licensing draft Policy** [<user\\_uploads/q.9-statement-of-licensing-policy-2021-revised.pdf>](#) (opens a pdf in a new window)

## Q9 Do you have any comments to make about any other aspects of the draft policy?

## About you

How are you responding to this consultation. As a...

*Please select only one item*

- Local resident     Visitor to the city  
 As a representative of a local business (please give details below)  
 As a representative of a local community or voluntary group (please give details below)  
 As a representative of a stakeholder group (please give details below)  
 Other (please give details below)

If you are representing a business, a community, voluntary or statutory organisation, what is your name and who are you representing?

In what 'other' way are you responding to this consultation?

## About you

The reason why we ask you these questions is so we can:

- Make our council services open to everyone in the city,
- Treat everyone fairly and appropriately when they use our services
- In consultations, make sure that we have views from all across the city.

The Equality Act 2010 makes these aims part of our legal duties. Your answers help us check that we have met the law and help improve our services.

Your answers are completely anonymous and confidential. We will only use them to make services better. Information from forms is combined so you cannot be identified.



## How old are you?

## What gender are you?

Please select only one item

- Female
  Male
  Other
  Prefer not to say

If other, please specify

## Do you identify as the sex you were assigned at birth?

For people who are transgender, the sex they were assigned at birth is not the same as their own sense of their sex.

Please select only one item

- Yes
  No
  Prefer not to say

## How would you describe your ethnic origin?

Please select only one item

- White: English / Welsh / Scottish / Northern Irish / British
  White: Irish  
 White: Gypsy or Irish Traveller
  White: Any other White background  
 Asian or Asian British: Bangladeshi
  Asian or Asian British: Indian  
 Asian or Asian British: Pakistani
  Asian or Asian British: Chinese  
 Asian or Asian British: Any other Asian Background
  Black or Black British: African  
 Black or Black British: Caribbean  
 Black or Black British: Any other Black background
  Mixed: Asian & White  
 Mixed: Black African & White
  Mixed: Black Caribbean & White  
 Mixed: Any other mixed background
  Other ethnic group: Arab  
 Other ethnic group: Any other ethnic group
  Prefer not to say

## Which of the following best describes your sexual orientation?

Please select only one item

- Heterosexual
  Lesbian / Gay woman
  Gay man
  Bisexual
  Other
   
 Prefer not to say

If other, please specify

## What is your religion or belief?

Please select only one item

- I have no particular religion
  Buddhist
  Christian
  Hindu
  Jain
   
 Jewish
  Muslim
  Pagan
  Sikh
  Agnostic
  Atheist
  Other
   
 Other philosophical belief
  Prefer not to say

If other, please specify

## Armed Forces Service

	Yes	No	Prefer not to say
Are you currently serving in the UK Armed Forces? (this includes reservists or part-time service, such as the Territorial Army)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Please select only one item</i>			
Have you ever served in the UK Armed Forces?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Please select only one item</i>			
Are you a member of a current or former serviceman or woman's immediate family/household?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<i>Please select only one item</i>			

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Please select only one item

Yes a little  Yes a lot  No  Prefer not to say

## Health problem or disability

Please let us know the type of impairment which applies to you

If you have more than one impairment please indicate all that apply.

If none of the categories apply, please select 'Other' and fill in the additional box.

Please select all that apply

Physical Impairment  Sensory Impairment  Learning Disability / Difficulty  
 Long-standing Illness  Mental Health Condition  Autistic Spectrum  
 Developmental Condition  Other (please specify)

If other, please specify

## About you

Are you a carer?

A carer provides unpaid support to family or friends who are ill, frail, disabled or have mental health or substance misuse problems.

Please select only one item

Yes  No  Prefer not to say

## Carers

As a carer, who do you care for?

Please select all that apply

Parent  Child with special needs  Other family member  Partner / spouse  
 Friend  Other



## Appendix C

### Consultation on the Statement of Licensing Policy (SoLP) 5 year review 2021 – Council’s on-line consultation portal – data analysis

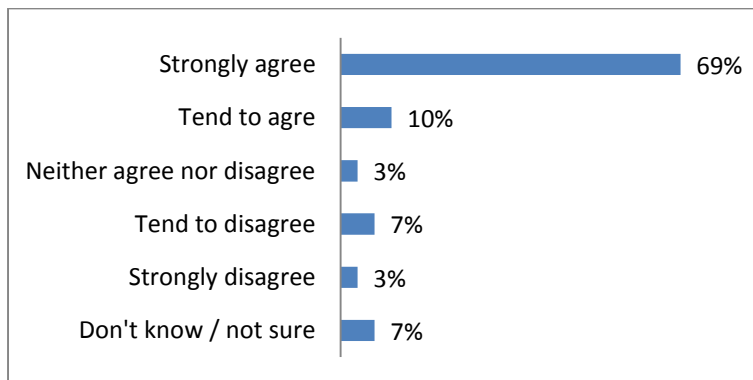
#### 1. Respondents

How are you responding to this consultation? As a...		Frequency	Percent	Valid Percent
Valid	Local resident	29	85%	91%
	As a representative of a local business	1	3%	3%
	As a representative of a local community or voluntary group	1	3%	3%
	As a representative of a stakeholder group	1	3%	3%
	Total	32	94%	100%
Missing	No response	2	6%	
Total		34	100%	

- The local business Raining Books, the CVS group was the North Laine Community Association and the stakeholder Sussex Police

#### 2. Cumulative Impact Assessment and Special Policy

**Do you agree or disagree with the proposal to maintain the Special policy on cumulative impact and to maintain the current Cumulative Impact Zone?**



Base: All residents who responded to the question (n=29)

- All three business, CVS and stakeholder respondents ‘strongly agree’ with the proposals.

Do you agree or disagree with the proposal to maintain the Special policy on cumulative impact and to maintain the current Cumulative Impact Zone?		
Strongly agree	Local resident	Because it is a positive policy which works to target/ reduce alcohol related harms.
Strongly agree	Local resident	Safe & unhindered movement of residents, public transport & Emergency services within City Centre must be strategically pl as need & monitored.
Strongly agree	Local resident	There are more than enough alcohol outlets in the north Laine and more than enough drunks regularly in the area!

Strongly agree	Local resident	We have a major problem in our city with anti-social behaviour and vandalism related to concentrated availability of alcohol. This is ruining the quality of life of those who just want to live a normal life, without noise and disturbance in our streets most evenings of the week. CIZs are one way of having some control over the number of such outlets in a concentrated area, provided the powers they give are actually exercised.
Strongly agree	Local resident	With the growing number of Airbnb properties which are causing anti-social behaviour, the last thing which is needed is making it easier to obtain alcohol in the area
Strongly agree	Local resident	We have considerable anti-social behaviour in the area fuelled by the ease of obtaining alcohol and the amount of drinking establishments.
Strongly agree	Local resident	If kept to it should help reduce antisocial behaviour.
Strongly agree	Local resident	The late night noise, anti-social behaviour and associated damage from late night sales of alcohol is incredibly disturbing to residents in a busy city centre. When I first moved here 20 years ago I could enjoy a good nights sleep and even leave the windows open in the summer. Nowadays the noise is constant and I have triple glazing and cannot open the windows.
Strongly agree	Local resident	Always trouble with drunks in North Laine where I live. 2 newsagents have changed hands & are now more like off licences selling a few magazines!
Strongly agree	Local resident	The impact of noise, anti-social behaviour and large groups congregating is significant in residential areas and needs to be kept to a minimum. There are already enough premises serving alcohol and they need to be reduced not expanded.
Strongly agree	Local resident	I live in an SSA area and see the detrimental effects of alcohol with too many licensed premises in a small area.
Strongly agree	Local resident	It is important that the number of premises selling alcohol in residential areas is monitored in order reduce noise, crime and anti-social behaviour.
Strongly agree	Local resident	Drinking alcohol gives rise to a great deal of anti social behaviour. Drinking it must be restricted in public places.
Strongly agree	Local resident	We live in the city centre and witness on a daily basis the negative impact of the large number of drinking establishments, combined with limited police resource and not enough community support for the many chronic alcohol and drug users who live in the city. This and the high number of out of control tourist drinkers are making Brighton an increasingly distressing place to live.
Strongly agree	Local resident	City centre is dangerous and to much alcohol related issues
Strongly agree	Local resident	There is already a huge number of licensed premises within the CIZ and beyond. They must be constantly monitored and controlled if need be.
Strongly agree	Local resident	I live on the edge of the zone near Trafalgar street. When I take my dog out in the evening at about 10pm there are already many intoxicated people wandering around and that number increases as the night goes on. I believe that if the zone did not exist the fighting, the noise and the numbers of people passed out on the street would increase drastically which would make it very difficult and frightening for me to go out in the evening.

Strongly agree	A stakeholder group	The special policy provides certain controls in areas which can be evidenced as higher in crime and disorder and ASB – particularly relating to alcohol and alcohol harms. The areas chosen are saturated with licensed premises and without a special policy then applications could continue to be received and granted without additional scrutiny. As stated in the document each case will be looked at on its merits if taken to a hearing, but the policy makes it clear what these considerations and restrictions are and that any applications will be contested by the relevant authorities so there cannot be allegations of favouritism or corruption.
Strongly agree	A CVS group	Because North Laine, within St Peters and North Laine Ward, has the highest number of alcohol-related incidents in the city.
Strongly agree	Not Answered	It is already at its limits so should be no more allowed
Tend to agree	Local resident	I agree with the proposal because there are often groups of drunk people in the area late at night.
Tend to agree	Local resident	<p>I believe that there should be a CIZ however I have strong reservations about the way it works.</p> <p>This statement appears as part of your background information for question 1. 'The Licensing Authority continues to consider that the number of licensed premises in the CIZ is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives' This bears no resemblance to the reality of what happens.</p> <p>I have been a close observer of the way Brighton &amp; Hove's Licensing Policy works for the last 15 years, as a resident writing letters about applications, representing the views of the North Laine Community Association at panels or as a member of the Licensing Strategy Meeting. I have decided that I no longer wish to take part in the 'Licensing process' as I believe the policy and the way the panel operates is fundamentally flawed and works against the interest of local residents. The Licensing policy ought to provide residents in the city centre with a degree of protection against the negative impact of the 2003 Licensing Act but it offers little protection. Instead the whole process seems to be designed to facilitate the granting of licences, so that despite being within the CIZ, the number of licensed premises (including new off-licences and pubs) in North Laine continues to rise.</p> <p>The CIZ is an area where the concentration of licensed premises is causing problems of crime and disorder and public nuisance. 'Cumulative' means 'increasing in amount with every addition'. If every additional licence adds incrementally to public nuisance and crime and disorder, why do we even consider the granting of additional licences?</p> <p>The policy itself is deliberately vague throughout to make it easy for Councillors at licensing hearings to grant applications. There is no definition of what constitutes 'exceptional circumstances' so anything can mean exceptional. The policy says what it might mean but does not give a clear definition i.e. must include community and police support. The matrix is what 'the licensing authority would like to see within its area.' Surely the matrix must be much more than a guide?</p> <p>The policy says in note 3 to 3.3 that Departure from the matrix is expected only in exceptional circumstances, yet exceptional circumstances are not defined.</p> <p>The policy says that an applicant should show that their application will have no negative Cumulative Impact. I have never seen an applicant demonstrate this. It might be said that it is difficult or impossible to demonstrate a double negative but if this clause 3.1.4 is upheld no application in the CIZ should be granted.</p> <p>At the beginning of a Licensing Panel hearing, everyone is told that 'each</p>

		<p>application will be given individual consideration on its merit.' Surely the point of the CIZ is that the cumulative impact is what is being considered, not any individual merits of the application.</p> <p>The way that Licensing Hearings are constituted and operate works against the interests of local residents. It is quite clear that the panel is looking to grant the application unless there is something very wrong about the application. There are certain councillors who are determined to ensure that every application that comes before them is passed. There are other councillors who do not seem to have a full understanding of what is in the Licensing Policy. The applicant is often asked what he/she would be prepared to accept in the way of conditions and soon a quite different application is under consideration which residents have had no opportunity to consider and make representations on. The result of this is that licences continue to be granted in North Laine.</p> <p>This statement appears as part of your background information for question 1. 'The Licensing Authority continues to consider that the number of licensed premises in the CIZ is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives'</p> <p>If this really is the case and is what is accepted by the Licensing regime why do licences continue to be granted in the CIZ? In 2005 there were about 30 licensed premises in North Laine, there are now 80, and residents continue to move away from the area because of the negative impact of the 2005 Act. Community cohesion is not as strong as it was before the Act. There are several reasons for this but one important factor has been the saturation of the area with licensed premises.</p> <p>Recently a whisky bar (really a pub) has been given a full licence - clearly contravening the matrix - and last year a premises in Church Street was given an off-licence. The CIA policy is not working. The whole Licensing Policy needs to be rewritten with clear precise language. How many times does the phrase 'may include' appear. Let us have a clear 'must include'. It is about time that the CIZ had no further bars or off-licences.</p> <p>The Licensing Policy as I have said exists to facilitate the granting of licences rather than judge applications against the licensing objectives. The policy must change as should the way licensing panels are run. What also needs to change is the composition of the Licensing Strategy Meeting which needs to be more representative of the interests of residents who for too long have been considered a nuisance and irrelevant to policy makers.</p>
Neither agree nor disagree	Local resident	I'm not sure that the number and location of premises is the issue. Other countries have late night café and bar cultures without the negative impact of alcohol -related crime. Lockdown has demonstrated that alcohol consumption can remain high even without pubs and bars, although the impact of this may well remain hidden behind closed doors. I think efforts should concentrate of changing the culture around drinking- including restricting alcohol promotion and offering cheaper non-alcoholic drinks and more alcohol-free venues.
Tend to disagree	Local resident	Unnecessarily restrictive
Strongly disagree	Local resident	The council try to restrict too much and they are out of touch
Don't know / not sure	Local resident	Does this include Providence Place, Elder Place, Ann Street and this part of London Road? It needs to as there are lots of drug and alcohol problems which seem to be getting worse.

**Do you agree or disagree with the proposal to maintain the Special policy on cumulative impact and to maintain the current Cumulative Impact Zone?**

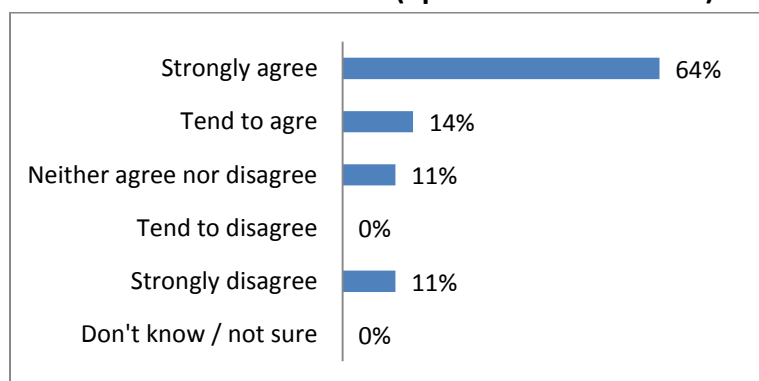


Strongly agree	Local resident	I think it is a very good idea. I want everyone to have a good time but that includes those people who live in the area and have to put up with the vomiting, fighting, litter and disturbance caused by those who have drunk too much.
Strongly agree	Local resident	I wish that the only accommodation available in the CIA was licensed hotels and B&Bs. The amount of places available to drink alcohol needs to be controlled, including holiday houses
Strongly agree	Local resident	I'm not clear on the difference between the CIA and the CIZ
Strongly agree	Local resident	It is felt that the CIA is constantly being ignored by the committee resulting in too many establishments.
Strongly agree	Local resident	Needs to be toughened up!
Strongly agree	Local resident	Please enforce the existing regulations more strictly, and please stop issuing more licences to sell alcohol. We have too many already.
Strongly agree	Local resident	See above. This needs close monitoring and the council have a difficult job balancing enterprise, business and the economy with the quality of life for residents. As a resident I enjoy the bustle of the city centre but late night alcohol fuelled issues are a nuisance
Strongly agree	Local resident	There needs to be stricter policing and enforcement on all licensed premises e.g. penalties of losing the licence/heavy fines/shorter hours if alcohol is found to be being sold to under-age drinkers, people who are already drunk etc. I also personally feel that ALL alcohol should be treated like cigarettes i.e. sold behind a counter. ID proof can be difficult as these can be forged - is there a way to check this?
Strongly agree	Local resident	Wish the measures were even more strict. There's a lot more to do in Brighton than just drink (to the point of oblivion), would be great to see more support for other forms of entertainment and retail experiences that give more back to the community spirit and encourage responsible tourism. I and many others share a fear that Brighton is increasingly showing off its worst side, not its best.
Strongly agree	A local CVS group	<p>It needs strengthening. There are too many divergences.</p> <p>The change which has had the greatest impact on the lives of North Laine residents has been the 2003 Licensing Act and the unintended consequences which have had a huge negative impact on the quality of our lives.</p> <p>Since the introduction of flexible drinking in 2005, our areas have seen an increase in anti-social behaviour, crime and disorder. Late night noise and disturbances are now routine in our areas with the police seemingly powerless and reluctant to do anything. Instead of changing our drinking culture, as the 2003 Act envisaged, the effect of flexible drinking has been to extend the negative impact of alcohol consumption into the early hours of the morning, in particular noise, anti-social behaviour and crime and disorder.</p> <p>The areas within the CIZ are the worst areas in Brighton for nearly all categories of crime. One quick look at the Public Health Framework for assessing Alcohol Licensing will show that these areas are top of all the main categories of crime. Despite this and despite these areas being within the CIZ the number of licences granted for our areas continues to climb. The CIZ is saturated with licensed premises and North Laine has seen an increase of licensed premises since 2005 of 350%.</p> <p>We would like to see the Licensing Policy strengthened. For applications in the CIZ there is supposed to be a presumption to refuse and the applicant is supposed to demonstrate that there will be no negative impact as a result of his application, yet we still see licences granted because there are so many caveats within the policy. We are told at panel hearings that every application should be treated on its own merits. This allows panels to</p>

		<p>ignore the requirement to demonstrate that there will be no negative impact, and grant applications.</p> <p>One unintended consequence of the 2003 Act is that the character of North Laine has changed. The proliferation of licensed premises and the increase in anti-social behaviour has resulted in many residents leaving this area of the city. The area used to be diverse in terms of age, outlook, ethnicity, occupation. We had families living alongside pensioners and young couples as well as students. The communities within the CIZ were living entities with thriving community associations but as residents moved to escape the anti-social behaviour, and crime and disorder, they have been replaced by HMOs, Party Houses, Air BnB which have exacerbated anti-social behaviour. The fabric of the community has been torn apart and all our community associations are struggling to retain community cohesion.</p> <p>It is our understanding that if a business with a licence closes, the building still retains its licence, therefore a new business can move in.</p> <p>The SoLP needs to take into account economic prosperity but it also needs to balance the impact on the local community. Too little attention has been paid in the past to the impact on local communities of the proliferation of alcohol premises. There is a very clear demonstrable link between the number of licensed premises in an area and the level of anti-social behaviour and crime and disorder. Granting more licensed premises will do nothing to foster community cohesion or provide greater community protection.</p> <p>We need to see a decline in crime and disorder as shown by the Public Health Framework for assessing Alcohol Licensing. Until we see a reduction in crime and disorder any review of the Licensing Policy should make it far more difficult to get licences.</p>
Strongly agree	A local business	Needs more consistent enforcement.
Strongly agree	A stakeholder group	Sussex Police are in favour of the new CIA. It clearly states the evidence that is used to support the continuation of a special policy and why that is required in a vibrant and busy city such as Brighton & Hove.
Strongly disagree	Local resident	Waste of time and money
Don't know / not sure	Local resident	Does this include Providence Place, Elder Place, Ann Street and this part of London Road? It needs to as there are lots of drug and alcohol problems which seem to be getting worse.

### 3. Special Stress Area (SSA)

**Do you agree or disagree with the proposal to extend the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)**

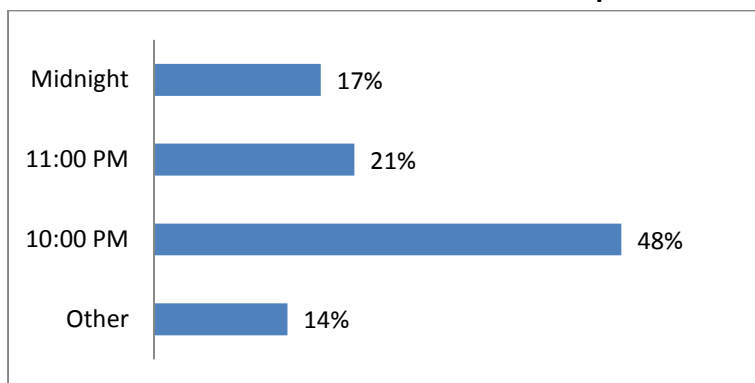


**Base: All residents who responded to the question (n=28)**

- The CVS and stakeholder respondents both 'strongly agree' with the proposals while the business respondent 'tended to agree' with the proposal.

<b>Do you agree or disagree with the proposal to extend the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)?</b>		
Strongly agree	Local resident	A good idea
Strongly agree	Local resident	As I'm not sure if the current one does, it MUST include Providence Place, Elder Place, Ann Street and this part of London Road? It needs to as there are lots of drug and alcohol problems which seem to be getting worse.
Strongly agree	Local resident	I live in this area and know it well I think this policy would be beneficial.
Strongly agree	Local resident	I think it is a good idea
Strongly agree	Local resident	In line with my comments about the city centre, it's also fairly unpleasant to walk around these areas even during the day, especially as a woman constantly being harassed or intimidated by drunk people. It's the same for many others.
Strongly agree	Local resident	It's a good idea and needs to be done.
Strongly agree	Local resident	It's a good idea as there is so much criminal activity going on in this extended area fuelled by alcohol. Brighton needs to be a safer place to live in and visit.
Strongly agree	Local resident	There are a large number of residential streets in these areas and the impact of the increasing amount of noise and anti-social behaviour needs to be recognised.
Strongly agree	Local resident	There are often major problems around the Preston Circus area fuelled by alcohol availability but at present there seems to be little control over the opening of new outlets. Making this part of the SSA would enable these problems to be addressed.
Strongly agree	Local resident	With the multiple properties being built for student accommodation in the area the numbers of residents in the area will increase dramatically which could increase the risk of anti-social activity.
Strongly agree	Local resident	Yes, I would prefer these roads to be included in the CIZ, along with London Road, to increase the chance of new licences being refused - even though I don't see much evidence of this happening even within the CIZ.
Strongly agree	A CVS group	If the extension is to protect the area, yes, but will it be enforced? There are still too many licences being granted because the get-out clause in the SoLP is "each application will be seen on its own merit".
Strongly agree	A stakeholder group	Sussex Police provided a lot of the data/evidence for this proposal and are strongly in favour. It is an arterial route out of the city where we have seen an increasing number of premises licence applications in recent years. It creates more of a buffer for the London Road area and focuses on concerns of local residents as well as crime and disorder patterns.
Tend to agree	Local resident	A largely residential/family area where alcohol related nuisance could be a problem.
Neither agree nor disagree	Local resident	Don't know what it's like there.
Strongly disagree	Local resident	Excessive restrictions on licences has a negative effect on businesses
Strongly disagree	Local resident	Pointless waste of time

**It is proposed to reduce the terminal times for alcohol to be sold in cafes to 11pm or 10pm in the “special stress area” and “other areas” of the matrix? What do you think is the appropriate terminal times for alcohol to be sold in cafes in the “special stress area” and “other areas” of the matrix?**



**Base: All residents who responded to the question (n=29)**

<b>Responses for 'other'</b>
9pm (3 responses)
11.00PM on Friday and Saturday seems reasonable
11pm
9pm if within 25metres of any residential property not connected to the cafe
Ideally 9pm so that people are moving on by 10pm
Ideally we'd prefer 6pm for cafes. Our problems stem from cafe bars, which should never have been included in the Matrix and has caused many alcohol concerns in North Laine.
We should have reduced hours when there are major events of 9 pm.

- The stakeholder respondent though 11pm was the appropriate terminal time, while the business respondent and the CVS respondent agreed with 10pm as the latest time.

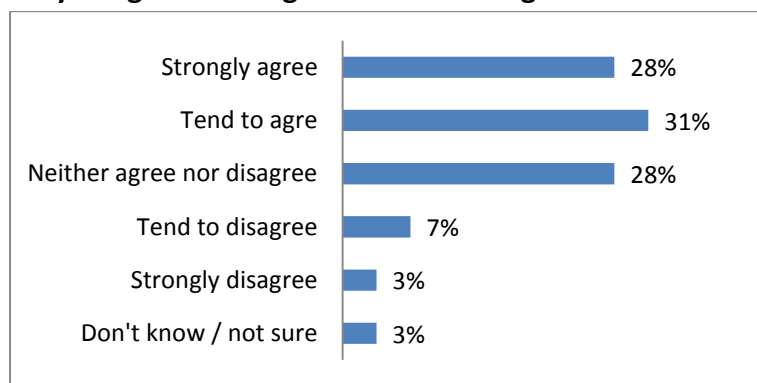
<b>Why do you consider your chosen time to be appropriate?</b>		
Midnight	Local resident	As I said earlier, I do not think restrictions work, we need to challenge the mindset / culture that intoxication is fun. I used to drink in pubs when they closed promptly at 11pm, people would line up drinks to consume. Restrictions on times and location in my opinion are sticking plaster response to a systemic problem that requires a cultural shift within our society.
Midnight	Local resident	During summer months & especially in warm weather this allows alcohol consumption to be spread across the area & range of businesses.
Midnight	Local resident	This would have no impact at all. The Police should Police bad behaviour and not have rules for people who are reasonable

11:00 PM	Local resident	10pm is draconian
11:00 PM	Local resident	Seems sensible as people will be working the next day so maybe midnight on Fridays and Saturdays.
11:00 PM	Local resident	This reflects the old licensing laws and there were not the extensive problems in those days that we experience now. Ending drinking at 11pm worked.
11:00 PM	A stakeholder group	Sussex Police have looked at the data around existing café bars for the previous SoLP review in 2018/19 and there is little police evidence linking higher crime rates to this type of premises. Having a time in line with pubs (who can have until 11pm in the SSA and other areas) seems sensible as appropriate conditions can be applied to ensure no vertical drinking and food availability and should prevent people just applying for a pub/vertical drinking to get later hours. There is always room for discussion with any applicant about their terminal hour and whether they would like to reduce that because of their style of operation e.g. they are a café who generally closes at 10pm during the consultation period. Sussex Police would not recommend a later terminal hour than 11pm e.g. midnight, as this is moving into more pub territory and the night time economy as opposed to a more relaxed seated environment.
10:00 PM	Local resident	Because I think it's an average time that most people would want to go to sleep in the week. The biggest issue in the area that I live in is drunk people arguing, causing damage to cars, bins and having very loud conversations or singing.
10:00 PM	Local resident	Because this might have a beneficial effect upon the amount of noise generated by cafe premises when they close for the night.
10:00 PM	Local resident	I think you also need to look at the opening hours. If I had my way it would be only from 11 a.m. and after that during daylight hours. Who needs to buy alcohol before 11 in the morning? From what I've seen beneath my bedroom window, it is drug addicts with their single cans at 7 a.m. However, I have to appreciate that others enjoy a drink with food - hence the 10 pm closing time.
10:00 PM	Local resident	It gives drinking up time to ensure that residents aren't as likely to suffer the effects of drunken behaviour and altercations when they are attempting to sleep past 11pm
10:00 PM	Local resident	It would mean that cafes would be operating as cafes and not tend to become drinking establishments. This should be reduced when major events such as Pride are occurring and also on Sundays when 9 pm should be sufficient. Opening times should be limited for cafes to start at noon.
10:00 PM	Local resident	Just looking at the statistics for violence of all sorts and criminal activity - it seems obvious.
10:00 PM	Local resident	Late night noise - people who have had a drink often make more noise and this will reduce the amount of drinking time. Less noise as they leave - hopefully.
10:00 PM	Local resident	Many people having alcohol in cafes are not eating and so they become intoxicated. Many of the cafes serve food during the day but stop serving food in the evening and only served drinks thus they become the same as pubs.
10:00 PM	Local resident	People should be done eating by then

10:00 PM	Local resident	Presumably these cafes are selling food and are not just drinking establishments. In that case most people will have ordered their food and drink by about 10pm and there is no need to serve alcohol after the meal has been consumed.
10:00 PM	Local resident	The less consumption, the better the behaviour
10:00 PM	Local resident	These establishments are cafes, they are not pubs and therefore the times to sell alcohol should be different.
10:00 PM	A local business	Particularly important in times of Covid that the close contact of people (including visitors) is kept under control.
10:00 PM	Not Answered	Stop drinkers coming out late and noisily into streets and waking us residents
Other	Local resident	9pm at the latest
Other	Local resident	Cafes should be 10pm unless they have residential accommodation above or within 25metres of the cafe and then it should be 9pm
Other	Local resident	Last orders at 9:00 still leaves plenty of drinking time and reduces noise as people exit restaurants and cafes.
Other	Local resident	the later the availability the later the issues and more problems arise
Other	A CVS group	Although we agree with 10pm as the latest time for closing, most cafes (NOT cafe bars) close by 6pm in North Laine. Most of their income is from breakfasts, brunches and lunches.

#### 4. The Marina

##### Do you agree or disagree with including the Marina into “Other areas” of the Matrix?



Base: All residents who responded to the question (n=29)

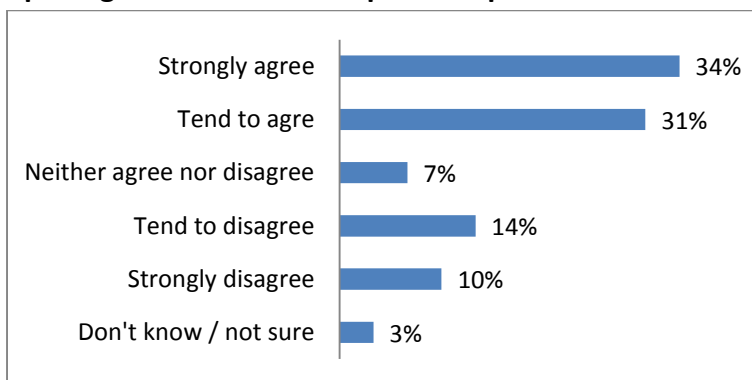
- The CVS and stakeholder respondents both ‘strongly agreed’ with including the Marina in the ‘other area’ of the Matrix, while the business respondent ‘tended to agree’.

Do you agree or disagree with including the Marina into “Other areas” of the Matrix?		
Strongly agree	Local resident	I think the governance of alcohol use/sales should be consistently enforced in all high density/high tourism areas throughout Brighton.
Strongly agree	Local resident	This is now a residential area (and no longer really a marina - sadly!). Therefore it should be treated the same way as other residential areas.

Strongly agree	A stakeholder group	Sussex Police believe this will allow better management of licensed premises in the Marina as there are currently few restrictions. Each case would be considered on its own merits and so this still allows applicants an opportunity to show why their application is unique and outside policy. The way the Marina is set up means there is currently massive residential expansion and applications are more likely to come in for restaurants/cafes and bars catering for day time and then evening trade.
Tend to agree	Local resident	Families and residents are impacted by late night noisy drinkers.
Tend to agree	Local resident	I feel that anywhere where there is high number of residential areas should be protected from antisocial behaviour.
Tend to agree	Local resident	I imagine that the increase in residential premises in the area makes it incumbent upon the Council to consider the impact of licensing upon the community. This includes provision of licensed premises for the community, as well as protection from nuisance.
Neither agree nor disagree	Local resident	Don't know what it's like there.
Neither agree nor disagree	Local resident	The Marina causes little issue to other areas of the City so including this in the Matrix would have little effect and could reduce the concerns for those in central areas.
Tend to disagree	Local resident	The Marina needs to be an attraction. There are homes there but the Marina isn't such a rowdy place.
Tend to disagree	Local resident	The marina should be mixed use

## 5. Shopping parades

**Do you agree or disagree that the terminal times for off licences in shopping parades should reflect opening hours of other shops in the parade?**



**Base: All residents who responded to the question (n=29)**

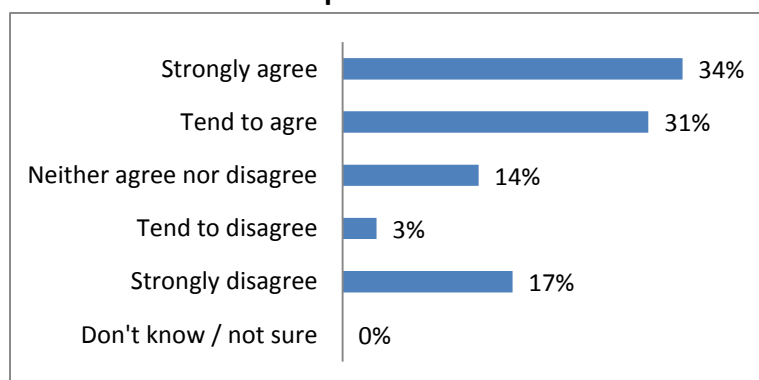
- The business respondent and the CVS respondent both 'strongly agree' terminal times for off licences in shopping parades should reflect the opening hours of other shops in a parade. The stakeholder respondent 'tended to disagree'.

<b>Do you agree or disagree that the terminal times for off licences in shopping parades should reflect opening hours of other shops in the parade?</b>		
Strongly agree	Local resident	Definitely restrict, can't even walk my dog at night due to the menacing behaviour around the four off-licenses in our immediate neighbourhood. No problem with them staying open for essential goods, but the effects of cheap alcohol is a serious issue here.

Strongly agree	Local resident	Living in an SSA, I was shocked to discover yesterday that one of the off-licences has a 24-HOUR LICENCE! This area is ranked No. 1 for alcohol and drug related problems with its appalling statistics for violence, anti-social behaviour etc.
Strongly agree	Local resident	Selling alcohol at later times just encourages street drinking and anti-social behaviour.
Strongly agree	Local resident	We in the North Laine have several outlets which run as off licences which operate to vary late. Restricting this would have a major effect on the availability of alcohol and street drinking in the evening.
Strongly agree	Local resident	Yes, they need quiet time to be cleaned.
Strongly agree	A CVS group	We agree that terminal times should reflect the times of other shops in parades.
Tend to agree	Local resident	Some shops are open 24 hours. Every off licence should be reviewed individually
Tend to disagree	Local resident	I do not think that off licenses should be closing at the times of other shops such as five or 6pm. I think the off licenses should close at about 10pm
Tend to disagree	Local resident	Most adults drink responsibly- or at least - do not engage in alcohol-fuelled crime.
Tend to disagree	A stakeholder group	Sussex Police believe that each case should be taken on its own merits taking into account the surrounding area and the needs of local residents. A continuation of the current matrix which says 11pm but earlier may be considered in residential areas would be the preferred Sussex Police position.
Strongly disagree	Local resident	Off licences should be open later to encourage people to drink at home rather than being loud and drunk on the way back from pubs. The only consideration that is at odds with this from my perspective is whether it actually encourages drinking in parks, public spaces and the beach later at night than if they closed earlier and also the off licences' preferences as people have lost revenue during COVID-19 lockdown so wouldn't want policies to impact residents or off licences disproportionately either way.

## 6. Shared work spaces

**Do you agree or disagree with the inclusion of “shared work spaces” into the notes of the matrix and the suggested paragraph and conditions? It is proposed to amend note 10 of the matrix to clarify that “Non-alcohol led category does not include “alcohol in shared workplaces”. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm.**



**Base: All residents who responded to the question (n=29)**



- The business and the stakeholder respondents both ‘tend to agree’ with the proposal while the CVS respondent ‘strongly disagrees’.

<b>Do you agree or disagree with the inclusion of “shared work spaces” into the notes of the matrix and the suggested paragraph and conditions?</b>		
<b>It is proposed to amend note 10 of the matrix to clarify that “Non-alcohol led category does not include “alcohol in shared workplaces”. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm.</b>		
Strongly agree	Local resident	Again - people who drink alcohol tend to be noisier and less inhibited often becoming less aware of the impact they have on other people. This is not appropriate where people have to work.
Strongly agree	Not Answered	Should not be sold in shared workspaces
Strongly agree	Local resident	The sale of alcohol should be restricted to much earlier times. Terminal time should be about 6 pm if granted. It is felt that alcohol should not be available for sale in shared work spaces.
Strongly agree	Local resident	There is absolutely no reason to be selling alcohol in shared work spaces. People are there to work, not to drink alcohol! Usually there are other outlets selling alcohol in the vicinity if people are unable to work without drinking alcohol at the same time.
Tend to agree	Local resident	Hopefully special events could apply for an extension on that terminal hour. The office xmas party ending at 10 seems a bit early.
Tend to agree	Local resident	I think a terminal time of 10pm is generally a good thing where the primary purpose of the premises is not the provision of alcohol. It allows these premises to close earlier, and allows customers/ clients/ workers to get home earlier and safely.
Neither agree nor disagree	Local resident	I can't visualise the scenario in this question.
Neither agree nor disagree	Local resident	I don't think shared workspaces are a real issue, they're professional spaces and people aren't all that likely to go crazy drinking in that environment any more than any office party. Equally, the management of these spaces won't really want them to get trashed, so there's incentive for it not to go crazy. Focus more on where the problems really lie.
Neither agree nor disagree	Local resident	I think that sale of alcohol in shared workspaces should have a terminal hour of no later than 6pm
Tend to agree	A stakeholder group	Sussex Police agree that this needs to be a note on the matrix to define what such spaces are and to set out expectations e.g. an on-site café where patrons are served and a distinct event space rather than a fridge where patrons/workers can help themselves whenever they fancy. Sussex Police Data doesn't show that police are being called to these spaces and therefore we have no strong evidence to support or disagree with a terminal hour of 10pm. Sussex Police have already had input in creating note 10 on the matrix with suggested conditions that applicants may wish to consider and welcome this definition that ‘alcohol in shared workspaces’ is a separate consideration to ‘non-alcohol led’ businesses.
Strongly disagree	Local resident	No more rules
Strongly disagree	Local resident	Typically when I have been a member of shared workspaces in London and NYC, there isn't a licence granted to buy alcohol within the workspaces. Instead, there is an events' licence for the workspace to serve alcohol at members' drinks events and it is allowed for members to buy and bring in their own alcohol to enjoy individually but not as a large gathering in respect to members bringing in alcohol themselves.

Strongly disagree	A CVS group	We are of the view that work places should NOT sell alcohol. While the Policy proposals state that there is no evidence to suggest that LAs have encountered issues with these licences, why grant licences in the first place? As it is quoted: "it is important to acknowledge the potential negative impact alcohol can have on the workplace and to individuals."
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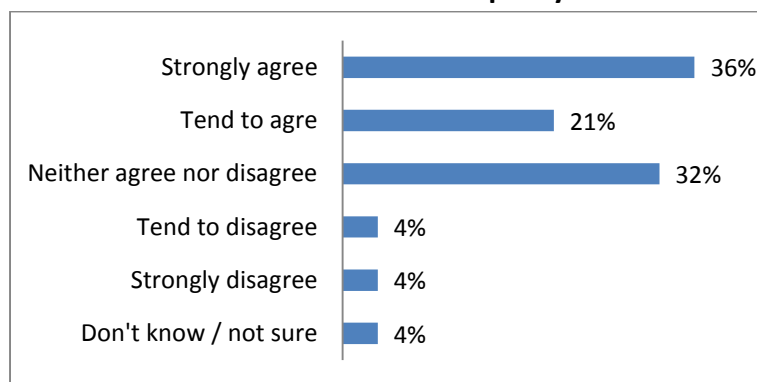
## 7. Alcohol delivery

<b>Do you have any comment to make about the suggested conditions for alcohol delivery in Appendix A of the draft Policy?</b>	
Local resident	Alcohol delivery isn't an essential service. Bin it. While it may be convenient for a party, it's also convenient for those who may be hiding their alcoholism at home, and open to abuse by underage people. The simple fact is that if people want their alcohol, they'll find a way. Why enable it further with this level of convenience. We also have enough issues with delivery drivers as it is, let's call time on this please.
Local resident	Alcohol restrictions should be extended as this is the main cause of criminal activity and anti-social behaviour in the city
Local resident	Allowing deliveries of alcohol into the CIZ is a way of getting round the Licensing policy. There have been instances of restaurants that are within the CIZ withdrawing their application because they can use an outlet outside the CIZ to deliver to within the CIZ. Residents have raised this issue before but their concerns have been ignored. If the Licensing authority is serious about the CIZ then it should prohibit deliveries into the CIZ.
Local resident	Appendix A reads great, but will be almost impossible to enforce and monitor. There should be no alcohol delivery after 5pm. I live in North Lane and we have terrible problems with delivery motorcycles ignoring one way streets, driving along pavements and driving along pavements. These bikes are also noisy and polluting. If they were only collecting and delivering food the amount of bikes coming here would be drastically reduced
Local resident	Companies such as Deliveroo and the like should not be used just to order alcohol to people's front doors. By doing this they are effectively circumventing the rules on alcohol provision prevailing under other policies. This loophole needs to be plugged.
Local resident	Do not regulate this
Local resident	I don't think there should be a food requirement if it's only being delivered to someone's home. Everything else seems reasonable.
Local resident	I have read them and I agree with the suggested conditions but I worry that the delivery people will find the rules difficult to enforce
Local resident	It would be good to know that there will be surprise "spot checks" by the Police and Licensing Authority to ensure that these conditions are being met.
Local resident	People shouldn't be restricted in their own homes
Local resident	Seems solid
Local resident	So much paperwork - people won't adhere. Where money is at stake, rules get flouted. What this country needs to regain is respect for neighbours. Respect for each other. Respect for authority. Respect from authority for the rights of individuals.
Local resident	Sounds like a good idea.
Local resident	There should be very limited availability of alcohol delivered and this should be limited to where this is with a food order such as normal drinking with a meal. I am not sure whether the wording regarding this is strong enough. It should be limited to beers and wine and also limited in quantity. There should be penalties where alcohol is delivered to premises such as parks.

Local resident	This will be virtually impossible to enforce. And who is going to enforce this? Is the plan that establishment will be required to provide proof?  This is wide open to abuse.
Local resident	When did it become possible to order alcohol with takeaway food? This seems to have happened by stealth. I knew it was happening but couldn't understand how it was possible. I think your provisions, reasonable as they are, simply seek to regularise an irregular activity.
A CVS group	We welcome additional paragraphs to address the concerns around the delivery of alcohol off the premises as well as a number of conditions. What we don't welcome is the very fact that takeaway alcohol can take place from licensed premises. This is a licensing loophole.
A stakeholder group	Sussex Police are in agreement with these suggested conditions as they were put forward by Sussex Police from a selection of conditions that have been used on previous licence applications.
Not Answered	Seems a good proposal

## 8. Shadow licenses

### Do you agree or disagree with the inclusion of the guidance paragraphs and suggested conditions for shadow licences in 3.10 of the draft policy?



Base: All residents who responded to the question (n=28)

- The CVS respondent and the stakeholder respondent both 'strongly agree' with the inclusion of the guidance paragraphs and suggested conditions for shadow licences while the business respondent 'neither agreed nor disagreed'

Do you agree or disagree with the inclusion of the guidance paragraphs and suggested conditions for shadow licences in 3.10 of the draft policy?		
Strongly agree	Local resident	I agree with the concerns of the licensing authority.
Strongly agree	Local resident	I have read the paragraph and the conditions seem to be very sensible and will remove a loop hole in the licensing scheme.
Strongly agree	A stakeholder group	Sussex Police welcome the inclusion of these paragraphs as Shadow Licences are something we have seen an increase in applications for in the last 3 years. A number of the suggested conditions came from Sussex Police and so we strongly agree with the proposal.
Strongly agree	Local resident	This has been another loophole that needs to be plugged.
Strongly agree	Local resident	This is a good move as, as things currently stand, it is wide open to abuse.
Tend to agree	Local resident	Is this easy to be abused?

Neither agree nor disagree	Local resident	From what I understand, this is purely to protect the viability of an existing premises if a tenant goes awol on a licensed establishment. It's purely a legal issue, not a community one? That said, any licensing - even one such as this to protect a business - should be subject to review of some sort.
Neither agree nor disagree	A local business	Some small general stores with off-licences have very long hours, which could be reduced
Tend to disagree	Local resident	If a licence is revoked there will be a good reason for it, and the local community will not welcome the immediate resurrection of a licence straight after whatever misdemeanour caused the revocation.
Not Answered	Local resident	The issue here is that the licence relates to the premise rather than previously the applicant. It is felt that there should be further steps from any applicant to ensure that they are suitable but unsure whether the present legislation would allow this.

## 9. Final comments

<b>Do you have any comments to make about any other aspects of the draft policy?</b>
<p>3.1 refers to 'need'. I have seen licences granted because the applicant sold his application as providing something new for the area. This is 'need' and not 'exceptional circumstances' and councillors need to be trained to comply with his requirement.</p> <p>3.1.6 Surely the applicant must be required to demonstrate that there will be no negative impact. The language used throughout the policy is too 'woolly'. It needs to be much firmer and clearer, and not give councillors on the panel the licence to grant anything they want.</p>
<p>Brighton clearly needs tourism and drinking has always been a large part of Brighton culture. However, the level of intoxication and crime is disproportionate so in the absence of being able to police the amount of drinking that occurs here, just dial down the number of new licenses, hold club owners in particular more accountable, and please provide more services so this doesn't become a completely unbearable place to live. Seriously, I dread leaving the house most days because of the antisocial behaviour... Thank you for taking this seriously and for giving us the chance to comment.</p>
<p>I disagree with the general increase in restrictions, Brighton's night time economy is a vital part of the city's vibrancy. I would prefer a considered campaign to encourage responsible drinking and drinking with food.</p>
<p>I don't have time to read the draft policy in full, my concerns are around the culture of drugs / drinking in this city. Public health messages are undermined by events such as cider and Prosecco festival, the distribution of alcohol in the streets during Pride etc, the selling / provision of alcohol and parents' evenings / school plays. I feel the city should pay more attention to offering alternatives to drinking rather than attempting to curb the obvious current determination to drink amongst a significant percentage of the population.</p>
<p>Often there is little policing in the North Laine area to discourage antisocial and aggressive behaviour on its pedestrian only streets with a retail / residential mix. Due to the listed buildings, properties are single glazed and there is regularly loud, drunken and antisocial behaviour on these streets. Lockdown was blissfully quiet and it was possible to sleep but am back to not being able to sleep until 2am at the earliest most nights due to noise again now so would appreciate this being taken into consideration when making decisions.</p>
<p>Only that, please, let the rules be strongly enforced with heavy and swift penalties if conditions are breached.</p>
<p>Please do SOMETHING to cut down alcohol sales in the North Laine!</p>
<p>Please enforce the conditions of the licence much more effectively, and publicise them.</p>

Policies need to be upheld and enforced. Unfortunately, my experience in North Laine has been that licenses are continually granted, irrespective of the CIZ and the Matrix.

Sussex Police welcome and support the proposals and further clarification that these changes bring to the revised Statement of Licensing Policy. Many of the questions cover emerging issues that are being seen in the city of Brighton & Hove and provide clear guidance for all users of the Policy and the Licensing Act 2003.

The combination of Covid with existing alcohol related problems need more attention

The idea of selling alcohol from a safe kiosk/space (like cigarettes) and manned by an over-25 is a good one. Last week a group of 9 drug addicts settled under my bedroom window in Providence Place - they were there from 6.15 a.m. to 8.30 a.m. and the men went off and came back with single cans of alcohol. There is no point aiming at just clubs, pubs and off-licences if one doesn't tackle the cheap and available booze in the supermarkets - especially considering their early and late opening hours.

We are aware that applicants can make adjustments to the application up to 24hrs before the hearing. If no adjustments have been made, the Panel should consider what is before them and make a decision to grant or refuse solely on that basis.

What authority does the Panel have to negotiate, particularly early on at a Hearing? We believe the objectors are at a disadvantage if the application is altered on the day.

With regard to the Licensing Register, again residents feel that we are disadvantaged. Residents have to judge the application on the short descriptions provided. Can the objectors have sight of the complete application available to EHL and Police? This would assist us in our representations.

With regard to TENs, we request that times and details of the event are provided on the website. At the moment we have no idea if there are particular late night problems in North Laine refer to one particular TEN.

We request that site visits should be taken by the Panel before Hearings which would save a lot of time at Hearings when time is taken by the Panel to determine where a premises is, the square footage, and how many covers there are. Many café/bars and restaurants that have been granted during the past few years have no toilet facilities for customers. One premises is a garage with no windows. Some applicants have given details of their premises which have not been correct and residents have to listen to these misrepresentations.

We have read the Hearing Regulations but can find no details of a procedure for negotiating, or bartering, at Hearings. However, we note that Insofar as these Regulations do not make provision for procedures for and at hearings, section 9 of the Act provides that the authority can determine its own procedure. We believe residents are disadvantaged by the procedures endorsed by Brighton and Hove Council and ask that the SoLP and hearing procedures are strengthened, particularly with regard to CIZs.

Residents from other areas of the CIZ have reported to us that applicants come to the panels 'lawyered up' with changes and conditions which bamboozle the Panel. It seems the Council just don't care about the city's heritage or the people who live and work in it.



## Response ID ANON-Z7KP-1YB1-9

Submitted to **Statement of Licensing Policy (SoLP) 5 year review 2021**

Submitted on **2020-10-01 13:31:44**

### Cumulative Impact Assessment and Special Policy

#### Q1a Do you agree or disagree with the proposal to maintain the Special policy on cumulative impact and to maintain the current Cumulative Impact Zone?

Strongly agree

#### Q1b Why do you agree or disagree with the proposal?

##### Q1b:

The special policy provides certain controls in areas which can be evidenced as higher in crime and disorder and ASB – particularly relating to alcohol and alcohol harms. The areas chosen are saturated with licensed premises and without a special policy then applications could continue to be received and granted without additional scrutiny. As stated in the document each case will be looked at on its merits if taken to a hearing, but the policy makes it clear what these considerations and restrictions are and that any applications will be contested by the relevant authorities so there cannot be allegations of favouritism or corruption.

#### Q1c Do you have any comments to make about the CIA?

##### Q1c:

Sussex Police are in favour of the new CIA. It clearly states the evidence that is used to support the continuation of a special policy and why that is required in a vibrant and busy city such as Brighton & Hove.

### Special Stress Area (SSA)

#### Q2a Do you agree or disagree with the proposal to extend the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue)?

Strongly agree

#### Q2b Do you have any comments about the proposal to extend the Special Stress Area?

##### Q2b:

Sussex Police provided a lot of the data/evidence for this proposal and are strongly in favour. It is an arterial route out of the city where we have seen an increasing number of premises licence applications in recent years. It creates more of a buffer for the London Road area and focuses on concerns of local residents as well as crime and disorder patterns.

#### Q3a It is proposed to reduce the terminal times for alcohol to be sold in cafes to 11pm or 10pm in the “special stress area” and “other areas” of the matrix? What do you think is the appropriate terminal times for alcohol to be sold in cafes in the “special stress area” and “other areas” of the matrix?

11:00 PM

#### Q3b. Why do you consider your chosen time to be appropriate?:

Sussex Police have looked at the data around existing café bars for the previous SoLP review in 2018/19 and there is little police evidence linking higher crime rates to this type of premises. Having a time in line with pubs (who can have until 11pm in the SSA and other areas) seems sensible as appropriate conditions can be applied to ensure no vertical drinking and food availability and should prevent people just applying for a pub/vertical drinking to get later hours. There is always room for discussion with any applicant about their terminal hour and whether they would like to reduce that because of their style of operation e.g. they are a café who generally closes at 10pm during the consultation period. Sussex Police would not recommend a later terminal hour than 11pm e.g. midnight, as this is moving into more pub territory and the night time economy as opposed to a more relaxed seated environment.

#### What 'other' time should the terminal times for alcohol be?:

N/A

### The Marina

#### Q4a Do you agree or disagree with including the Marina into “Other areas” of the Matrix? (see Related Information above)

Strongly agree

#### Q4b Do you have any comments about including the Marina into “Other areas” of the Matrix?

##### Q4b:

Sussex Police believe this will allow better management of licensed premises in the Marina as there are currently few restrictions. Each case would be considered on its own merits and so this still allows applicants an opportunity to show why their application is unique and outside policy. The way the Marina is set up means

there is currently massive residential expansion and applications are more likely to come in for restaurants/cafes and bars catering for day time and then evening trade.

## Shopping parades

**Q5a Do you agree or disagree that the terminal times for off licences in shopping parades should reflect opening hours of other shops in the parade?**

Tend to disagree

**Q5b Do you have any comments about terminal times for off licences in shopping parades reflecting opening hours of other shops in the parade?**

**Q5b:**

Sussex Police believe that each case should be taken on its own merits taking into account the surrounding area and the needs of local residents. A continuation of the current matrix which says 11pm but earlier may be considered in residential areas would be the preferred Sussex Police position.

## Shared work spaces

**Q6a Do you agree or disagree with the inclusion of “shared work spaces” into the notes of the matrix and the suggested paragraph and conditions? It is proposed to amend note 10 of the matrix to clarify that “Non-alcohol led category does not include “alcohol in shared workplaces”. It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm.**

Tend to agree

**Q6b. Would you like to make any comment about the inclusion of shared work places in the notes of the matrix and the suggested paragraphs?:**

Sussex Police agree that this needs to be a note on the matrix to define what such spaces are and to set out expectations e.g. an on-site café where patrons are served and a distinct event space rather than a fridge where patrons/workers can help themselves whenever they fancy. Sussex Police Data doesn't show that police are being called to these spaces and therefore we have no strong evidence to support or disagree with a terminal hour of 10pm. Sussex Police have already had input in creating note 10 on the matrix with suggested conditions that applicants may wish to consider and welcome this definition that 'alcohol in shared workspaces' is a separate consideration to 'non-alcohol led' businesses.

## Alcohol delivery

**Q7 Do you have any comment to make about the suggested conditions for alcohol delivery in Appendix A of the draft Policy?**

**Q7:**

Sussex Police are in agreement with these suggested conditions as they were put forward by Sussex Police from a selection of conditions that have been used on previous licence applications.

## Shadow licences

**Q8a Do you agree or disagree with the inclusion of the guidance paragraphs and suggested conditions for shadow licences in 3.10 of the draft policy?**

Strongly agree

**Q8b Do you have any comments about the inclusion of the guidance paragraphs and suggested conditions for shadow licences?**

**Q8b:**

Sussex Police welcome the inclusion of these paragraphs as Shadow Licences are something we have seen an increase in applications for in the last 3 years. A number of the suggested conditions came from Sussex Police and so we strongly agree with the proposal.

## Final comments

**Q9 Do you have any comments to make about any other aspects of the draft policy?**

**Q9:**

Sussex Police welcome and support the proposals and further clarification that these changes bring to the revised Statement of Licensing Policy. Many of the questions cover emerging issues that are being seen in the city of Brighton & Hove and provide clear guidance for all users of the Policy and the Licensing Act 2003.

## About you

**How are you responding to this consultation. As a...**

As a representative of a stakeholder group (please give details below)



**If you are representing a business, a community, voluntary or statutory organisation, what is your name and who are you representing?:**

Claire Abdelkader - Sussex Police

**In what 'other' way are you responding to this consultation?:**

N/A



To Brighton & Hove City Council  
Licensing Statutory  
30 September 2020

Dear Jim

**Re: SoLP 5 year review**

The Kingscliffe Society wish to make the follow comments to the SoLP 5 year review. Would you please bounce this on to the full Licensing Statutory Committee and members, for their comments also.

In the light of the virus and the fact that a vaccine may well not be available until after October 2021 and possible later for those attending night clubs, these premises will be only used as drinking dens and possible go out of business with the now 10pm closing time. It is now an ideal time for government to review licensing laws on these facilities.

We therefore require this to be dealt with by the government 2021 licensing review,

**Deliveries and waste away to all licensed premises.**

Deliveries to inclusive of waste away of bottles, barrels, glass, rubbish & refuse and kitchen waste etc permitted times between 900 hours and 1900 hours Monday to Friday 1000 hours to 1800 hours Saturday, Sunday and Bank Holidays.

*Reasons: That these deliveries and rubbish removals are happening from 5am following the 4am closing of late night licensing premises with the resultant follow on noise and disturbance plus violence, vandalism, defecation, urination and vomit over our properties notwithstanding that after all this abuse in our very narrow residential side streets the on street rubbish bins are emptied at 5.30am. There is no rest from all of this and children have to attend school , residents have to go work let alone those informed who require a good nights sleep much like the many long term senior citizens of the area.*

*The late night noise control team needs to be reinstated to protect residents and their well-being.*

*The WHO has carried out research into the affect these late night disturbances have*



*on people and they confirm that it will cause major health problems such as cancer and heart problems these should be considered by government of far greater*

*continued on next page*

Page 2

*importance than the business of late night venues and the resultant high costs to police, A & E and use of hospital beds.*

It is a falsely that this so called night time economy is a benefit to the City with its high cost of policing and A&E but also with its filmed reputation shown around the world of excessive binge drinking and street disturbance, resulting in a world response that you should not go to the City or either of the 2 universities at all because of this.

#### **Noise emitted from licensed premises**

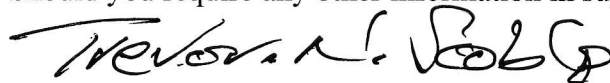
There should be no noise emitted from licensed premises into adjacent residential premises. Noise controls protection should be the same as for planning & building control plus kitchen & toilet ventilation.

#### **Fire prevention controls**

From personal experience I would confirm that many party walls do not even come up even to today's requirements. We would therefore like the government to state in the 2021 Licensing Act ' that all licensed properties meet with their new Fire Control Documentation '.

In addition I would refer to my email to you of 2.9.20

Should you require any other information in support please do not hesitate to ask.



Yours Sincerely Trevor N Scoble

The Kingscliffe Society Licensing & Planning Committee Member





## **Doug Simmonds Ltd.**

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### **Mr Ref. DCS/104/20/LA**

Environmental Services & Licensing  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Dear All,

I am writing this at a time which is without precedent. To remind you of my background and hence why I think I should be allowed to voice my opinions to all of you I served in Sussex Police from 1962 until 1996 and from 1989 was the Licensing Inspector totally responsible for running the Brighton Licensing Project with a team of well trained officers and in such a way that it was recognised as a National good practice and copied by many other police forces.

Partnership working was a critical key to this and working with the courts we introduced training for licensees which included the first BII Certificates in 1994. Working with the your council we jointly introduced changes to the PEL conditions and the requirement for Door Supervisor Training for all door staff registered with the council and ran those course until the SIA legislation took over.

In 1996 I retired from the police and took up the role of a Licensing Consultant and Tutor for all the BII courses and the door training some of which I helped to write the manuals for. I continue in these roles to the present day and although the work load has altered considerably over the years I have made many hundreds of applications in Brighton and Hove as well as across the country and trained several thousands of Licensees.

During those years I have seen many ups and downs in the trade following the changing economics of the country and of course major changes in legislation. It is important to remember that the Hospitality Trade is the third largest employer in the country with the vast majority of venues being licensed premises. Locally it is a major attraction in respect not only of our local population but also the vital tourism trade.

Directors Doug Simmonds FBII tp. & Sue Simmonds  
Doug Simmonds & Cliff Collings Consultancy are trading names of 'Doug Simmonds Ltd'  
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Registered in England No. 6446419.





With the current coronavirus pandemic, premises have had to close quite rightly so, but my concern is that these businesses will sadly fail in many cases and we will see premises licences lost as a result despite some of the protection being put in place by Government legislation. Published figures at the moment suggest in excess of 800,000 businesses will fail in the UK

In my view this could lead to a serious depletion of licensed premises for the future with an extended effect of the crisis as a result and serious economic outcomes, not only to the businesses but our working population and the City as a whole. I believe that there is a need therefore to urgently consider current licensing policy and the cumulative impact and stress zones in place.

I am not suggesting they should be removed completely but current policy tends to reject new applications which are there in effect to replace those lost, while I see no need to increase the total number of current premises I would seriously like to see some consideration about relaxation where it can be shown that the application is not increasing but replacing previously existing premises in order to build the economy back for everybody involved.

The current Licensing Policy is due for review and your Licensing Committee needs to debate and consider the long term outcomes it will have if it continues as it currently is in place. While the changes needed may seem radical I would suggest that with the right changes in policy in place it could be managed would not increase the loads on Licensing Objectives and hence problems that are perceived as the outcomes.

Should this be considered worthy of some debate then I am willing to contribute further but this is intended to be an initial suggestion with food for thought.

Can I wish you all well and keep safe

Yours sincerely

Doug Simmonds FBII.



London Road LAT - Review of Licensing Policy 2021 - some late comments 18/10/20

Dear Jim,

Greetings - and I hope all is well with you.

I am rather struggling to keep up with things at this end - my day job has got several times more difficult!

So I realise that I am well behind the curve with the above Review/Consultation.

\*\*\*

But, in case it is not absolutely too late, may I say on behalf of London Road Area LAT

**that we are strongly supportive of key change/proposal (2) *Expand the Special Stress Area (SSA) to cover Preston Road and Beaconsfield Road (up to Stanford Avenue).***

**that we are strongly supportive of Matrix change 4.a. *To amend the “Café” category of the Matrix by reducing the terminal time for the sale of alcohol from midnight to 11pm or 10pm within the SSA and “other areas”.***

\*\*\*

Thanks,

Philip Wells

LAT Chair



<b>Subject:</b>	<b>An Update on the Economic Strategy for Brighton &amp; Hove</b>
<b>Date of Meeting:</b>	<b>17 December 2020</b> 3 December 2020 – Policy & Resources Committee
<b>Report of:</b>	<b>Executive Director for Economy, Environment &amp; Culture</b>
<b>Contact Officer: Name:</b>	<b>Liz Cadman/Cheryl Finella Tel: 01273 291094/1095</b>
<b>Email:</b>	<b><a href="mailto:Liz.cadman@brighton-hove.gov.uk">Liz.cadman@brighton-hove.gov.uk</a></b> <b><a href="mailto:Cheryl.Finella@brighton-hove.gov.uk">Cheryl.Finella@brighton-hove.gov.uk</a></b>
<b>Ward(s) affected:</b>	<b>All</b>

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

- 1.1 This report is to update the Policy & Resources Committee on progress of the delivery of the priority actions in the Economic Strategy for Brighton & Hove.

**2. RECOMMENDATIONS:**

*That the Policy & Resources Committee:*

- 2.1 Notes the progress to date on delivery of the of the priority actions in the Economic Strategy for Brighton & Hove
- 2.2 Recommends to Full Council that the Economic Strategy is amended to remove the Productivity Commission as a priority action and notes that the objectives of the Commission will be pursued in other ways, as set out in Priority Action PA4 in Appendix 1.

*That Full Council:*

- 2.3 Agrees that the Economic Strategy is amended to remove the Productivity Commission as a priority action and notes that the objectives of the Commission will be pursued in other ways, as set out in Priority Action PA4 in Appendix 1.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 An Economic Strategy and supporting Action Plan for Brighton & Hove was adopted by the council in December 2018.
- 3.2 The Economic Strategy for the city was jointly commissioned by Brighton & Hove City Council and Brighton & Hove Economic Partnership.

- 3.3 The strategy identifies six themes to support its delivery that are vital to delivering economic growth, creating prosperity and improving quality of life for all, as outlined below.
- 3.4 The themes are supported by priority actions which are detailed further in Appendix A in the Economic Strategy. The action plan sets out activities for delivery until 2023.
- 3.5 However, the economic picture has changed since the Economic Strategy was prepared. In March, the UK government imposed a stay-at-home order shutting almost all schools, business, venues, facilities and amenities. It was forecast that lengthy restrictions would severally damage the UK economy. In late April, the UK had passed the peak of its outbreak and the lockdown was lifted.
- 3.6 Cases rose significantly from late August onwards and the government responded with a 'tiered' regional lockdown in England. These restrictions evolved during late October with a second national lockdown on the 5<sup>th</sup> November intended to last a month.
- 3.7 Many of the challenges facing the city are Covid-19 related. Covid-19 is having an unprecedented and ongoing impact on jobs, business resilience and the ability of the city to recover.
- 3.8 The collective focus has shifted to the delivery of those measures which will help to mitigate the negative impact of the Covid-19 lockdowns to aid the process of local economic recovery, and to this end a Covid-19 Recovery & Renewal Programme was established, to be overseen by the P&R (Recovery) Sub Committee.
- 3.9 Much has already been delivered to support businesses most in need at this critical time, as outlined below, and there is an item on this agenda updating on progress with delivery of the Covid-19 Recovery & Renewal Programme.

### **Economy and Events Recovery Working Group**

- 3.10 The Council's Economy and Events Working Group has been set up to respond the Covid-19 Crisis. This includes responding to and delivering the government support programme. The group brings together business facing council services along with representatives from health and the voluntary sector to track the impact of the pandemic and government measures to contain it. Action to support business have included administering the government grants generic and sector specific, distributing information to businesses on operating safely, regularly updated information to businesses via the council's website, and support for the council's commercial tenants. Alongside the more immediate support measures the group continues to work on a Recovery & Renewal plan, including re-purposing empty shops, enabling the city's cultural institutions to find new ways to function, and working with the city's business community to respond to the ongoing economic challenges posed by the virus.

## **Business Grants**

- 3.11 The government introduced its business grants scheme as a result of the pandemic. The work undertaken by the Council included the delivery of business grants to local businesses, including grants of £10,000 for all businesses in receipt of small business rate relief or rural rate relief, and a grant of £10,000 for retail, hospitality and leisure businesses with property with a rateable value up to £15,000, and £25,000 for retail, hospitality and leisure businesses with property with a rateable value of between £15,000 and £50,999.
- 3.12 5,052 businesses benefitted from the Small Business Rate Relief scheme and the Retail, Hospitality and Leisure grant to a value of £68.56m.

## **Discretionary Grants**

- 3.13 On 2 May the government announced a 5% uplift in the allocated small business grants fund to be used by local authorities as a discretionary fund in support of businesses city affected by the Covid-19 pandemic who were not able to access other support.
- 3.14 Local authorities were given licence to make payments to other businesses based on local economic need. The city council's economic priorities have been set out within its corporate plan and economic strategy and they were therefore used to determine local priorities for the fund.
- 3.15 The government set out three levels of grants payments to business; £25,000, £10,000 and the council had discretion to set a lower amount for smaller enterprises; Brighton & Hove City Council set the smaller grant sum at £2,500.
- 3.16 Businesses were assessed through an application process to determine which level of funding they could receive. Applications were assessed by an independent advisory panel which included representatives from business organisations. There were over 900 applications from businesses seeking c£10m in grants, however the allocation from government was set at 3.67m. The panel was able to award 307 businesses a discretionary fund using the full £3.67m allocation.
- 3.17 Further Covid support grants in the form of the Local Restrictions Support Grant and the more discretionary Additional Restrictions Grant have now been introduced to assist businesses through the current lockdown, and a meeting of the P&R Urgency Sub-Committee agreed the process for distribution on 13<sup>th</sup> November 2020. A report on how that grant programme has operated will be brought to the next meeting of this committee.

## **Covid-19 Impact Assessment**

- 3.18 An Impact Assessment on the city region, was completed by Hatch on behalf of the Greater Brighton Economic Board. This was reported to the Board in July, and at the Board's last meeting in October an economic recovery plan for the Greater Brighton city region was agreed. It is clear from the analysis that, like the rest of the UK economy, COVID-19 will have a significant impact on output (GVA – a measure of productivity) growth in the Greater Brighton region. Using the

Office of Budget Responsibility (OBR) methodology to create a coronavirus reference scenario, the figures indicate a loss of 11% in GVA during 2020.

- 3.19 The impacts of Covid-19 are a rise in unemployment, closure of local businesses with significant challenges in four main sectors; Creative, Arts and Culture, Education, the Visitor Economy and Transport. The assessment says Brighton and Hove is in the top 20 towns and cities in the UK for insolvencies since the start of the lockdown.
- 3.20 During April Tourism saw a fall across the city region of 90% while live performances and festivals are predicted to face continued challenges into 2021. The report suggests that this sector will account for 50% of all jobs lost in the city region. In response to this the Arts & Creative Industries Commission is developing a Culture & Creative Industries Recovery Plan which will be used to seek support from government and organisations such as the Arts Council. A more detailed report on this work is set for Policy & Resources Committee in January.
- 3.21 The region's estimated year of recovery to achieve pre-COVID GVA levels is 2028. The Board has an important role to play in delivery of its Recovery Plan which is aligned with Coast to Capital's recovery strategy for the region.
- 3.22 Also on a more regional scale, officers have also been working closely with Coast to Capital Local Enterprise Partnership (LEP) on the recovery plans for wider Coast to Capital region.

### **Delivery of the Economic Strategy**

- 3.23 The impact of Covid-19 has had a significant impact on the delivery of the actions in the Economic Strategy, which were agreed as the city's priorities before the start of the pandemic.
- 3.24 Despite the impact of Covid-19, some progress has been made delivering priority actions in the strategy. The most notable areas of delivery are included under each of the six themes below with further detail in the Economic Strategy Action Plan (Priority Actions) in the Appendix.

### **Embracing Innovation**

- 3.25 The theme of innovation cuts across the strategy and is about adopting new approaches to build on the city's strengths and tackling growth challenges.
- 3.26 This theme is supported by a priority action which proposes to develop an innovation programme. Specific issues of economic focus include: productivity, energy, water, health and inclusion, electric/autonomous vehicles, food security, circular economy, affordable housing and digital infrastructure.

### ***Plus X (Brighton) - £7.7m***

- 3.27 A major new flexible workspace facility in the city 'Plus X' opened in June 2020, Despite challenging conditions due to Covid-19, which resulted in a slower start than anticipated, the building currently has around 100 business memberships on

flexible plans. The management team is also negotiating with established businesses with a view to taking significant floorspace on levels 5 and 6.

- 3.28 Since opening, Plus X has also successfully launched its scale up innovation programme, BRITE, starting in October. The Brighton Research Innovation Technology Exchange (BRITE) is a business innovation programme for ambitious and established businesses primarily based in the Coast to Capital Local Enterprise Partnership region.

### A Growing City

- 3.29 The focus of this theme is on homes, business space, infrastructure for growth and the dynamism of our small business and innovation economy. Its purpose is to deliver the space, infrastructure and support needed to achieve balanced growth; unlock and accelerate the delivery of homes, commercial and community infrastructure and support the evolution of a better connected and sustainable small business economy and to work with City Region partners to adopt a mutually beneficial strategy for development, growth and infrastructure delivery across the wider area.
- 3.30 This theme is supported by a priority action which proposes delivery partnerships with Government and regional partners tasked with accelerating the delivery of housing and commercial space across the City Region and with the aim to unlock stalled development sites.
- 3.31 A key outcome is the city council has worked with Hyde Housing to reshape the 'Homes for Brighton & Hove' joint venture. The joint venture will now become a development company, building homes and selling them to the council and Hyde to overcome viability issues that were blocking two key sites (346 homes) from coming forward. This means that Hyde can use their Homes England grant funding to deliver the homes. This was agreed by the council's Housing and Policy and Resources Committees in October 2020. The next step is to establish the Joint Venture as a development company and start the process to unlock the 346 stalled homes.
- 3.32 The council has a number of initiatives in addition to the joint venture that are delivering new homes these include:
- New Homes for Neighbourhoods – 227 homes completed in 14 projects on empty or underused council owned sites with over 600 homes in the pipeline over the next four years
  - Hidden Homes – 15 homes completed so far. 11 homes are due for completion in 2020/21 with more small sites identified
  - Council owed temporary and emergency accommodation – 25 homes completed so far with 48 further homes due for completion in 2020/21. Further options will be identified.

### An Open City

- 3.33 Focuses on business investment, a thriving visitor, retail, leisure and cultural offer and better places. The purpose of this theme is to reposition and promote Brighton & Hove as the most distinctive city in the UK and to capitalise upon and

strengthen the city's identity and reputation for creativity, openness and spirit to attract investors and visitors alike. It is also intended to protect and enhance the city's retail, leisure and cultural distinctiveness and improve the quality of the environment to ensure the experience of residents, visitors and investors matches and exceeds expectations.

- 3.34 On 1 October 2020 management of Royal Pavilion & Museums transferred from Brighton & Hove City Council to the Royal Pavilion & Museums Trust. The Royal Pavilion & Museums Trust (RPMT) is a charitable organisation. RPMT will manage and operate the Royal Pavilion & Museums' buildings and collections instead of the city council. The Council still owns the buildings and the collections. Becoming a Trust will safeguard the future of culture and heritage currently provided by the service. As a Trust RPMT will gain financial independence from the council. It can then apply for grants unavailable to local authorities. RPMT will operate as a charity and benefit from tax relief from income such as Gift Aid.
- 3.35 This theme is supported by a priority action which sets out to establish a City Region Trade & Invest Team. This priority proposes a new team with dedicated resource to act as a gateway to trade and investment information, enquiries and support.
- 3.36 Following the Greater Brighton Economic Board agreeing the Place Narrative and approach to Inward Investment, a dedicated section on the Greater Brighton website has been created and recently launched. A process for lead identification, engagement and monitoring has been developed and a report dashboard is now live. The report dashboard captures information about potential leads and opportunities and will be updated regularly. The Greater Brighton Business Managers have started reaching out to potential opportunities, and progress will be tracked via the dashboard.
- 3.37 Brighton & Hove City Council's Economic Development Team is supporting the Library Service in setting up a Business & Intellectual Property Centre (BIPC) at Jubilee library, as part of the British Library BIPC National Network. The BIPC Brighton & Hove will provide business support to entrepreneurs and small and medium sized enterprises with free access to market research, journals, directories, reports and company databases and a programme of free and low-cost events and workshops. Brighton BIPC is now supported by Claire Mason, CEO of the multi-award winning through leadership global consultancy Man Bites Dog as Entrepreneur in residence.

### A Talented City

- 3.38 This theme looks at economic participation across all life stages delivering greater labour market productivity and inclusion. The purpose of this theme is to recognise the integral role that skills and the labour market plays in driving economic productivity and inclusive growth outcomes. It aims to capitalise on the city's pool of talented labour by ensuring that all residents have the competencies they need to access employment, to progress in work and to build careers at any point in their lives. It will also deliver a balanced approach which reflects the diverse and changing workforce requirements across the economy, helping to develop a workforce closely matched to the City and City Region's future needs.



- 3.39 The Strategy's original proposal was to set-up a City Skills for Productivity Commission to act as a scrutiny committee and formulate recommendations for action to steer future skills, training and employment provision across the city. However, in 2019 the Adult Learning & Skills Partnership (ALSP) was restructured as a strategic body and the Economic Strategy Project Board agreed a City Skills for Productivity Commission would not be a standing group as the creation of a new skills group would bring duplication. As this is technically a change to a corporate strategy document, this change needs to be agreed by P&R and full council.
- 3.40 The government announced the Coronavirus Job Retention Scheme (CJRS) on 20 March 2020. CJRS supports employers in paying their employees. Employers have been able to claim CJRS support for employees furloughed from 1 March 2020. Up to 30 June 2020, CJRS provided employers with financial support of up to 80% of their employees' salaries. The scheme was modified on 1st August. The latest figures released by Local Authority Area in October, relating to August, revealed that 14,900 employees were furloughed at the end of August, However the data for August is incomplete as claims relating to these months may still be filed; thus, the should therefore be considered preliminary results and will be revised in future releases.
- 3.41 As at 31 August nationally, the sector with the highest proportion of its workforce eligible for furlough that were actually furloughed was arts, entertainment and recreation at 33% followed by accommodation and food services sector at 27%. In all, 50% of employers in the arts, entertainment and recreation sector were using the furlough scheme at the end of July as were 45% of employers in accommodation and food services. The furlough scheme is being replaced with a new Job Support Scheme on 1st November to protect workers who are unable to return to their usual working hours due to lack of demand.
- 3.42 The Supported Employment Team and Youth Employability have increased active caseloads supporting the most disadvantaged residents who have been disproportionately affected by the pandemic.
- 3.43 Coast to Capital LEP receive government funding to act as the Skills Advisory Panel (SAP) for the Coast to Capital area, bringing together employers and skills providers to understand and address key local skills challenges, with the aim of developing evidence based analysis to advise and support providers to deliver the skills required by employers. They have recently launched a LEP wide skills strategy and action plan.
- 3.44 Locally, employability and skills partners/networks will contribute to a two-year City, Employment and Skills Recovery Plan which will identify and address local priorities.

### A Fair City

- 3.45 This theme focuses on economic and social inclusion, health, civic pride and business and community responsibility. Its purpose is to ensure that Brighton & Hove becomes a more equal city, with the benefits of growth reinvested to support greater levels of inclusion. In addition, to narrow the gap between and within our communities and on engaging proactively with the most marginalised

groups; developing new projects to ensure economic, social and environmental resilience across the city.

- 3.46 Supported by a priority action which aims to develop long-term community capacity and citizen leadership to enable community wealth building, including for example local procurement models to be rolled-out across other institutions such as anchor organisations e.g. hospitals, schools etc and to encourage community ownership of assets as a route to community wealth building.
- 3.47 The Centre for Local Economic Strategies (CLES) prepared a draft report of Brighton & Hove’s potential to develop community wealth, entitled ‘Community Wealth Building in Brighton & Hove’ (December 2019). Brighton & Hove City Council will explore what options are available under this theme.
- 3.48 The Brighton & Hove Living Wage Campaign is going from strength to strength and held a 600<sup>th</sup> milestone celebration event earlier this year. The Brighton & Hove Living Wage campaign has 664 employees signed up.

A Sustainable City

- 3.49 This theme will build upon and strengthen our impact to ensure that Brighton & Hove becomes a more circular and sustainable economy and acts as a leader in developing a robust response to climate change.
- 3.50 The theme is supported by a priority action which promotes the development of a circular and sustainable economy to minimise waste and pollution by reducing, reusing and recycling. Exploring circular economy and sustainability projects which provide a real opportunity for the city to nurture local sectors, skills development and enterprise and contribute to keeping wealth local and prevent flows (materials, skills and investment) from going out of the city at the same time as reducing waste. This priority will build city resilience and security and will involve promoting and supporting sustainable business practices.
- 3.51 A Circular Economy Routemap is being brought to this Committee. It includes recommendations that enable the delivery of circular principles within the council and promotion throughout the city’s economy.
- 3.52 In October 2020 the Greater Brighton Economic Board launched its ten pledges to tackle climate change:

<ul style="list-style-type: none"> <li>1. <b>Kelp:</b> backing a scheme to introduce a carbon capturing kelp forest off the Sussex coast</li> <li>2. <b>Water Recycling:</b> partnering projects to introduce recycled water into new homes</li> <li>3. <b>Zero Emission Fleets:</b> committing to phasing out diesel cars, refuse trucks and vans</li> <li>4. <b>EV Charging Points:</b> supporting a huge</li> </ul>	<ul style="list-style-type: none"> <li>6. <b>Home Visits:</b> supporting Southern Water’s 50,000 water and energy efficiency home visits</li> <li>7. <b>Low Carbon Heating:</b> rolling out schemes to replace oil home heating with electric and other low carbon fuels</li> <li>8. <b>Public Buildings:</b> reducing energy use by 50 per cent by 2030</li> <li>9. <b>Innovation:</b> establishing an</li> </ul>
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<p>increase in electric vehicle charging points.</p> <p>5. <b>Rewilding:</b> supporting an increase in natural landscapes and rain garden projects</p>	<p>Innovation Forum to share latest research and best practice</p> <p>10. <b>Lobby:</b> using Greater Brighton's powerful voice to lobby government for investment</p>
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3.53 All members of the Greater Brighton Economic Board (GBEB), including Brighton & Hove City Council, GB Met, the Universities of Brighton and Sussex and the Brighton & Hove Economic Partnership, individually committed their organisations to support the GB10, a range of pledges underpinning energy and water projects which will help the environment.

#### 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The economic impact of COVID-19 cannot be ignored and a 'do nothing' approach is not feasible. The actions in the strategy that have been delivered to date are those that have been practical and feasible in the light of Covid-19. The strategy's action plan will be reviewed on an annual basis.

#### 5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 It is important the Economic Strategy is owned by partners and stakeholders from across the City and City Region. Delivery of this strategy draws upon the collective action and partnership working across the city and the capacity and expertise of a range of partners across the public and private sectors, social enterprises, the third sector and civil society.

#### 6. CONCLUSION

6.1 The city has been impacted significantly by the COVID-19 pandemic. This report sets out the main measures and approach that has been taken to build local business resilience and safeguard employment, local businesses and the economy.

6.2 The delivery of actions to support the economy have been and will continue to need to be agile and adapt to sudden changes in government response and/or local lockdowns.

#### 7. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

7.1 The Economic Strategy for the city was jointly commissioned by Brighton & Hove City Council and Brighton & Hove Economic Partnership and implemented in December 2018. A number of additional actions have been included since then including the Governments response to the Covid 19 pandemic. These include the distribution of Government supported grants for Business Grants of £68.56m and Discretionary Grants for businesses of £3.67m which was the maximum allocation from Government.

- 7.2 The Economic Strategy Action Plan appendix details the progress for individual plans and includes updates of any financial investment and support for each scheme.

*Finance Officer Consulted: Rob Allen*

*Date: 11/11/20*

Legal Implications:

- 7.3 The Council's Economic Strategy is part of its Policy Framework which has been approved by Full Council. Amendments to the Economic Strategy must be approved by Full Council.

*Lawyer Consulted: Alice Rowland*

*Date: 11.11.2020*

Equalities Implications:

- 7.4 An EIA has been completed for the Economic Strategy, identifying where work can be effectively focused to maximise benefits to diverse groups. Where the council is the lead partner and/or funder for work areas these EIA actions will be progressed and overseen by relevant staff; where another organisation has lead responsibility, the council will pass on the findings of the EIA and encourage appropriate responses. The EIA will be revisited in the light of the pandemic.

Sustainability Implications:

- 7.5 Green recovery from the Covid-19 pandemic is high on Government's priority list. Within the Economic Strategy the 'Sustainable City' theme and the development of a Circular Economy Routemap, will help the city becoming more environmentally resilient.

Brexit Implications:

- 7.6 Changes being introduced as the UK leaves the European Union are being conveyed to businesses as they become clearer. The council is working with business partners to support businesses through the transition.

Any Other Significant Implications:

- 7.7 None.

Crime & Disorder Implications:

- 7.8 Studies have repeatedly linked unemployment to rising crime and the deterioration of health. Improving the economic prospects of the city's residents through the measures to safeguard jobs, business and support business resilience particularly in the light of the pandemic, may contribute to reducing crime and anti-social behaviour.

Risk and Opportunity Management Implications:

- 7.9 A robust and committed approach to tracking impact and performance is a crucial part of the delivery of this strategy. This will ensure a real-time understanding delivery progress, and an ongoing understanding of impact on the ground, be it at the micro level or City / City Region wide. The strategy's action plan is used to track delivery and understand impact.

Public Health Implications:

- 7.10 Studies have repeatedly linked unemployment to the deterioration of health. Improving the economic prospects of the city's residents through the measures to safeguard jobs, business and support business resilience particularly in the light of the pandemic, may contribute to improving the well-being of the city's residents.

Corporate / Citywide Implications:

- 7.11 This proposal is in line with the council's Corporate Plan to support the local economy and the Economic Development Strategy which aims to support economic growth.

## **SUPPORTING DOCUMENTATION**

**Appendices:**

1. Productive, Inclusive, Transformative: An Economic Strategy for Brighton & Hove – Action Plan (Priority Actions)

**Background Documents:**

1. [Productive, Inclusive, Transformative: An Economic Strategy for Brighton & Hove](#)



**Economic Strategy Priority Actions**

**Update October 2019 to September 2020**

Action Ref	Detail	Lead partner	Task	Target Outcomes	Updates & Next Steps
PA1 Year 1	Establish an innovation programme and Civic Innovation Demonstrator	<p>Lead: Better Brighton, Brighton &amp; Hove City Council, Digital Catapult Brighton</p> <p>Wider partners: Chamber, BHEP, Sussex Innovation Centre, Green Growth Platform, Central Research Laboratory, Brighton and Sussex Universities, external partners such as Future Cities</p> <p>Plus X delivery partners: Brighton &amp; Hove City Council (Delivery Body), U-I Group Plc (Developer) and University of Brighton</p>	<p>Secure agreement to mapping &amp; tracking innovative and potentially transformational projects.</p> <p>Work with partners to seek investment in developments that can lead to wider city and/or city region benefits</p>	<p>Joined up and coherent approach to city innovation which build on existing city capacity. Long-term impact on 'big' city issues: inclusion, productivity and resilience. Visibility of the city as a leader in disruptive thinking.</p> <p>Investment in innovative and transformational projects by investors</p>	<p><u>Innovation Programme:</u></p> <p>Better Brighton &amp; Hove is developing an Innovation Programme. In the context of the pandemic, the Board is furthering discussions around green tech in the city; exploring opportunities to contribute expertise and/or support projects collaboratively.</p> <p>Next steps:</p> <p>The Board has been reflecting on the (post-Covid) recovery work being undertaken in the city and considering ways in which members can support this work.</p> <p><u>Digital Catapult:</u></p> <p>There are 18 case studies of start-ups or existing businesses which have utilised and benefitted from the Brighton Immersive Lab.</p> <p><u>Plus X Brighton update:</u></p> <p>Brighton &amp; Hove City Council is a delivery partner for Plus X Brighton which opened in June 2020 and is a seven-storey innovation hub. It provides high quality workspace tailored to the unique needs of Brighton's creative and entrepreneurial businesses. The building has around 100 memberships on flexible plans. Plus X Brighton has also successfully launched its scale up innovation programme, BRITE. The Brighton Research Innovation Technology Exchange (BRITE) is a business innovation programme for ambitious and established businesses primarily based in the Coast to Capital Local Enterprise Partnership region.</p>

Action Ref	Detail	Lead partner	Task	Target Outcomes	Updates & Next Steps
PA2 Year 2	Unlock stalled development sites through investment partnerships with Government and regional partners	Lead: Brighton & Hove City Council, Greater Brighton Economic Board, Coast to Capital Local Enterprise Partnership and wider City Region partners  Wider partners: developers, agents, landlords	Following the success of the Burgess Hill agreement how can the city region unlock other sites with complex land ownership/ expensive remediation and other challenges  Brighton & Hove City Council & Greater Brighton Economic Board to take forward discussions with the LEP & Govt re-investment opportunities	Acceleration of strategic development sites; delivery of more homes & commercial space in line with need  A more dynamic approach to addressing strategic growth opportunities and constraints across Greater Brighton; ultimate outcomes – increased investment in infrastructure and strong delivery pipeline	<u>Greater Brighton Housing &amp; Growth Sites Working Group:</u>  The Greater Brighton Housing & Growth Sites Working Group was established in November 2019. It brings together representatives from the Greater Brighton local authorities (Adur, Arun, Brighton & Hove, Crawley, Lewes, Mid Sussex and Worthing) to focus on issues relating to housing supply and delivery.  The Group is aimed at: sharing learning and best practice; providing peer support and review; identifying and progressing opportunities for collaboration and joint-work, and; completing discrete pieces of work as and when required.  The Group meets quarterly and has discussed topics including sustainability and compulsory purchase orders. The next meeting was due to be held on 26 October 2020, when the Group will be joined by Homes England. Homes England will share information on their new structure and priorities, as well as on their funding programme and wider support available.  In addition, the city council has worked with Hyde Housing to reshape the 'Homes for Brighton & Hove' joint venture. The JV will now become a development company, building homes and selling them to the council and Hyde to overcome viability issues that were blocking two key sites (346 homes) from coming forward. This means that Hyde can use their Homes England grant funding to deliver the homes. This was agreed by the council's Housing and Policy and Resources Committees in October 2020.  The council has a number of initiatives in addition to the joint venture that are delivering new homes these include: <ul style="list-style-type: none"> <li>• New Homes for Neighbourhoods – 227 homes completed in 14 projects on empty or underused council owned sites with over 600 homes in the pipeline over the next four years</li> <li>• Hidden Homes – 15 homes completed so far. 11 homes are due for completion in 2020/21 with more small sites identified</li> <li>• Council owed temporary and emergency accommodation – 25 homes completed so far with 48 further homes due for completion in 2020/21. Further options will be identified</li> </ul>



					<p>Next steps:</p> <p>To establish the Joint Venture as a development company and start the process to unlock the 346 stalled homes.</p> <p><u>Greater Brighton Investment Programme</u></p> <p>Local Growth Fund (LGF) allocations for projects in Brighton &amp; Hove made as part of the Growth Deal Rounds 1, 2 and 3 are listed below:</p> <ul style="list-style-type: none"> <li>• New England House Growth Centre - £4.9m</li> <li>• Digital Catapult &amp; 5G Testbed - £1.8m</li> <li>• Circus Street Innovation Centre &amp; Regeneration - £2.7m</li> <li>• Plus X - £7.7m</li> <li>• Valley Gardens – Phases 1 &amp; 2 - £8.0m</li> <li>• Waterfront - £12.1m</li> <li>• Heritage Centre Stage – Corn Exchange &amp; Studio Theatre - £3.0m</li> <li>• Pelham Campus Redevelopment - £5.0m</li> <li>• Brighton 5G Fibre Ring - £832,647</li> </ul>
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Action Ref	Detail	Lead partner	Task	Target Outcomes	Updates & Next Steps
PA3 Years 1 & 2	City Region Trade and Invest Team	Lead: Brighton & Hove City Council Economic Development Team, City Region Authorities & Leaders  Partners: Brighton & Hove Economic Partnership, Coastal West Sussex, Gatwick Diamond, Chambers, Wired Sussex, Department for International Trade, Coast to Capital	Develop the City Region narrative and key messages  Develop a Trade and Investment Service	Creation of jobs and new investment  Increase in business locating to the city and city region  Increase in levels of trade to EU and Non-EU countries	<u>Trade &amp; investment:</u> <ul style="list-style-type: none"> <li>Wide stakeholder engagement exercise with Greater Brighton Members and other regional stakeholders (Business Chambers, Gatwick Diamond, Department for International Trade etc), to develop the place narrative</li> <li>Presentation of initial ideas and final narrative at two Greater Brighton Economic Board Meetings during this period</li> <li>Engagement with Greater Brighton Officer Group (several times) and other officers on both the place narrative and inward investment desk draft proposals</li> <li>Training the Greater Brighton Support Team and other officers on how social media, particularly LinkedIn to be used as a resource for contact generation and tracking, and helping officers improve their online profiles</li> <li>Prepared a simple Customer Relationship Management (CRM) dashboard to record new leads and track/monitor progress. Key metrics captured include number of new prospects identified, number contacted, number validated, potential job creation</li> <li>Engagement with the Communications Team on how best to communicate the agreed narrative for the City Region</li> </ul> <p>Outcomes:</p> <p>Place narrative and inward investment strategy both produced and agreed by the Greater Brighton Economic Board.</p> <p>Next Steps:</p> <ul style="list-style-type: none"> <li>Support the Greater Brighton Support Team to identify possible leads, make initial contact, record and monitor progress</li> <li>Support the narrative to become embedded within the comms team and member organisations</li> <li>Draft a template for a monthly dashboard, outlining new opportunities by sector and geographic region of origin</li> </ul>

					<p><u>Business &amp; Intellectual Property Centre (BIPC) Brighton &amp; Hove:</u></p> <p>Brighton &amp; Hove City Council's Economic Development Team is supporting Jubilee Library in setting up a Business &amp; Intellectual Property Centre at the library, as part of the British Library BIPC National Network. The BIPC Brighton &amp; Hove will provide business support to entrepreneurs and small and medium sized enterprises with free access to market research, journals, directories, reports and company databases and a programme of free and low-cost events and workshops.</p> <p>BIPC Brighton &amp; Hove is a pilot centre. It has responded to the changing circumstances due to the pandemic, by delivering virtual events. BIPC Brighton &amp; Hove recently launched its events programme. The first was hosted by Neil Infield, Manager of the BIPC in London who talked about IP 'How to protect your business'. The second event was hosted by Emily Rampat, Account Manager at IBIS World who talked about 'Business Plan Success' showing how IBIS can be used to conduct research.</p> <p>Next steps:</p> <p>The new BIPC refurbishment is nearing completion. It is located on the upper floor at Jubilee Library.</p> <p><u>Reset. Restart Programme</u></p> <p>The British Library recently launched a Covid-19 business recovery programme called Reset. Restart. The aim is to help small and medium enterprises to transform, future-proof or grow their business through the Covid-19 pandemic and beyond. The British Library is offering a series of 10 free webinars. For a local Reset. Restart programme, the BIPC Brighton &amp; Hove sent an Invitation to Quote to local business organisations to deliver workshops, one-to-one clinics and facilitated networking to local businesses. A preferred supplier has been selected.</p>
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Action Ref	Detail	Lead partners	Task	Target Outcomes	Updates & Next Steps
PA4 Year 1	Adult Learning & Skills Partnership	Partners: Brighton & Hove City Council (Skills & Employment), providers; Sussex Council of Training Providers, key sector and business representatives	<p>A workshop to identify the Greater Brighton skills priorities was held November 2019. Following the event, a paper was produced and submitted to Greater Brighton Economic Board to inform the 5-year strategy</p> <p>Coast to Capital Local Enterprise Partnership has created the Skills 360° Board – quarterly meetings take place with the Skills Manager at C2C with colleagues from Economic Development &amp; Employment &amp; Skills.</p>	<p>The Strategy's original aim was to set-up a City Skills for Productivity Commission to act as a scrutiny committee and formulate recommendations for action to steer future skills, training and employment provision across the city</p> <p>Following this in 2019 the Adult Learning &amp; Skills Partnership (ALSP) was restructured as a strategic body and the Economic Strategy Project Board agreed a City Skills for Productivity Commission would not be a standing group as the creation of a new skills group would add duplication.</p> <p>Aim is to create a more dynamic and proactive working between providers and employers; skills and employment outcomes for residents; suitability of workforce for businesses / sectors</p>	<p>Coast to Capital LEP receive government funding to act as the Skills Advisory Panel (SAP) for the Coast to Capital area, bringing together employers and skills providers to understand and address key local skills challenges, with the aim of developing evidence based analysis to advise and support providers to deliver the skills required by employers.</p> <p>They have recently launched a LEP wide skills strategy and action plan 2020-2025. The government proposal to enable people without a level 3 qualification to access free provision in 2021 and the ongoing implementation of T Levels, means that the national and local provision landscape will adapt to respond to the priorities attached to funding.</p> <p>Locally, some providers already work together to ensure that the offer reflects local skills requirements and that progression routes are in place, and the Department for Work and Pensions commission sector-based training for their clients from local providers.</p> <p>Locally, employability and skills partners/networks will contribute to a two-year City, Employment and Skills Recovery Plan which will identify and address local priorities.</p>

Action Ref	Detail	Lead partner	Task	Target Outcomes	Updates & Next Steps
PA5 Year 1	Developing long-term community capacity and citizen leadership	Brighton & Hove Connected is leading on social value / community wealth building  Partners: Civil Society leaders  Brighton Chamber is leading on the Brighton & Hove Living Wage Campaign	Work with Procurement on implementing models that help build community wealth and social value  Increase take up of the Living Wage by local employers	Increase in participation levels, and more efficient partnership working across the Civil Society sector, reduced reliance on public sector to lead / facilitate delivery  Increase in sustainable employment	<u>Community Wealth Building update:</u>  The Centre for Local Economic Strategies (CLES) prepared a draft report of Brighton & Hove's potential to develop community wealth, entitled 'Community Wealth Building in Brighton & Hove' (December 2019).  Next Steps:  Brighton & Hove City Council will explore what options are available.  <u>Living Wage update:</u>  Living Wage Campaign held a 600 <sup>th</sup> milestone celebration event. The Brighton & Hove Living Wage campaign has increased to 652 employees signed up.  Next Steps:  Brighton Chamber will host a virtual coffee morning during Living Wage Week in November.  Brighton Chamber will also liaise with workspace providers in the city asking them to promote the Living Wage campaign to their members.

Action Ref	Detail	Lead partner	Task	Target Outcomes	Updates & Next Steps
PA6 Year 1	Promote the development of a circular and sustainable economy	Brighton & Hove City Council's Sustainability & Economic Development Teams are leading  Partners: Universities, key sector and business representatives	Circular Economy principles approved by the Greater Brighton Economic Board  Work with the universities to identify and take forward city demonstrators and identify resources	Brighton & Hove recognised as one of the most established and progressive Circular Economy cities  Growth in the number of business processes, trade and infrastructure that adopts a circular economy approach	The Council with support from Circular Economy Brighton & Hove is developing a Circular Economy (CE) Routemap for the city.  <u>Circular Economy Routemap update:</u>  Five Built Environment Accelerator Sessions took place to introduce officers and partner organisations to develop new circular economy approaches. The workshop themes were: Highways & Road Maintenance, Major Infrastructure Projects, Planning Policy & Heritage, Properties & Housing and Procurement.  Officer re-engagement sessions were held in September with staff from Procurement, Planning, Property, Transport and the Built Environment to discuss the Circular Economy Routemap.  Next steps:  The Circular Economy Routemap is being taken to the Policy & Resources Committee on the 3 <sup>rd</sup> December 2020.

<b>Subject:</b>	<b>Covid-19 Recovery &amp; Renewal Programme Update</b>		
<b>Date of Meeting:</b>	<b>3 December 2020</b>		
<b>Report of:</b>	<b>Executive Director for Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Julie Nichols</b>	<b>Tel: 01273 291656</b>
	<b>Email:</b>	<a href="mailto:julie.nichols@brighton-hove.gov.uk">julie.nichols@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report provides an update on the progress of the Covid-19 Recovery & Renewal Programme, following a previous update to the Policy & Resources (Recovery) Sub-committee on 9 September 2020.
- 1.2 It should be noted that the report provides an update on progress to mid November and given the fast moving nature of the pandemic, aspects of this report may have been superseded by events by the date of the committee meeting.

**2. RECOMMENDATIONS:**

- 2.1 That the committee notes this progress update report.

**3. CONTEXT/BACKGROUND INFORMATION**

- 3.1 The Policy & Resources Committee agreed to establish the Covid-19 Recovery & Renewal Programme on 30 April 2020 to help prepare and steer the council and city through the transition from emergency response to recovery. In doing so, the programme seeks opportunities for the city to emerge from the pandemic as a healthier, equitable and more sustainable place to live, work and visit.
- 3.2 Circumstances with regard to the pandemic have shifted significantly over recent weeks. Whilst the focus on recovery is being maintained, this is now being managed alongside emergency response to the escalation in Covid-19 cases and the second national lockdown. Recovery working groups are, therefore, alternating between response and recovery in recognition that this will be the required way of working for some months to come.
- 3.3 Clear Recovery & Renewal governance arrangements are in place, with reporting from the working groups to the Executive Leadership Team and Members, through to regional and national structures.
- 3.4 Programme management arrangements continue, including project planning at working group level, highlight reporting to update on progress, management of risks and issues, and completion of Equalities Impact Assessments.

- 3.5 The fifteen working groups have been reduced to thirteen, as a reflection of Public Health and Finance being embedded across the programme and reported on regularly to Members via other processes. A brief update on the working groups is as follows:

**Citywide recovery:**

3.6 **Children & Young People**

This working group has started to review lessons learned so far and recommendations from the Black, Asian & Minority Ethnic (BAME), Education and Disadvantaged Task & Finish groups. Support to education and other settings has continued as cases have risen in the city. A weekly notification report process has been embedded with Members and the Trade Unions. The group is considering a full lesson learned report with recommendations, and how best to manage both rising cases and the need for a continued focus on recovery.

3.7 **Crime & Community Safety/Cohesion**

Consultation has started on the review of the Statement of Licensing Policy (for the Licensing Committee in November). A clear multi-agency communications strategy is being developed with key partners (Sussex Police and the Clinical Commissioning Group) via the Brighton & Hove Community Safety Partnership Exploitation Sub-group. Retendering of domestic abuse services in the city started in October 2020. A social media campaign was developed around hate crime, to support understanding/reporting for Hate Crime Week. A Community Tensions meeting was held in October and will be linking into work on Brexit (a further meeting will be held by mid December). There are monthly meetings set to take place that include the Violence Reduction Partnership, Tactical Tasking & Co-ordination Group and Exploitation Group. A pilot for third party reporting centres for hate crime is being developed. An annual Review of a Strategic Assessment linked to the Community Safety Strategy is planned to be undertaken with lead officers. Work has been initiated to develop Unauthorised Encampment Protocols.

3.8 **Employment & Skills**

The working group has now formed and is being led by the Executive Directors of Economy, Environment & Culture and Families, Children & Learning. Physical and virtual Youth Employability Hubs are being created working with the Department for Work & Pensions and the Kickstart Scheme that provides funding to create job placements for 16 to 24 year olds on Universal Credit who are at risk of long term unemployment is being explored. A paper exploring Employment & Skills across Brighton & Hove, and East and West Sussex has been produced.

3.9 **Events & Economy**

The Licencing Team has been carrying out weekend joint patrols with the Police; the main issue has been curfew times, both from premises still operating but also large gatherings immediately after 10pm on West Street and Queens Road. A stepped approach to enforcement has been taken, with a series of warnings given to premises, moving onto penalty notices. Hot spots of youths gathering at Preston Park and other open spaces have been dealt with by the Police. Messaging around how to enjoy Halloween safely and while minimising Covid-19



transmission has been shared. £6 million from the Cultural Recovery Fund has been allocated to cultural institutions across the city. A survey of charities and the Community & Voluntary Sector is being carried out to inform recommendations relating to the end of Covid funding, the impact of the loss of events, and moving the workforce and infrastructure to dual delivery of face to face and digital work in the long term. Statistics have been compiled on unemployment and business insolvencies in the city, and the impact on the Third Sector is being monitored. Possibilities for pop-up shops/exhibits to make use of vacant shop properties are being explored.

The [portal](#) to administer Local Restrictions Support Grants (LRSGs) and Additional Restrictions Grants (ARGs) opened week commencing 16 November on the council's website, following agreement by the Policy & Resources Urgency Sub-Committee to a report on 13 November. Administration of the ARGs will seek to balance the need for the grants to be targeted, with the need for them to be issued quickly so the money is flowing within the city's economy. The council has been awarded £5,817,700 to distribute as ARGs over the 2020/21 and 2021/22 financial years. It is proposed that about 50% of the grant pot is distributed very quickly through an initial round, and the remaining 50% is retained and either used in a similar fashion in the event of a future lockdown or partial lockdown affecting key sectors. If that does not happen, then the money can be used more strategically for grants for rebuilding businesses to support economic recovery. The entire pot will be spent before the end of the 2021/22 financial year to ensure the money is used to boost the local economy and does not have to be given back to government. The working group will communicate with businesses and Community & Voluntary Sector organisations to outline the criteria and encourage applications to these grants.

### 3.10 **Food**

For the October half term school holiday, on the day emergency food parcels were re-instated and citywide communications issued regarding how and where families could get food. Payments of £500 for individuals self-isolating and in poverty to buy food and essentials went live on 12 October with around sixty applications in the first week. A grant from the Department for Environment, Food & Rural Affairs, in the order of £320,713.25 to assist those struggling to afford food and other essentials, has been received and is being allocated. Two surveys have been completed - one regarding demand on the food banks and another on the experience of food bank beneficiaries. The University of Sussex lead for food attended the Food working group meeting to make links and share intelligence. The council run central Brighton food hub and Brighton & Hove Food Partnership central food processing hub have been given notice at the Brighton Centre and must vacate by 18 November; a new venue is being investigated. The working group will be issuing lockdown guidance regarding the operation of food banks and hubs, and issuing volunteer letters. The provision of medically appropriate food in emergency food parcels will be explored and the food referral flowchart will be updated. Meetings will be scheduled with the hospitality sector to develop a food provision scheme for vulnerable families over Christmas, along with a Free School Meals voucher scheme. Officers are initiating recruitment to a dedicated post to hold the lead for food, and work with the Food Partnership and council's Recovery & Renewal programme.

### 3.11 **Homelessness & Housing**

The revenue bid grant allocation of £3,428,766 has been received from the Ministry of Housing, Communities & Local Government (MHCLG). News of the capital bid is awaited. A committee report on the Next Step Accommodation Programme and bid conditions is being prepared. Teams and resources have been mobilised to deliver on the bid conditions, including 40% (148 people) accommodated in Everyone In emergency accommodation, 27 of whom have moved on as of 19 October. Replacement provision has been agreed for the Symptomatic Hub. Accommodation for the Severe Weather Emergency Protocols (SWEP) shelter is to be agreed. The working group is to complete the Homes England Investment Management System application and sign up for the Next Steps Accommodation Programme data sharing agreement. The Youth Hostels Association is to be transitioned to No Second Night Out provision to manage the new flow of rough sleepers. A report to the Homelessness Reduction Board and Housing Committee is to be finalised.

### 3.12 **Safer Public Spaces**

The working group is currently dormant following activity to lay out social distancing measures in spring/early summer. The group will be 'stood up' as and when required.

### 3.13 **Welfare Support & Financial Hardship**

A Landlord Forum has been held with attendees from the social sector, along with representatives from the private sector and housing. A bid has been approved for a Debt Mental Health Co-ordinator to strengthen links between health services, debt collection and debt advice services. A consultation on Council Tax Reduction is underway, which closes on 1 December with the aim of making the scheme more financially supportive. Further meetings are planned with the Department for Work & Pensions to discuss potential Flexible Support Fund bids.

### 3.14 **Vulnerable People**

**Community Hub:** Additional staff are being recruited to scale the offer back up as and when needed. An operational sub-group is being established with key partners to look at joining up referral pathways. Ways of moving the Hub offer to business as usual are being explored. Digital and physical mail outs are being planned to vulnerable people regarding self-isolation. Working towards local contact tracing becoming a function of the Community Hub.

A response to shielding is being planned. More support to BAME communities is underway with targeted communications and engagement, including translations, representation and working with group leaders. Written communications are being sent to people previously identified as shielding with information on current guidance and where to go for local support. A summary of mental health support has been shared with professionals and partners. The volunteering workstream is being merged with the city Volunteering Partnership.

#### **Council recovery:**

### 3.15 **Customers**

The Brighton Customer Service centre is now ready for services to use for appointments with customers where there is no other way of delivering the

service. The Customer Feedback Team and Family Information Service now have a live phone offer, with officers taking calls from home using new functionality. Parking services will be improving their offer to customers by amending telephone options and website content. Work is continuing with Customer Experience Steering Group to outline any changes to services as a result of the national lockdown and to develop appropriate communication plans. Work will be undertaken with the Webcontent and Digital Communications team to improve service information accessibility on the council's website. Service provision via key contact channels will be expanded to include digital channels and more services. Services will be supported to provide face to face appointments. The virtual phone solution will be expanded to enable high volume contact services to take live phone calls.

### **3.16 Governance & Accountability**

A review of the top governance challenges faced by the organisation as a result of the pandemic was started in October. The Audit Plan has been agreed and is in the process of being delivered. Life Events have undertaken a review of the impact of Covid-19 on their services; several changes have been implemented as a result to ensure the services can react quickly. This includes Registration staff able to work from home and the office, with face to face contact with customer, as necessary; Bereavement Services have contingency plans in place, including working 24 hours per day, if required and plans for extra 'stewards' in cemeteries during lockdown periods; Electoral Services contacting customers digitally as part of annual canvassing and planning for a Covid secure Police & Crime Commissioner election next year.

### **3.17 Procurement**

All existing supplier relief negotiations will be reviewed in light the second lockdown and renegotiated, where required. Meetings will be held with a selection of local small and medium sized enterprises (SMEs) through the Chamber of Commerce to explain tendering processes. The Personal Protective Equipment (PPE) process will be reviewed to ensure consistent stocks.

### **3.18 Ways of Working**

The Workstyles Team have attended all Directorate Management Team meetings to present the revised priority office user criteria, current office capacity and usage, and proposed changes to office capacity. Guidance has been sought from Public Health regarding face coverings and masks. Staff will be strongly encouraged to wear face coverings while moving around office buildings. Workstyles have reviewed what office equipment has been borrowed and the implications if office capacity increases. Consideration is being given to confirm no further equipment to be borrowed. Refreshed wellbeing messages for staff commenced in November. A meeting will be held to start the workstream regarding longer term office accommodation, and the future approach to working arrangements to optimise employee engagement and performance.

### **3.19 Community impact of Covid-19 and equalities**

Work is underway to gather and analyse data to understand the community impact of Covid-19 by geography and characteristic. It will be important when analysing this data to distinguish Covid-19 as the determining factor and it should be noted that the data may well change in reaction to national and local factors, such as businesses closing, furlough eventually ending, and unemployment and benefit claims increasing. When the data analysis is complete, officers will set out

a plan of action and consult with stakeholders, including Members, the Executive Leadership Team and Corporate Equality & Diversity Group. Equality Impact Assessments (EIAs) have been completed, as necessary, by the working groups with actions in order to get the best outcomes for all service users and staff. In doing so, each group is considering what existing inequalities have been revealed by the pandemic and social restrictions, what inequalities have been created or worsened, and what the council can do (with partners and communities) to tackle these. In addition, the groups will also consider whether the recovery stage from the pandemic creates any opportunities to actually narrow pre-existing inequalities. The council's Equalities Managers are supporting the process. Equality is fundamental to the city's and council's recovery from the pandemic, along with addressing the inequalities that may have worsened over this period. In order to monitor delivery against each EIA, an equalities section has been included in the regular highlight reports the working groups complete as part of governance of the programme.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 As the democratic body of the city, the council has a role in leading the governance and delivery of the recovery phase of the pandemic. The consequences of this public health crisis force the city to respond in ways that are different from what has been considered normal. The recovery programme is designed to ensure that the city is able to respond in an agile way as the city transitions through different phases of the pandemic and moves in and out of response.
- 4.2 The pandemic represents an unprecedented challenge for Brighton & Hove and a major shock to the city's economy and communities. It also presents the city with an opportunity to shape its future. The recovery programme is designed to provide the governance structure for initiating and organising a series of co-ordinated, multi-agency actions during the recovery stage(s) following the pandemic affecting the communities and/or environment of Brighton & Hove. Those leading Recovery & Renewal are working closely with colleagues supporting outbreak control and emergency response to ensure approaches are co-ordinated.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The programme is engaging with the city's partnerships and governing bodies, and the Community & Voluntary Sector (CVS) as part of the recovery process. The city's partnerships have been consulted as part of the programme's initiation via a scenario planning exercise where they were asked to consider the implications of the pandemic on their sectors and a response. Action plans are now being drawn up as a result of this exercise. The CVS and Clinical Commissioning Group are represented on the Covid-19 Recovery & Renewal Group, where the leads of each working group share progress in order to identify issues, links and dependencies, and cross-cutting areas of work. Each working group has also been reviewed to determine whether it has appropriate CVS representation.

## 6. CONCLUSION

- 6.1 The Covid-19 pandemic and the council's response to it have been fast paced, agile and in partnership with others, and this ethos is being carried forward into recovery. The programme will plan ahead as far as it is able, adapt in line with outbreak control and emergency response, and each working group will review its approach as circumstances change. The organisational capacity required to respond to the initial crisis, recover from it, respond again and manage business as usual cannot be under-estimated. Officers remain committed to delivering for the city, and the council and its staff, and will continue to update Members as the programme progresses.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The governance structure of the Recovery & Renewal Programme is being provided for within the council's existing resources. Except where specific delegations have been approved by committee, actions or recommendations arising from the programme that have financial implications are reported through the council's standard governance and decision-making routes, normally Policy & Resources Committee, and in accordance with Financial Regulations.

*Finance Officer Consulted:* Nigel Manvell 19.11.20

### Legal Implications:

- 7.2 The Recovery and Renewal Programme is entirely consistent with the Council's powers and duties under the Local Government Act 2000 (economic, social and environmental wellbeing) the Coronavirus Act 2020 and function-specific laws.

*Lawyer Consulted:* Alice Rowland 20.11.20

### Equalities Implications:

- 7.3 The equalities implications of Covid-19 recovery have been covered in the main body of this report.

### Sustainability Implications:

- 7.4 The sustainability of its recovery plans is a key aspect of the programme's approach. This ranges from the plans to facilitate the movement of people around the city, to the sustainability of food provision, to the sustainability of the council's finances. As well as responding to the challenges thrown up by the pandemic, the programme will similarly seek to optimise any opportunities that are presented to support delivery of the council's priorities.

### Brexit Implications:

- 7.5 The challenges of city and council recovery from the pandemic are being considered alongside the implications of Brexit. The council's Brexit Implementation Lead now attends Covid Recovery & Renewal Group meetings. Services have been urged to plan their delivery in light of both Covid-19 and

Brexit, and business continuity plans are being refreshed with a similar focus. Opportunities to join up messaging and actions around Covid-19 and Brexit are being proactively identified, including the identification and management of risks.

Crime & Disorder Implications:

- 7.6 A Crime & Community Safety/Cohesion working group has been established as part of the recovery programme, as detailed previously in this report.

Risk and Opportunity Management Implications:

- 7.7 Risk management is an integral part of programme management and is being considered throughout the recovery process. The working groups have conducted risk analyses to identify the risks relevant to their area of focus and have captured these in risk logs. Working group level risks will be managed by the relevant working group and only reported to the Programme Board if they need to be escalated. Programme level risks will be included in the working group's highlight report and reported monthly to the Programme Board, if the working group feels they are of corporate interest. The Covid-19 Programme Manager will maintain a programme risk log comprising the programme level risks from the working groups, escalated risks, corporate risks and those that cut across more than one working group. This will be shared periodically with the Programme Board. The Programme Board will escalate risks to the Sussex Resilience Forum, as appropriate. As mentioned previously, opportunities that arise in the course of the city and council's recovery from the pandemic will be explored and pursued, as appropriate.

Public Health Implications:

- 7.8 Public Health is at the heart of the council's response to, and recovery from, the pandemic and is mainstreamed throughout the Recovery & Renewal programme. Colleagues from Public Health and the Recovery & Renewal programme are co-ordinating their responses to the pandemic.

Corporate / Citywide Implications:

- 7.9 The programme is structured around the council and city's recovery from the pandemic and the implications to both are integral to the plans of the respective working groups.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None.

### **Background Documents**

None.

<b>Subject:</b>	<b>Brexit Resilience &amp; Planning</b>		
<b>Date of Meeting:</b>	<b>3rd December 2020</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Dee Humphreys</b>	<b>Tel: 01273 290555</b>
	<b>Email:</b>	<b>Dee.humphreys@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report and appendix provide an overview of Brighton & Hove City Council's preparations for the UK's withdrawal from the EU and related issues as overseen by the Brexit Working Group.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee note the contents of this report and appendix, which provide an overview of the preparations made by the Council across its areas for the UK's withdrawal from the EU.
- 2.2 That the Committee authorises the Chief Executive to take any steps necessary or incidental to protecting the interests of the Council and the city in response to emerging issues connected with Brexit.

**3. CONTEXT/ BACKGROUND INFORMATION**

**National Developments**

- 3.1 The UK left the EU on 31<sup>st</sup> January 2020 and entered a transition period where existing EU rules and regulations have continued to apply. The transition period ends on 31<sup>st</sup> December 2020 when replacement rules and regulations will be introduced in the UK and the free movement of people, goods and services will end.
- 3.2 During the transition period the UK and EU have entered negotiations to agree future, trade and security arrangements from the 1<sup>st</sup> Jan 2021. At the time of writing the negotiations were continuing and no outcome had been confirmed. If a deal is agreed there will still need to be time given for the ratification of the agreement which could mean we are unclear on the future relationship until the very end of the year. Possible outcomes are:
- No deal (default to WTO terms)

- Trade deal aligned with the political declaration (UK outside Single Market and Customs Union)

3.3 Whether a deal is agreed or not there is likely to be some disruption in January as citizens and businesses grow accustomed to the changes that come with being outside of the Single Market and Customs Union. In a no deal scenario the risk of disruption is greater and it is prudent for the Council to prepare for all scenarios. There are several key areas that could be impacted by a disruptive EU Transition with some potential risks related to:

<b>Adult Social Care</b>	Provider failure linked to rising costs and workforce changes.
<b>Vulnerable/Low income households</b>	The introduction of trade tariffs and potential disruption to supply chains causing shortages and price rises could cause households already struggling with the impacts of COVID to move further into hardship and tip those over the edge who are currently just getting by.
<b>Council/Third sector capacity</b>	Challenge to respond to concurrent crises, managing democratic process, wider wellbeing impacts on staff and volunteers.
<b>Council finances</b>	Increasing costs against backdrop of economic recession and increasing demand for advice services and financial support.
<b>Civil disorder &amp; community tensions</b>	Local population and public services straining under dual pressures related to COVID and EU Transition.
<b>Supply chains</b>	Impact on food, fuel and medicine availability and supply, particularly surplus food supply and the impact on emergency food networks.
<b>Business readiness</b>	Unclear which businesses have plans in place to deal with potential disruption and whether they understand and are prepared for the customs/VAT/immigration changes coming into force from 1st Jan.

3.4 However, the Government have invested significantly in border operations since the last potential no deal scenario, including workforce and infrastructure and have launched a number of communications campaigns in order to prepare citizens and businesses for the guaranteed changes related to EU Transition, including the new points-based immigration system and customs changes.

### **Local Preparations & The Response to COVID**

3.5 Brighton & Hove City Council have been working with partners for a number of years to plan for Brexit and mitigate potential impacts on the council and city and had begun planning in earnest for the end of the transition period between January and March 2020, however preparations had been impeded by the urgent response to COVID from March until August and the need to divert capacity to the response and ensure business continuity across council services.

3.6 In a report to Policy & Resources Committee on 23<sup>rd</sup> January 2020 the Committee agreed to a recommendation for quarterly updates on the Council's preparation to be provided to Committee. This recommendation was unable to be fulfilled due to COVID impacts on capacity of officers. However, officers continued to monitor national and local developments related to Brexit during this time.



## **Brexit Working Group (BWG)**

- 3.7 Members returned to Brexit planning at the end of August through the reconvened cross-party Brexit Working Group, providing democratic oversight of the Council's preparations for the end of the year and beyond. Cllr Mac Cafferty had been replaced on the group by Cllr Ebel for the Green Group and at the August meeting Cllr Yates resigned his position as Chair of the BWG and Cllr Ebel was unanimously elected as the new Chair.

<b>Brexit Working Group Membership</b>	
Cllr Marianna Ebel (Chair)	Green Group
Cllr Dan Yates	Labour Group
Cllr Lee Wares	Conservative Group

## **Risk Review & COVID Response & Recovery**

- 3.8 Since 25<sup>th</sup> August 2020 the Brexit Working Group has since been meeting every three weeks to provide instruction and insight on priority steps the Council can take to prepare most effectively for the end of the year. Due to the dual challenges of responding to COVID and planning for Brexit, including the capacity of officers and partners emergency and the cross-over of potential impacts of a disruptive exit, the BWG agreed that Brexit related risks and issues should be reviewed through the Council's COVID response and recovery working groups and Brexit risks included within the risk action logs of the groups. The working groups also involve critical partners and will allow for an effective citywide response to potential challenges from 1<sup>st</sup> January 2021.
- 3.9 The Brexit Implementation Lead has been working to inform the working groups of potential risks and develop mitigations and identified gaps in planning have been addressed through engagement with the BRPG, ELT and DMT members. The **BHCC Brexit Readiness Monitoring Report** (Appendix 1) provides a breakdown of current EU Transition related risks & issues and subsequent mitigations.

## **Brexit Resilience & Planning Group (BRPG)**

- 3.10 The Council's officer Brexit Resilience & Planning Group, which provides management of risks and opportunities and agrees budget proposals for consideration of the BWG had also returned to Brexit planning in August 2020 and had convened to review the Readiness Monitoring Report in October. The group's membership includes representation from across the council's directorates and all members have been active in the COVID response and recovery. In order to try and limit the pressure on officer capacity, the BRPG has planned to meet once more in December and once again in January to review the Council's planning and to provide some assurance that mitigations are developed for any emerging risks or gaps in planning.

### **Business Continuity Plans (BCP)**

- 3.11 During October and November council services have been reviewing their business continuity plans to consider the potential impacts of EU Transition as part of general Winter preparedness.

### **Partnership Planning**

- 3.12 City Management Board members discussed EU Transition on 22<sup>nd</sup> September 2020 where it was acknowledged that there was still a great deal of uncertainty related to the outcome of negotiations and previous plans needed to be reviewed considering COVID impacts. All members agreed to ensure staff members working on EU Transition preparations within each organisation were connected and able to share planning and good practice.
- 3.13 The Brexit Implementation Lead has since been liaising with relevant staff in partner organisations to ensure the Council's planning recognises and supports that of its partners where possible and post-Brexit opportunities and priorities for the city are explored going forwards.
- 3.14 Brighton & Hove City Council are also part of the South East 7 group of regional local authorities, which also includes Kent CC. The BHCC Chief Executive has regular contact with the group and the Chief Executive of East & West Sussex provides a link to MHCLG as a designated regional LA lead on EU Transition. The group have a mutual aid agreement in place in the unlikely event of unmanageable disruption impacting on a regional local authority.

### **County Contingency Planning – Sussex Resilience Forum (SRF)**

- 3.15 Brighton & Hove City Council are part of the Sussex Resilience Forum, formed of key public services in the county, which has been active for much of 2020 coordinating the county response to COVID and has received instruction from the Ministry of Housing, Communities & Local Government to review contingency plans related to EU Transition in consideration of the Government's Reasonable Worst Case Scenario (RWCS) in the event of a disruptive exit. In order to ensure effective planning for EU Transition the SRF have included a dedicated workstream to report into their Strategic Coordinating Group, which is leading on planning for Winter (D20) and the possible regional challenges related to COVID response & recovery, snow, flooding, flu pandemic and EU Transition. The workstream includes the BHCC Emergency Planning Team, Brexit Implementation Lead and other key Council officers critical to managing an effective response.
- 3.16 Current planning priorities include ensuring Newhaven Port is ready for any potential disruption related to new border requirements. Shoreham Port is currently not thought to be a risk due to its lack of 'roll-on, roll-off' capacity however Council officers are in regular contact with the port regarding preparations and development of mitigations. The impact of any transport disruption from regional ports can currently be managed effectively by the Council's Transport Team working with regional and national partners. Contingency preparations are continuing to be developed.

## Communications

3.17 The Council's dedicated Brexit Communications Officer has been raising awareness of the changes ahead for residents and businesses, once the Brexit transition ends and new rules come into effect from 1 January 2021.

3.18 Areas of focus for the council and the city are:

- The EU Settlement Scheme (EUSS)
- The impact of a new immigration system
- New rules for businesses
- The impact of a new relationship with the EU on the visitor economy
- Trading with the EU
- Travel to the EU

3.19 As with all preparations for the end of the year, communications planning has been impacted by COVID and new ways of reaching people, particularly those who are digitally excluded or unable to leave their home due to COVID restrictions, are continually being sought.

3.20 Activity since resuming Brexit communications at the end of August, has included:

- The development of an updated, dedicated Brexit in Brighton & Hove online resource reflecting and linking to the latest government guidance (at gov.uk) as well as signposting to local support services: [www.brighton-hove.gov.uk/brexit-brighton-hove](http://www.brighton-hove.gov.uk/brexit-brighton-hove)

Topics covered include:

- The transition period
  - The EU Settlement Scheme
  - Business and employment
  - Supporting our communities
  - Travelling to Europe
  - How the council is preparing for Brexit
  - EU Settlement Scheme aftercare
- A postcard raising awareness of the EUSS and encouraging EU nationals to apply to the scheme has been distributed to all households in the city. This initiative has been welcomed by EU citizens and heralded as an example of good practice. Positive feedback has been received from national campaign groups as well as a neighbouring local authorities who made contact to request permission to replicate the work.
  - Messages about the end of the Brexit transition period and upcoming changes from 1 January 2021, are regularly shared on BHCC's social media platforms, Twitter and Facebook.

Narratives include:

- We want our EU family to stay in Brighton & Hove:  
<https://twitter.com/BrightonHoveCC/status/1322857181469904899>
  - Prepare for a new relationship with the EU:  
<https://twitter.com/BrightonHoveCC/status/1322108589331415040>
  - Changes for businesses:  
<https://twitter.com/BrightonHoveCC/status/1323303894647246849>
  - Sign up for free DBEIS webinars:  
<https://twitter.com/BrightonHoveCC/status/1323627305273597952>
  - Checklist for arts, culture and heritage sectors:  
<https://twitter.com/BrightonHoveCC/status/1323219590403543040>
  - Checklist for tourism sector:  
<https://twitter.com/BrightonHoveCC/status/1323312750936891392>
  - New rules for travelling in Europe:  
<https://twitter.com/BrightonHoveCC/status/1323914158384009218>
- 
- A video featuring Cllr Ebel, Chair of the Brexit Working Group, calling for EU nationals to apply to the EUSS has been widely shared on social media:  
<https://www.youtube.com/watch?v=-FUyfpRubo>
  - The hashtag #WeAreBrightonAndHove is being used to link Brexit communications activity and promote a sense of community and cohesion.
  - Editorial and adverts about the EUSS have featured in local, community magazines including:
    - Gscene
    - The Argus
    - The Scroll
    - The Brightonian
    - The Hovarian
    - The North Laine Runner
  - Tailored Brexit communications are being shared with local partners and business networks including Brighton Chamber, Greater Brighton, Brighton & Hove Economic Partnership, VisitBrighton and the Business Improvement District.
  - EUSS adverts are being displayed on digital bus shelters citywide.
  - Internal communications at BHCC have included:
    - A letter from the chief executive to all staff outlining support for our EU residents and workforce.
    - A letter from the chief executive to the Leadership Network raising awareness of the EU Transition period and the EUSS.
    - Information shared with services/staff without ready access to digital communications, including within Cityparks and Cityclean.
    - Gov.uk guidance on preparing for guaranteed changes at the end of the year Inc. Union support available related to EUSS.

- 3.21 Building on the WeAreBrightonAndHove campaign, work is underway to explore the development of a national and international campaign to promote the city as an open and welcoming place for businesses and visitors. The purpose being, to support the local economy through recovery and the wider economic changes next year.
- 3.22 The Council's Head of Communications is part of the Sussex Resilience Forum communications group who will coordinate consistent messages across public services in the county in relation to food, fuel and medicine should any disruption arise. And the council is working with the CCG to ensure local health messaging is communicated through Council networks as appropriate.

### **EU Settlement Scheme (EUSS)**

- 3.23 The Home Office release quarterly EUSS application statistics broken down by local authority area. In August 2020, 20,280 EU citizens from Brighton & Hove had so far applied to the scheme. With 1,590 EU citizens applied to the scheme in the 3 months between 1st April 2020 and 30th June 2020. This is the lowest number of applicants recorded in the quarterly statistics release since the scheme began. We can assume the low number of applications has been due to COVID impacts in April, May and June.
- 3.24 There is currently no available data on the number of EU nationals still needing to apply to the scheme and some EU nationals may not be intending to apply, however the BWG is continuing to monitor statistics and will work with officers to recognise any emerging trends that may help us identify a potential ceiling figure of EUSS applications in the city.
- 3.25 In relation to the impact of COVID on the application process, at the beginning of April the Home Office announced that applications would now be longer than usual owing to COVID restrictions. Delays have been reported to application processing times although some residents have received confirmation of their status within weeks of applying.
- 3.26 The deadline for applying to the scheme for EU nationals resident in the UK before the end of the transition period remains 30th June 2021. Those entering the country from 1st January 2021 will be subject to the new points-based immigration system.
- 3.27 A breakdown of the latest figures can be found below. The next release of statistics is expected in November 2020 and at the time of writing had not been published. New statistics will be shared in an updated briefing. Figures are rounded to the nearest 10.

#### **Home Office EU Settlement Scheme Quarterly Statistics Brighton & Hove**

	28 <sup>th</sup> Aug 2018 – 30 <sup>th</sup> Sep 2019 (Released 7 <sup>th</sup> Nov 2019)	28 <sup>th</sup> Aug 2018 – 31 <sup>st</sup> Dec 2019 (Released 6 <sup>th</sup> Feb 2020)	28 <sup>th</sup> Aug 2018 – 31 <sup>st</sup> March 2020 (Released 14 <sup>th</sup> May 2020)	28 <sup>th</sup> Aug 2018 – 30 <sup>th</sup> June 2020 (Released 27 <sup>th</sup> Aug 2020)
Applications to the scheme	9750	14970	18690	20280
Granted Settled Status	4860	7550	9430	10380

Granted Pre-Settled Status	3140	5960	7640	8410
Other outcome*	70	120	220	280
Applications still in process	1680	1340	1410	1210
Nationality				
Austria	60	80	100	110
Belgium	90	120	150	160
Bulgaria	310	430	520	570
Croatia	30	30	60	60
Cyprus	50	100	140	150
Czech. Rep.	180	330	410	440
Denmark	60	90	110	140
Estonia	40	50	80	80
Finland	80	130	160	170
France	650	1020	1290	1380
Germany	520	730	890	960
Greece	460	710	880	950
Hungary	530	810	980	1060
Iceland	20	30	40	40
Ireland (Irish nationals not required to apply but can if they wish)	20	30	40	40
Italy	1720	2680	3280	3510
Latvia	180	270	320	340
Lichtenstein	0	0	0	0
Lithuania	310	430	530	580
Luxembourg	Between 1-9	10	20	20
Malta	20	30	30	40
Netherlands	220	300	380	420
Norway	50	80	110	110
Poland	1030	1540	1950	2110
Portugal	510	780	930	990
Romania	600	900	1140	1340
Slovakia	210	320	420	450
Slovenia	20	30	40	40
Spain	1190	1980	2480	2660
Sweden	250	370	460	490
Switzerland	40	90	120	130
Non - EAA	320	480	650	740
Age Group				
Under 18	660	1050	1320	1450
18 to 64	8840	13550	16890	18330
65+	240	360	480	510

\*Other outcome refers to 'refused applications, withdrawn or void applications & invalid applications.

## ID Verification Service

- 3.28 The Council had been providing a free ID verification service for EU nationals through the Register Office at Brighton Town Hall. This service was paused in March due to COVID restrictions and this was reflected nationwide. It is currently unclear to what extent there is still a need for this service, particularly with the availability of the EU Exit: ID Document Check app, however the reintroduction of the service is part of a number of actions related to ensuring local support is available for residents in relation to the EUSS.

### **Vulnerable EU Nationals**

- 3.29 Migrant Help are continuing to provide advice in Brighton & Hove for vulnerable EU nationals who need help to register under the EU Settlement Scheme. Migrant Help adviser Charlotte Cheeseman continues to provide remote advice and application support across East Sussex & Surrey. Contact details can be found on the Council's Brexit in Brighton & Hove online pages.

### **EUSS Risks & Issues**

- 3.30 Government measures related to COVID have provided a challenge to reaching those potentially needing assistance with their applications additional to the risks associated with the scheme identified by officers, advice providers and EU nationals rights groups including:
- Although the 'grace period' (Jan-June) allows EU nationals to apply to the scheme up to 30th June 2021, it is unclear at present how landlords and employers can distinguish between EU nationals resident in the UK before 31 December 2020 and new arrivals within that period. They may therefore refuse to accept EU passports as the only proof of eligibility to work and rent.
  - The lack of physical proof of EUSS status for EU nationals may mean employers and landlords are discouraged from hiring or renting to EU nationals due to the administrative burden attached to accessing the digital only status.
  - The digital only status currently excludes digitally excluded people from accessing the scheme and their proof of status without available support and technology.
  - We do not know how many eligible people there are in the city, not all EU citizens will know about the scheme or know they need to apply so risk losing their status and accompanying rights if the deadline passes without applying. Losing status will mean having No Recourse to Public Funds (NRPF) and losing access to health services, housing, employment and benefits.
  - However, the Government have announced that those with a reasonable excuse who do not apply to the scheme before the deadline will be allowed to apply afterwards. Guidance is awaited in the new year on the criteria for a 'reasonable excuse'.
- 3.31 At the time of writing the council were developing an EUSS Action Plan to ensure the council is doing all it can to raise awareness of the scheme and ensure relevant information and support is available to EU nationals who need it in the

run up to the application deadline. Consideration will be given to increasing capacity of the advice sector in the city and ensuring post-Brexit information related to the new immigration system is shared as necessary.

### **Food Supply & Security**

- 3.32 Up until March 2020 the council had been working with Brighton & Hove Food Partnership to develop mitigations to potential risks linked to a disruptive exit. However, planning had been paused due to COVID and only returned to in October through the Food Cell that had been established to coordinate a citywide response to COVID food supply and security issues. This has provided an opportunity to review Brexit risks with access to a wider partnership of expertise and learn from the first-hand experience of responding to an emergency situation.
- 3.33 The Food Cell has developed an EU Transition Food Action Plan to ensure mitigations are in place from 1<sup>st</sup> Jan to limit the impact of any potential disruption, particularly on vulnerable and low-income households. The plan aims to tackle specific issues which may emerge or exacerbate the existing challenges of COVID such as supply chain disruption and rising costs.
- 3.34 As well as actions around engaging with local food networks to discuss risks and exploring longer-term opportunities around food resilience, the Brexit Working Group has agreed to allocate funding to specific actions that build on developments made during the COVID response and enable contingency measures to be in place from the 1<sup>st</sup> January 2021 including:
- One off £20,000 grant funding to the Sussex Food Depot to scale up operations in time for responding to potential supply chain disruption at the beginning of next year. The Depot is a social enterprise and innovation developed during the COVID response by Brighton Food Factory to source locally grown produce and donations for distribution to city food businesses and the emergency food network to reduce reliance on national/international supply chains and meet local need with local produce.

The Depot is a partnership including Brighton Food Factory, Brighton & Hove Food Partnership, Hisbe, One Church and Gleaning Network. The Council's one-off funding will enable vehicles and staff to be ready to respond to emerging challenges on the 1<sup>st</sup> Jan and is dependent on receiving assurances including a location being secured for the distribution hub itself which the BHCC Property Team are currently assisting with.

Measures outlined in this report related to food resilience in the event of a disruptive EU Transition have the potential to support the Council's own sustainability agenda in the long-term. The Depot distribution model aims to ensure locally grown and sourced produce can be more widely accessed across the city and region whilst reducing onward costs to consumers. The Sussex Food Depot also want to grow to support local and regional food procurement including public services, large employers and local food businesses as well as community food projects.



- A £20,000 grant has also been allocated for purchasing food supplies if there is supply chain disruption at the beginning of the year that will directly impact on emergency food provision. Learning from COVID suggests that any disruption to the 'just in time' supermarket supply chains and potential for stockpiling can mean supermarkets are able to ration and meet most demand but that surplus food supplies dry up which impacts on the emergency food network reliant on that surplus. This fund is allocated to allow a quick response to that potential risk and will cover enough food for the first 2 weeks of January. As with the COVID response, any major disruption may lead to the Government intervening.

### **Business Readiness**

- 3.35 A potential issue highlighted through the Government's own assessment of EU Transition preparations was the potential lack of business readiness, which they are trying to address with targeted HMRC messaging and a national communications campaign. Many local businesses will still be managing the impacts of COVID and it is likely that smaller businesses will be unprepared for guaranteed changes at the end of the year.
- 3.36 As well as the targeted communications and signposting to support for businesses the council is undertaking, the Brexit Working Group have funded Brighton Chamber to design and run a programme of free support to local businesses to assist them in planning for the end of the year and beyond. The 'From Brighton with Love' programme (<https://www.brightonchamber.co.uk/from-brighton-with-love>) will launch in December 2020 and provide some flexibility to respond to emerging challenges or issues raised by local businesses. The core programme will involve:
- Q&A webinars and flagship events with experts answering questions on relevant topics including immigration changes, import/export changes, VAT changes.
  - As well as providing advice on preparing for changes related to EU Transition the programme will also provide opportunity for businesses to explore ways to access international markets and sharing of good practice in importing/exporting in particular the consideration of the changing nature of international business post-Brexit, including new trade agreements. This will be done through the establishment of peer support groups on relevant topics.
  - A video providing advice on importing/exporting will be produced and all events will be recorded and included as part of a dedicated web resource.
- 3.37 Along with Brighton & Hove City Council, the Brighton & Hove Economic Partnership will be an event partner and assist in communicating the programme to businesses. The programme is designed to complement advice and support already available across the region including through Sussex Chamber of Commerce (Customs declarations), Coast 2 Capital Growth Hub, the Business & IP Centre (BIPC) and the ERDF Hot House programme.

## Wider Economic Considerations

- 3.38 It is currently difficult to gauge what the wider economic impacts of EU Transition will be without knowing the outcome of negotiations, being able to fully measure the impacts of the COVID response and recovery or understanding the potential opportunities available to the city through new trade deals.
- 3.39 However we do know that the new points-based immigration system will potentially have an impact on local sectors including retail, construction, tourism & hospitality and social care due to the salary thresholds that cannot be met in many of the jobs in those sectors and the reliance on overseas recruitment. Social care has an ongoing issue regarding recruitment that will need to be addressed in the coming years.
- 3.40 It is not yet clear if the large number of local EUSS applications means that in the short-term those sectors will not be affected by the new rules. In the medium to longer term however, there may need to be a focus on domestic recruitment.
- 3.41 The Council is currently developing employment and skills plans considering the impacts of COVID and has included potential Brexit impacts in its early discussions.
- 3.42 Great Brighton Economic Board and Coast 2 Capital have also published their COVID recovery plans which offer flexibility in being able to respond to emerging economic challenges and opportunities related to EU Transition and beyond.

## MHCLG Funding – BHCC Brexit Budget

- 3.43 Brighton & Hove City Council had received three £105k allocations for the year 2019-20 from MHCLG to enable it to prepare the city for the UK's withdrawal from the EU. These allocations were received with different potential scenarios in mind including no deal and consideration of the Government's Reasonable Worst Case Scenario (RWCS). Previous spending priorities, including dedicated officer roles, have left the council with £245,000 to assist the organisation and city in preparing for EU Transition at the end of 2020 and into 2021. An outline of budget allocations agreed by the Brexit Working Group and informed by the latest review of risks are outlined below:

<b>2020/21 MHCLG Brexit Funding</b>	£245,000	
<b>2020/21 Budget Allocations</b>	<b>Amount</b>	<b>Further info</b>
ID Verification Service	£3,700	<ul style="list-style-type: none"> <li>Covering Register Office staff time for provision of service until March 2020</li> </ul>
Corporate Officer Roles	£55,000	<ul style="list-style-type: none"> <li>Brexit Implementation Lead and Brexit Communications Officer roles extended contracts to March 2021</li> </ul>
Communications Budget	£40,000	<ul style="list-style-type: none"> <li>Design and distribution of citywide EUSS mailing</li> <li>Local media and newsletter EUSS advertising</li> <li>EUSS awareness raising &amp; post-Brexit B&amp;H campaign #wearebrightonandhove</li> <li>Potential international messaging in support of visitor economy Inc. conference market</li> </ul>

Immigration Advice	£40.000	<p>EUSS Action Plan allocation:</p> <ul style="list-style-type: none"> <li>Immigration advice – Increasing capacity of local immigration advice sector to respond to EUSS enquiries</li> </ul>
EU Transition Business Support	£40.000	<ul style="list-style-type: none"> <li>EU Transition Business Support Programme - Brighton Chamber to provide webinars, online resources &amp; establish and administer peer support groups on key areas of change e.g. import/export, VAT, recruitment.</li> <li>Potential post-Brexit support plan – informed by engagement with local businesses and changing national policy landscape.</li> </ul>
Emergency Food Supply & Security	£40.000	<p>Food Action Plan allocations:</p> <ul style="list-style-type: none"> <li>Emergency food replenishment fund to mitigate supply chain disruption from 1<sup>st</sup> Jan 2020.</li> <li>One off funding for Sussex Food Depot to be running from 1<sup>st</sup> Jan 2021 - mitigation of supply chain disruption - sourcing local produce for local distribution, reducing reliance on national/international food distribution networks. Contributing to long term local food resilience goal.</li> </ul>
<b>Current Total Spend 2020-21</b>	£218.700	
<b>2020-21 Total Remaining</b>	£26.300	

3.44 The cost of the council’s Brexit preparations has so far not exceeded the funding received from MHCLG and at the time of writing there had been no further announcements or allocations of funding to local authorities to assist with EU Transition preparations.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 The council have been preparing for Brexit for several years and has set up both member and officer groups which currently provide effective oversight and management of risks and issues related to EU Transition.

4.2 At the time of writing there is still some national policy and emergency planning uncertainty related to the outcomes of the negotiations and a very short timeframe in which to prepare. However, the current approach of the Council and partners in relation to managing both COVID response & recovery and EU Transition has provided a strengthened framework to respond to emerging challenges from the 1<sup>st</sup> Jan, which had not been in place at the beginning of 2020.

4.3 The Brexit Working Group and Brexit Resilience & Planning Group will review planning priorities in January 2021 once there is more certainty regarding the outcome of negotiations and this may present opportunity to look in more detail at alternative options focussed on opportunities the Council and city can explore through further policy development and recovery planning priorities.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The Brexit Implementation Lead has been routinely engaging with third sector partners, particularly immigration advice providers as well as the Equality &

Inclusion Partnership and will be attending the Upstanders Network and Brighton & Hove Faith in Action to identify what further support may be provided by the Council to assist with the EU Settlement Scheme and identify any further challenges to the city's communities.

- 5.2 The Brexit Implementation Lead and Brexit Communications Officer are also part of the Council's Community Tensions & Reassurance Group to ensure awareness of community issues are considered in the Council's preparations for EU Transition.

## **6. CONCLUSION**

- 6.1 This report seeks to assure all members and the public that the Council and partners are planning for all eventualities related to EU Transition, particularly related to the city's COVID response and recovery.
- 6.2 Although planning has been developed over several years and key risks identified with mitigations in place, we may still find that from 1<sup>st</sup> Jan 2021, there may be other unforeseen issues which emerge.
- 6.3 It is also very challenging to ensure thorough preparation for EU Transition without knowing the nature of the UK's future relationship with the EU, however members, officers and partners are live to the fast-moving situation and strengthened channels of communication and relationships developed across sectors and localities through the COVID response and recovery provide a framework for responding to any potential challenges emerging during EU Transition.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The details of the MHCLG funding and the spending plans are detailed in sections 3.38 and 3.39 above. There is currently £0.245m available within the council's working balance to fund the Brexit preparation costs, which had cost approximately £0.070m at the time of writing. It is anticipated that the remaining costs will remain within existing resources.

*Finance Officer Consulted: Peter Francis*

*Date: 16/11/20*

### Legal Implications:

- 7.2 This report outlines preparations made across a wide range of the Council's functions, in a context where the future relationship of the UK to the EU is [at time of writing] unclear. The actions and proposals in the report comply with the Council's legal obligations under the law, including under the Civil Contingencies Act. The Council's Policy & Resources Committee is the body with delegated authority for receiving this report.

*Lawyer Consulted: Victoria Simpson*

*Date: 18/11/20*

### Equalities Implications:

- 7.3 The Government's own Equality Impact Assessment of the EU Settlement Scheme still awaits publication and may help the Council and partners more effectively identify potential risks and actions in its planning additionally to the risks outlined from paragraph 3.30.
- 7.4 The major risk to those eligible EU nationals not applying to the EUSS by the time of the deadline on 30<sup>th</sup> June 2021 will be losing their status and access to housing, employment, benefits and services. They could also be subject to immigration enforcement measures. It is critical that the Council supports the Government in raising awareness of the scheme and ensuring support with applications is available to those who need it. Particularly vulnerable EU nationals in the city.
- 7.5 Vulnerable and low-income households are likely to be disproportionately impacted by EU Transition, particularly if there is a disruptive exit. This will mean the introduction of trade tariffs causing rising costs for food and fuel as well as supply chain disruption likely impacting on emergency food networks.
- 7.6 The city will still be in the midst of COVID response and recovery at the beginning of 2021 and it is likely the issues related to a disruptive exit will exacerbate financial issues many residents will already be grappling with. The Council's Revenues & Benefits officers are monitoring developments.

### Sustainability Implications:

- 7.7 As well as the measures outlined in this report related to food resilience the wider impact of EU Transition related to sustainability can be drawn from the Government's Environment Bill. The Bill provides a replacement of EU legislation and sets long-term legally binding environmental targets for the UK to meet including air pollution targets that may contribute to the Council's own environmental sustainability goals.

### Brexit Implications:

- 7.8 See paragraph 3.1 onwards.

### Crime & Disorder Implications:

- 7.9 The Council and partners had previously identified civil disorder and a rise in hate crime linked to Brexit and the Community Safety Team is continuing to work with the police to monitor community tensions and ensure messages of assurance are communicated as necessary. A community tensions review meeting is planned before the end of the year and again in January 2021 to ensure awareness of emerging issues and development of actions across partners.
- 7.10 The Council had included the potential for civil disorder and rises in hate crime in planning exercises related to Brexit in 2019 as had the City Management Board in considering an effective citywide/partnership response.

- 7.11 Sussex Police and the Council have systems in place to ensure that civil demonstrations are carried out in a safe way.

Risk and Opportunity Management Implications:

**SR35: Unable to manage serious risks and opportunities resulting from the impact of Brexit on the local and regional society and economy.**

- 7.12 As well as the Readiness Monitoring Report providing in-depth oversight of the potential major and minor risks the Council are currently monitoring and mitigating the council also recognises Brexit as a strategic risk and an update on planning around SR35 went to Audit & Standards Committee on 27th October 2020. The strategic risk will be reviewed pending changed national planning assumptions related to the outcome of negotiations.

Public Health Implications:

- 7.13 There is a risk that if there is disruption from the 1<sup>st</sup> January, particularly to supply chains involving medicines, medical equipment, food and fuel coupled with increasing costs to both the council and health and care providers, this could impact on the effectiveness of the city's COVID response and recovery.
- 7.14 However monitoring of relevant potential risks and development of mitigations related to EU Transition has been incorporated into COVID response and recovery working groups to aid effective planning as much as possible.
- 7.15 NHS England have contingency plans in place to ensure continued supply of medicines to patients from 1<sup>st</sup> January 2021 with no need for local stockpiling. Local clinicians will be advising patients they will not need to and should not seek to store additional medicines at home.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. BHCC Readiness Monitoring Report

# BRIGHTON & HOVE CITY COUNCIL BREXIT RESILIENCE & PLANNING



Readiness Monitoring Report

Date: 19.11.2020

**For further information contact:**

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This report holds current risks and issues identified by BHCC officers and partners in relation to EU Transition includes updates and actions. Risks and issues are grouped under directorate headings. It is continuing to be reviewed and updated informed by national planning assumptions and the availability of new Government guidance. Member oversight is maintained by the Brexit Working Group. The Brexit Resilience & Planning Group will convene to review Brexit risks once the outcome of the negotiations is known.

All council committee reports should continue to consider Brexit implications and updated business continuity plans should consider EU Transition impacts concurrent to COVID and Winter planning.

- [Brighton & Hove City Council Brexit webpages](#) provide information on local preparations and guidance for BHCC staff, residents and businesses.

[Gov.uk Information and guidance](#) on preparing Local Government for changes from 1<sup>st</sup> January 2021 including:

### Health & Social Care

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- [Actions for adult social care providers and local authorities to prepare for 1 January 2021](#)
- [How healthcare providers can prepare for 1 January 2021](#)

### Access to Public Services

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- [Access to social housing and homelessness assistance for EEA and Swiss citizens in England](#)
- [Citizens' rights - EU citizens in the UK and UK nationals in the EU](#)

### The EU Settlement Scheme

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[Local authority introduction to the EU Settlement Scheme](#) includes a number of useful resources for local councils:

- [Assisted Digital Service](#)
- [Translations of communications and guidance](#)
- [A list of organisations funded to provide support to vulnerable and at risk EU citizens applying to the EU Settlement Scheme](#)
- [A postcode checker to help identify support provided by these organisations locally](#)

### Community Engagement

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- [Community engagement: guidance for local authorities](#)

### Children's Services

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- [placement of looked-after children in EU member states](#)
- [children supported by children's social care applying to the EU Settlement Scheme](#)
- [cross-border child protection cases: the 1996 Hague Convention](#)

The Government's [Reasonable Worst Case Scenario \(RWCS\)](#) for borders at the end of the transition period on 31st December 2020



**R A G** rating criteria aligned with Sussex Resilience Forum emergency planning protocol to allow consistency in sharing of risks and issues:

<b>RED</b>	<p><b>SITUATION:</b> The issue is having a strategically significant impact; normal council/city business has been significantly affected.</p> <p><b>RESPONSE:</b> The response is at or has exceeded the limits of capacity or capability, and further resources are required.</p> <p><b>FORWARD LOOK:</b> The situation is expected to either get worse or remain at this level for the short to medium term.</p>
<b>AMBER</b>	<p><b>SITUATION:</b> The issue is having a moderate impact with strategic concern; normal council/city business has been affected, but the situation is being effectively managed.</p> <p><b>RESPONSE:</b> The response is being managed, at this time, within current resources and through contingency plans and/or coordinated corrective action.</p> <p><b>FORWARD LOOK:</b> The situation is not expected to get any worse in the short to medium term although some disruption will continue</p>
<b>GREEN</b>	<p><b>SITUATION:</b> There is limited or no strategic impact from the issue; normal council/city business has largely returned or is continuing.</p> <p><b>RESPONSE:</b> Ongoing response is being managed and within the capacity of pre-planned resources.</p> <p><b>FORWARD LOOK:</b> The situation is expected to improve with residual disruption being managed.</p>

Strategy, Governance & Law	RAG Status	RISKS & ISSUES	October 2019	January 2020	Update & Actions
Coordination of BHCC & city response to Brexit	A	<ul style="list-style-type: none"> <li>Coordination of the council and city response to Brexit including identifying and mitigating risks through corporate oversight and ensuring this is aligned with regional and county contingency plans being led by the Sussex Resilience Forum.</li> </ul>	<ul style="list-style-type: none"> <li>Brexit Coordination Officer recruited to lead on BHCC response.</li> <li>Established officer Brexit Resilience &amp; Planning Group – weekly meetings and situation reports – cross directorate membership – Linking in with the SRF emergency planning (Establishing command and control arrangements for the lead up to and following Brexit to manage any incidents that may occur).</li> <li>Brexit a Strategic Risk (SR35) – reviewed by BRPG</li> <li>Brexit a citywide risk – reviewed by CMB</li> <li>Cross party Brexit Member Working Group maintaining political oversight of planning through fortnightly meetings.</li> <li>Standing item on weekly ELT/DMT agendas.</li> <li>Chief Executive is designated Brexit Lead – Linking in with SE7 CEX &amp; MHCLG.</li> <li>City Management Board engagement &amp; emergency planning workshop – Key city partners also part of Sussex Resilience Forum contingency planning arrangements.</li> <li>Sussex Resilience Forum is working closely with</li> </ul>	<ul style="list-style-type: none"> <li>Brexit Coordination Officer in post until March 2020</li> <li>BRPG and MWG continuing to meet on a monthly basis with meeting frequency kept under review</li> <li>BRPG continuing to complete fortnightly situation reports – shared with senior offices and members with frequency kept under review</li> <li>Brexit Service Readiness checklist to be presented to DMT's Feb/March 2020 – Outlining steps to take during transition period</li> <li>Operation Yellowhammer officially stood down by MHCLG – County contingency planning for no deal scenario stood down – BHCC still maintaining dialogue with SRF partners</li> <li>MHCLG funding to be allocated through council Brexit Budget – Key priorities to be considered by MWG and BRPG</li> <li>Work with partners to be undertaken to benchmark the city's current economic and social status at beginning of transition period and highlight sectors and communities potentially affected. This will enable council and partners to effectively monitor how Brighton &amp; Hove is being affected by Brexit related changes and what possible short/long term</li> </ul>	<ul style="list-style-type: none"> <li>Brexit Implementation Lead (Dee Humphreys) contracted until March 2021 to coordinate city response and ensure planning is considered alongside COVID response &amp; recovery/Winter Preparedness.</li> <li>Relevant Brexit related risks and issues are being reviewed, monitored and actions assigned through response and recovery working groups who hold expertise and crisis management experience relevant to potential issues emerging from 1<sup>st</sup> January.</li> <li>ELT &amp; DMT's to continue to maintain senior officer oversight of preparations.</li> <li>Cross party Brexit Working Group maintaining political oversight of planning through meetings every 3 weeks.</li> <li>Brexit Strategic Risk (SR35) has been reviewed in consideration of COVID impacts.</li> <li>Brexit Budget for 2020-21 overseen by Brexit Working Group – Provides overview of priorities for MHCLG Brexit funding received in 2019.</li> <li>Sussex Resilience Forum including EU Transition as part of Winter preparedness (D20) workstream – BHCC Brexit Lead, Emergency Planning Team members and other relevant officers part of forward planning. As with council response and recovery work, regional contingency planning tested and strengthened due to COVID.</li> </ul>

230

			<p>neighbouring counties including Kent Surrey and Hampshire and also London. This includes reviewing of plans and risks.</p> <ul style="list-style-type: none"> <li>• Weekly Strategic Coordinating Group (SCG) meetings inc. representatives from MHCLG, Highways England and utilities</li> <li>• Weekly Working Group Meetings.</li> <li>• Delivery of Sussex wide exercising and training to test plans and preparations.</li> <li>• Current emphasis of work is to ensure lines of communication are open within council and with city partners in order to best escalate, disseminate or develop solutions to emerging issues and to maintain oversight of proposals for Govt funding.</li> </ul>	<p>planning could be done to best respond. SWOT focus.</p> <ul style="list-style-type: none"> <li>• Work with B&amp;H CofC to coordinate delivery of an engagement event for businesses in the city on how to prepare for UK withdrawal and consult businesses on what risks and opportunities they think may impact the city.</li> </ul>	
EUSS - EU Settlement Scheme (inc. ID verification service)	<b>A</b>	<ul style="list-style-type: none"> <li>• Brighton &amp; Hove residents from EEA are able to apply to the EUSS scheme</li> </ul>	<ul style="list-style-type: none"> <li>• Register Office at Brighton Town Hall delivering service from 2<sup>nd</sup> Oct 2019-Drop in service details available on <a href="#">council webpage</a> and customer points and city advice agencies to signpost. <a href="#">News story</a> also live 1<sup>st</sup> Oct 2019.</li> <li>• Jubilee Library volunteers to also provide service – awaiting delivery of android devices.</li> <li>• Migrant Help are providing regional support to vulnerable</li> </ul>	<ul style="list-style-type: none"> <li>• Register Office continuing to provide service and details online – 417 service users so far</li> <li>• Jubilee Library also providing service – Awareness of service to raised</li> <li>• Migrant Help continuing to provide advice to vulnerable EU residents.</li> <li>• Migrant Help also holding weekly session at CAB.</li> <li>• BHCC developing fund to assist vulnerable EU residents unable to afford required ID and travel costs to enable them to apply.</li> <li>• Latest EU Settlement Scheme figures released by the Home</li> </ul>	<ul style="list-style-type: none"> <li>• ID verification service paused at Brighton Register Office due to COVID restrictions.</li> <li>• Signposting information available on the council's refreshed Brexit <a href="#">web pages</a> including <a href="#">aftercare</a> guide for applicants outlining what they should do once applied and how to move from pre-settled status to settled status and how to prove status.</li> <li>• August 2020 Update: <b>20,280</b> EU citizens from Brighton &amp; Hove have now applied to the scheme. 1,590 EU citizens applied to the scheme in the 3 months between 1st April 2020 and 30th June 2020.</li> <li>• This is the lowest number of applicants recorded in the quarterly statistic release since the scheme began. We can assume</li> </ul>

			EEA residents at drop-in at Voices in Exile.	<p>Office on 7<sup>th</sup> November 2019 show that 9,750 EU nationals in Brighton &amp; Hove had applied to the scheme between 28<sup>th</sup> August 2018 - 30<sup>th</sup> September 2019. Of that number 8,070 applications concluded with:</p> <ul style="list-style-type: none"> <li>• 4,860 granted settled status</li> <li>• 3,140 granted pre-settled status</li> <li>• 70 given 'other' status</li> <li>• 1,680 were still 'in-process' at the time the data was recorded.</li> </ul> <ul style="list-style-type: none"> <li>• These figures are released quarterly and will continue to be monitored by the Brexit Coordinator.</li> <li>• Next figures expected early February 2020.</li> <li>• Age and nationality breakdown of local applications available from Brexit Coordinator.</li> <li>• Awareness raising of the EUSS a priority both internally and externally for 2020.</li> </ul>	<p>the low number of applications has been due to Covid impacts in April, May and June. Next figures released in Nov 2020.</p> <ul style="list-style-type: none"> <li>• Settled status: <b>10380</b></li> <li>• Pre-settled status: <b>8410</b></li> <li>• Refused applications, withdrawn or void applications &amp; invalid applications: <b>280</b></li> </ul> <ul style="list-style-type: none"> <li>• Member and officer concerns raised about increasing number of applicants receiving pre-settled status, how applicants can prove status, particularly those digitally excluded.</li> <li>• Potential for discrimination towards EU nationals in housing and employment.</li> <li>• Loss of status &amp; rights of EU nationals who are not aware of the scheme or do not know what they must do or not aware of deadline is of continuing concern as no guarantee all EU nationals needing to apply will be reached or receive necessary advice &amp; support in time.</li> <li>• The Govt have said criteria for missing the June 2021 deadline will be published in early 2021.</li> <li>• Migrant Help providing advice to vulnerable EU nationals until 2021 across Sussex.</li> </ul>
Officer Preparedness	<b>A</b>	<ul style="list-style-type: none"> <li>• Workforce able to respond to emerging issues within existing plans and everyday business</li> </ul>	<ul style="list-style-type: none"> <li>• Business Continuity Plans consider potential Brexit impacts – Reviewed at DMT's with support from Emergency Planning Team.</li> <li>• Leadership Network event in Oct to update senior officers</li> <li>• Senior officer risk &amp; resilience training in Oct 2019.</li> <li>• Senior officer scenario workshop in Oct 2019 to inform further development of Business Continuity Plans and highlight gaps.</li> </ul>	<ul style="list-style-type: none"> <li>• BCP's to maintain consideration of planning for a no deal scenario</li> <li>• Readiness checklist for services to be updated in reference to transition period and shared through DMT's</li> <li>• Risk &amp; resilience training – 2<sup>nd</sup> part training session taking place in Jan 2020 for BHCC GOLD</li> </ul>	<ul style="list-style-type: none"> <li>• BCP's reviewed in Oct/Nov to consider potential impacts of managing concurrent challenges inc. EU Transition, COVID, Snow, Winter pressures on health &amp; care (flu)</li> <li>• Workforce capacity a strategic risk for the organisation and HR and ELT keeping situation under review.</li> </ul>

- Brighton & Hove residents and businesses receive information they require to enable them to prepare for Brexit

- Government have launched largescale communications push around 'Get ready for Brexit' – BHCC currently focusing on pushing EUSS scheme and linking to partners Brexit comms.
- Head of Comms part of Sussex Resilience Forum Warn & Inform Group ensuring coherence and consistency in messaging across the county.
- BHCC adopting parts of campaign to message through social media.
- On council website front page and public [resource page](#) established and kept under review.
- Brexit comms officer being recruited
- Trusted sources protocol will be established ensuring messages are objective & reliable – City partners providing messages on areas they lead e.g. CCG – medicines

- Letter of Unity from 3 political leaders released in Dec 2019 – Related news story
- Awareness raising campaign for the EUSS to the city and within the organisation.
- Developing int. & ext. comms plans including Govt toolkit and digital and physical resources to share in public buildings and through partners and businesses.
- Scoping proposals around providing immigration advice sessions within the city and with BHCC staff.

- [Latest EUSS stats and council position](#)
- Citywide postcard mailing in October raising awareness of the EUSS with signposting information.
- EUSS news story and adverts included in community newsletters and area magazines.
- Apply to the EUSS posters have been on digital bus shelters throughout the city previous to COVID and from September.
- News story regarding Aug 2020 figures
- #WeAreBrightonAndHove campaign mark is in design - Will raise awareness of EUSS and amplify Brighton & Hove's post-Brexit position as international city and social/economic opportunities that brings.
- EUSS briefing and signposting information shared with business and third sector partners.
- Chair of BWG video raising awareness of EUSS
- Further advice support regarding EUSS and business preparations are being targeted and shared on social media.
- Further message of unity to the city in development.

Internal Comms:

- CE letter on preparations for EU Transition and the EUSS have been shared with Leadership Network.
- CE letter to all staff on EUSS and EU Transition
- Info provided to workforce without ready access to digital comms.
- MHCLG guidance has been shared with officers including signposting to union support with the EUSS.

Regional Comms:

- BHCC Head of Comms part of SRF and leading on coordinated responses to

					<p>emerging issues related to food, fuel, medicine &amp; transport in the county</p> <p>Post-Brexit Comms</p> <ul style="list-style-type: none"> <li>Brexit Comms Officer developing plans for further communications to support city economy through 2021 changes and provide updated guidance and materials on rights of EU nationals to limit discrimination in the city.</li> </ul>
State Aid	<b>G</b>	<ul style="list-style-type: none"> <li>Changes to State Aid rules</li> </ul>	<ul style="list-style-type: none"> <li>EU rules will be transposed to UK domestic legislation.</li> <li>Information available on how the Competition and Markets Authority (CMA) expects to operate the UK state aid regime in the event of no deal.</li> </ul>	<ul style="list-style-type: none"> <li>The current rules on state aid continue to apply during the transition period.</li> <li>BHCC will monitor developments through transition period and respond accordingly to potential legislative changes.</li> </ul>	<ul style="list-style-type: none"> <li>The UK government has announced that the UK will be subject to WTO subsidy rules instead of the EU state aid laws from 1st January 2021. The government has indicated that they will be issuing guidance on this before the end of the year. The WTO subsidy rules are less stringent than the current state aid regime.</li> </ul>
Electoral Services	<b>G</b>	<ul style="list-style-type: none"> <li>Requests for proof of Voter ID from EU nationals seeking settled status</li> <li>EU nationals LA voting rights</li> </ul>	<ul style="list-style-type: none"> <li>Electoral Services/SGL DMT keeping situation under review.</li> </ul>	<ul style="list-style-type: none"> <li>No further issues identified</li> </ul>	<ul style="list-style-type: none"> <li>Additional legislation required to remove the franchise and the ability for EU nationals to vote in local elections post January – as these are included in the Representation of the Peoples Act.</li> <li>No rise in requests for proof of voter registration linked to EUSS applications.</li> </ul>
Finance & Resources	RAG Status	RISKS & ISSUES	October 2019	January 2020	Update & Actions
Organisation Finance	<b>A</b>	<ul style="list-style-type: none"> <li>Council's financial stability being negatively impacted by Brexit</li> </ul>			<ul style="list-style-type: none"> <li>Financial risk being monitored through Recovery &amp; Renewal Programme.</li> <li>Possible exacerbation of issues emerging though COVID response and recovery related to rising costs and demand against the backdrop of national recession, value of the £ falling, GDP falling etc.</li> <li>Unclear if further Govt economic interventions will be considered in the Winter or in no deal scenario at the beginning of 2021.</li> </ul>

Welfare (inc.NRPF)	A	<ul style="list-style-type: none"> <li>• Support for people in the city from the EU turned down for Universal Credit or other benefits on the basis of right to reside.</li> <li>• Without establishing their right to reside - at risk of destitution. Some of whom are council tenants.</li> <li>• Needing support through no recourse to public funds budgets in adult social care and children's services.</li> </ul>	<ul style="list-style-type: none"> <li>• Welfare Rights Team currently offering advice to residents that are reliant on benefits inc. EU residents.</li> <li>• To be kept under review and issues escalated through DMT/Brexit Coordinator.</li> </ul>	<ul style="list-style-type: none"> <li>• Welfare Rights Team continuing to offer advice and signposting EU residents to EUSS support in the city.</li> <li>• Further clarity needed on impact of proposed immigration rule changes.</li> <li>• Risks and issues will be monitored and highlighted during transition period.</li> </ul>	<ul style="list-style-type: none"> <li>• COVID Welfare Support &amp; Financial Hardship Working Group has included Brexit risks within its existing risk log as likely price rises and food supply chain issues will exacerbate existing impacts around COVID on city's most vulnerable and low-income households.</li> <li>• Revenues &amp; Benefits continuing to monitor risks around application outcomes to the EUSS – EU nationals potentially losing status and access to benefits, housing and services.</li> </ul>
Procurement	G	<ul style="list-style-type: none"> <li>• Changes to procurement legislation</li> </ul>	<ul style="list-style-type: none"> <li>• The current procurement legislation will continue to apply.</li> <li>• There will be a new UK portal for issuing OJEU notices.</li> </ul>	<ul style="list-style-type: none"> <li>• Last update continues to apply.</li> <li>• BHCC will monitor developments through transition period and respond accordingly to potential legislative changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited exposures to overseas supply chains in contracts and procurement challenges can be managed.</li> <li>• 99.7% of total procurement spend within the UK.</li> <li>• Greater risks likely to be to social care providers due to profile of workforce. Unclear what impact will be but situation being monitored by HASC.</li> </ul>
Data	A	<ul style="list-style-type: none"> <li>• Impact on data flows/GDPR</li> </ul>	<ul style="list-style-type: none"> <li>• Guidance on the ICO website regarding this - <a href="https://ico.org.uk/for-organisations/data-protection-and-brexit">https://ico.org.uk/for-organisations/data-protection-and-brexit</a>.</li> <li>• BHCC completed Govt Brexit survey on personal data flow impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• Last update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>• Data adequacy ruling from EU awaited before the end of the Transition Period.</li> <li>• The ICO continues to provide <u>guidance</u> on preparing for the end of the transition period including GDPR.</li> <li>• MHCLG guidance provided to officers and situation being monitored.</li> </ul>

235



Tech	G	<ul style="list-style-type: none"> <li>Ensuring continued access to talent;</li> <li>Enabling the movement of tech products and services across borders;</li> <li>Retaining any access to EU funding streams</li> <li>Existing contract renewals</li> </ul>	<ul style="list-style-type: none"> <li>IT&amp;D's contractor list is small in comparison to other organisations, and the specialist skillsets are not an issue as we have made tactical decisions to move away from expensive technologies to support.</li> <li>IT&amp;D currently procuring products through a standard procurement framework.</li> <li>BHCC's largest supplier in terms of expense is/will be Dell, (who ship products from China), if Dell were unable to supply we would have to look elsewhere, Dell have reported in March 19 that they would have enough stock to cover 8 weeks</li> <li>Currently clarifying contracts with Orbis Partner lead.</li> </ul>	<ul style="list-style-type: none"> <li>1 - No Change</li> <li>2 - No Change</li> <li>3 – Sufficient stock now ordered &amp; delivered from Dell and available for deployment</li> <li>4 – Clarification is that procurement frameworks continue to apply for any contract renewals</li> </ul>	<ul style="list-style-type: none"> <li>Not thought to be any new issues. Clarification awaited from IT&amp;D 17.11.20.</li> </ul>
Workforce: Recruitment	A	<ul style="list-style-type: none"> <li>Recruitment of future staff in areas with high levels of EU nationals and impact of future immigration legislation</li> </ul>	<ul style="list-style-type: none"> <li>HR preparing for immediate changes to right to work in the event of no deal.</li> </ul>	<ul style="list-style-type: none"> <li>HR will continue to monitor developments during transition period and identify impact of expected changes related to new immigration system.</li> </ul>	<ul style="list-style-type: none"> <li>Business Operations Service ready for changes to 'right to work' requirements - documentation etc</li> <li>Orbis working group established to oversee requirements around new immigration system.</li> </ul>
Workforce: Employment Law	G	<ul style="list-style-type: none"> <li>Impacts on Employment Laws and rules in no deal scenario</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring developments – no immediate repeal of UK employment law on withdrawal</li> </ul>	<ul style="list-style-type: none"> <li>Continuing to monitor developments.</li> </ul>	<ul style="list-style-type: none"> <li>Continuing to monitor developments</li> </ul>
Workforce: Organisation culture	G	<ul style="list-style-type: none"> <li>Potential increase in race related incidents</li> </ul>	<ul style="list-style-type: none"> <li>No current concerns and being kept under review</li> </ul>	<ul style="list-style-type: none"> <li>No current concerns and being kept under review.</li> </ul>	<ul style="list-style-type: none"> <li>No current concerns and being kept under review (Anti-racism being worked on by HR team)</li> </ul>

236



Workforce: Current EU staff	<b>A</b>	<ul style="list-style-type: none"> <li>Impact on EU nationals support and retention</li> </ul>	<ul style="list-style-type: none"> <li>Need to target EUSS support to staff – Guidance on the Wave &amp; will target EUSS scheme ID checking service at Register Office &amp; Jubilee Library once live in Oct 2019.</li> </ul>	<ul style="list-style-type: none"> <li>BTH and Jubilee Library continue to provide the EUSS scheme ID verification service</li> <li>Internal communications and signposting to EUSS and support to be delivered throughout 2020</li> <li>Work to be developed around understanding the impact of new points-based immigration system on the council workforce.</li> </ul>	<ul style="list-style-type: none"> <li>ID verification service paused due to COVID. Being kept under review.</li> <li>Leadership Network messaged on EUSS and EU Transition preparations.</li> <li>Concerns that we do not know the current status of our workforce in context of EU status and those who need to apply to the EUSS scheme.</li> <li>Corporate messages have gone to all officers including workforce with access to digital comms/</li> <li>Monitoring guidance on requirement to check 'right to work' status retrospectively for existing staff – Currently not expected.</li> </ul>
Workforce: Qualifications	<b>A</b>	<ul style="list-style-type: none"> <li>Employees needing qualifications to be 'officially recognised' in the UK after the transition period if the qualifications were not attained in the UK.</li> </ul>			<ul style="list-style-type: none"> <li>HR working to understand which services/skilled roles will be affected and how the council are able to mitigate risk.</li> </ul>
Workforce: Capacity	<b>A</b>	<ul style="list-style-type: none"> <li>Staff able to manage the challenges emerging from the end of the transition period – especially in no deal scenario</li> </ul>			<ul style="list-style-type: none"> <li>Situation being kept under review by Executive Leadership Team and HR Leadership Team.</li> <li>Joint Staff Consultation Forum scheduled for November to discuss workforce support in relation to EU Transition and EUSS.</li> </ul>
Economy, Environment & Culture	RAG Status	RISKS & ISSUES	October 2019	January 2020	Update & Actions
EU Funding	<b>A</b>	<ul style="list-style-type: none"> <li>Impacts on current EU funding streams within the city</li> </ul>	<ul style="list-style-type: none"> <li>If the UK leaves under 'No Deal' some bidding opportunities (currently open until 2020) will cease. Under a</li> </ul>	<ul style="list-style-type: none"> <li>BHCC International Team will continue to monitor developments through transition period and</li> </ul>	<ul style="list-style-type: none"> <li>In January 2017, BHCC estimated that approximately £8.9m of EU funding came into the city in the previous year (2016). This is a</li> </ul>

238

Waste Management

**A**

- Border delays at Newhaven Port have the potential to obstruct access to Newhaven Energy Recovery Facility, where 65% of BHCC municipal waste is treated. Potential knock on effect on moving waste out from Hollingdean Waste Transfer Station
- Disruption to fuel supplies directly

- ESCC has a contingency plan in place to manage Newhaven Port traffic (additional off-road parking secured).
- Disruption to markets may financially impact BHCC due to income sharing arrangements in the PFI contract. Veolia does not export any non-recyclable waste.
- Confident that fuel disruption can be mitigated through bunkered fuel supplies at Cityclean and Veolia Depots
- DEFRA has stepped up their communications to the waste sector to encourage waste

- City clean continuing to monitor developments during the transition period.
- County Resilience Forum contingency planning stood down by MHCLG with disruption to ports and fuel availability extremely unlikely during transition period.

- Previous updates continue to apply.
- Fuel availability issues being monitored but currently unlikely to be a risk & BHCC Fuel Plan reviewed.
- Cityclean management team reviewed EUSS awareness raising & support to staff.
- Cityclean to be kept updated on Newhaven situation if risks of port/transport disruption likely to occur – Mitigations currently being planned through SRF.

'No Deal' projects in delivery are underwritten by the Treasury, however the mechanism for UK partners receiving the funding is not yet clear for all programmes.

highlight risks, issues and opportunities. Projects are continuing to be funded.

very rough guideline figure with lots of caveats which include:

- This is the amount granted, but not necessarily the amount received or spent, as the project may have underspent or ineligible items included.
- As the amount claimed is usually in euros – apart from ESF and ERDF – and we don't have the exact dates the funding is received, exchange rates used will mean this is a guideline figure.
- This may not necessarily be all the projects. We can only include those of which we are aware. We will revise the figure as we receive more information about funded projects.
- See Universities and CVS sections for further information on funding impacts
- International Team currently evaluating potential impact on council specific projects.
- Details of the ESIF UK replacement Shared Prosperity Fund awaited from MHCLG.

		<p>impacts waste collection and disposal activities</p> <ul style="list-style-type: none"> <li>• Business in the city use a wide range of commercial waste operators to collect and dispose of their waste. It is unclear to what extent the private sector is prepared for EU Exit.</li> </ul>	<p>operators to prepare contingency plans.</p>		
<p>Transport infrastructure</p> <p>239</p>	<p><b>G</b></p>	<ul style="list-style-type: none"> <li>• Interruptions to fuel supplies and EU drivers could impact public transport, particularly bus services, operations across the city impacting journeys to work, education, tourism and leisure.</li> <li>• Government grants for essential projects and highway maintenance could be interrupted due to these being re-directed or delayed due to Brexit planning.</li> </ul>	<ul style="list-style-type: none"> <li>• BHCC Fuel Plan reviewed and updated. All three designated distribution sites for contingency planning have been inspected.</li> </ul>	<ul style="list-style-type: none"> <li>• Plans developed for no deal scenario will continue to be reviewed as necessary during transition period.</li> <li>• Potential impacts to be monitored during transition period.</li> <li>• Assurances received from transport providers they have considered potential disruptions in business continuity planning.</li> </ul>	<ul style="list-style-type: none"> <li>• Fuel Plan reviewed by council's Emergency Planning Team in consideration of COVID impacts and EU Transition.</li> <li>• In terms of potential local congestion, the end of the transition period is unlikely to add to this in the city and more likely to be an issue for county partners regarding access to strategic ports such as Newhaven and Gatwick.</li> <li>• Shoreham is a low-key issue for BHCC as it manages aggregates, building materials and scallops. As the Port access road is located at the western extremity of the City it is unlikely import/export issues will impact on the transport network.</li> <li>• Shoreham Port working with BHCC officers to ensure contingency measures developed as necessary.</li> </ul>

		<ul style="list-style-type: none"> <li>• Interruptions to salt deliveries to Shoreham Port and from the EU could jeopardise Winter Service.</li> </ul>			
Air quality	<b>G</b>	<ul style="list-style-type: none"> <li>• As EU directives on Air Quality are already established in UK Legislation there are unlikely to be any Target or Measurement obligations that will be affected by Brexit or any 'no deal' scenario.</li> </ul>	<ul style="list-style-type: none"> <li>• No action required</li> </ul>	<ul style="list-style-type: none"> <li>• Transport Team will continue to monitor developments through transition period.</li> </ul>	<ul style="list-style-type: none"> <li>• Government's <u>Environment Bill</u> will provide air quality targets</li> <li>• Councils and other relevant public bodies will be required to work together more closely to tackle local air quality issues and it will be easier for local authorities to enforce restrictions on smoke emissions from domestic burning, which pollutes our towns and cities. The government will also be required to regularly update its National Air Quality Strategy.</li> </ul>
Economy 240	<b>A</b>	<ul style="list-style-type: none"> <li>• Impact on local workforce/skills levels</li> <li>• Impact on import/export regulations</li> <li>• Impact on city wealth</li> </ul>	<ul style="list-style-type: none"> <li>• Brighton &amp; Hove has a highly qualified workforce (though highly qualified and highly skilled are not always the same thing) and its productivity is not high, so not a given that we will bounce back quickly. Although our productivity is split between some low productivity service sector jobs and some high value knowledge jobs – so it is not a wholly pessimistic picture.</li> <li>• Brighton &amp; Hove is one of the strongest performing UK cities (third in the country) for service exports, equating to around £12,000 per job, lower only than London and Edinburgh. Again, we don't know the exact impact on</li> </ul>	<ul style="list-style-type: none"> <li>• During the spring of 2019 the Greater Brighton Economic Board commissioned a survey of businesses and over 1,500 businesses responded. The survey covered a range of questions designed to assess the relative health of the Greater Brighton business base. Among the key findings of the report were areas relevant to Brexit including the following: <ul style="list-style-type: none"> <li>• At 19%, the proportion of firms that export is broadly in line with national data</li> <li>• Firms in information/communications, manufacturing and environmental services appear to be most exposed on EU exit, as are those aiming for rapid growth</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Greater Brighton Economic Board <u>commissioned research</u> into the likely impact of the Covid 19 pandemic on the city region. They estimate an 11% drop in GVA across the region and that it will take until 2028 to reach pre-Covid levels of productivity. This economic shock alongside the increasing likelihood of a no deal Brexit could lead to further stress on the local economy.</li> <li>• Planning around employment and skills linked to Covid impacts and retraining opportunities will also consider potential impacts of Brexit – particularly on vulnerable sectors such as hospitality and construction.</li> <li>• DWP are working with BHCC to establish a Youth Hub in the city to coordinate training opportunities for young people impacted by Covid.</li> <li>• ERDF Business Hot House is underway and over £150,000 of grants have been approved to date. This is an EU funded project that the government has underwritten. This project will</li> </ul>

service exports, but this is a degree of exposure. It also shows that we have service export strengths and may be more able to adapt than other cities.

- New [Economic Strategy](#) for the city faces the post-Brexit World.
- Linked to the Economic Strategy is a City-Region wide Inward Investment, Trade and Export Strategy. This looks at the city region economy, consider in more detail what the impact of Brexit will be on the trading environment.
- We have worked with our Local Enterprise Partnership on a Local Industrial Strategy that focuses future government investment to address and exploit the problems and opportunities following Brexit.
- BHCC linking to GOV.UK guidance for local businesses on website and sharing details of Govt workshops and briefings with stakeholders – Brighton date 1<sup>st</sup> Oct, Grand Hotel.
- Sussex University – [Hampshire & Sussex Brexit no deal impacts briefing](#)

- Very few non-exporters intend to start, mainly due to a lack of products/ services
- EU exit is viewed as more negative than positive, but there is significant uncertainty – and views of longer term impacts are less negative
- Reasons for holding negative views are typically around it leading economic issues, uncertainty, loss of customers or loss of supplier. Those that export or import are more likely to anticipate negative impacts, as are manufacturers and those in administrative/ support services.
- Respondents with positive expectations are most likely to do so due to a belief that it will reduce restrictions on their business, that their business can only get better, or that it will lead to improvements in the economy.
- On EU exit, the findings confirm that those more exposed to European markets or workers are concerned about its impacts. However the high uncertainty and even apathy among many firms suggests that there is still work needed in explaining how to prepare for and manage impacts.
- As a response to some of the issues raised by the survey partners have contributed funds to the new ERDF Business Support Programme which will be launched in the New year. The programme, called the ERDF Business Hot House will offer support services to start-up and established

therefore continue to completion despite the UK leaving the EU.

- HMRC [letter](#) to VAT-registered businesses in Great Britain trading with the EU and/or the rest of the world, highlighting actions they need to take to continue trading with the EU from 1 January 2021.
- Business preparedness for the end of the transition period is of national concern as well as local - BHCC are addressing this with [Brighton Chamber & B&H Economic Partnership](#) by delivering the '[From Brighton with Love](#)' programme of support for local businesses around what the customs, VAT changes will mean from 1<sup>st</sup> Jan, understanding the rights of EU nationals & EUSS and the new immigration system, accessing new markets in post-Brexit UK.
- BHCC Brexit webpages provide signposting to Gov.UK and regional support including [Sussex Chamber of Commerce](#) and their [Brexit Checklist for businesses](#). C2C , Brighton Chamber, BHEP etc.
- Further work is still needed to understand if economy is vulnerable to immigration changes – with potential exposure of some sectors a particular concern, such as social care, tourism & hospitality, construction. Due to COVID impacts this is currently difficult to assess but is being considered in forward planning.

				<p>businesses, encouraging innovation, investment in R&amp;D, access to finance and support in leadership &amp; management. BHCC will be managing the business grants programme comprising both capital and revenue grants with the aim of generating sustainable business growth and increased productivity.</p> <ul style="list-style-type: none"> <li>• Promotion of the programme is due to start in late January. This is an EU funded project that the government has underwritten. This project will therefore continue to completion despite the UK leaving the EU.</li> <li>• Monitoring the potential sectoral impacts related to the introduction of a new immigration system in 2021.</li> </ul>	
242 Tourism	<b>A</b>	<ul style="list-style-type: none"> <li>• Impact on local tourism sector inc. food and workforce</li> </ul>	<ul style="list-style-type: none"> <li>• Visit Brighton keeping situation under review.</li> <li>• Guidance released by EU for UK travellers to the continent in case of no deal. Inc. extra border checks/no EU Health Insurance Card.</li> <li>• Govt have published guidance for visitors to the UK: <a href="https://www.gov.uk/guidance/visiting-the-uk-after-brexit">https://www.gov.uk/guidance/visiting-the-uk-after-brexit</a></li> <li>• Advice for workers: The Government has confirmed in a no deal scenario that EU nationals can work or study in the UK for up to three months and those who wish to stay longer will need to apply to</li> </ul>	<ul style="list-style-type: none"> <li>• Visit Brighton continuing to monitor developments during transition period.</li> <li>• Potential changes to UK immigration system may impact on tourism sector in the city.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Visit Brighton have been messaging through their networks on steps for tourism and hospitality businesses to take to prepare for the end of the transition period – customs changes, supporting EU staff, understanding new immigration system.</li> <li>• Visit Brighton signposting queries to relevant local/regional support.</li> <li>• Visit Brighton shared DCMS survey through networks on readiness of the sectors.</li> <li>• Further communications work being developed around improving international messaging to support tourist trade and conference market.</li> <li>• Whilst EUSS application numbers are positive it is still unclear how the tourism and hospitality sector workforce will potentially be</li> </ul>

			<p>the Home Office for leave to remain within three months of arrival. Subject to identity, criminality and security checks, leave to remain will be granted for 36 months which will include permission to work and study.</p> <ul style="list-style-type: none"> <li>Supply chains &amp; logistics task &amp; finish group to include consideration of sector impacts inc. food.</li> </ul>		<p>impacted by dual challenge of COVID and EU Transition.</p> <ul style="list-style-type: none"> <li>Changes to the immigration system and introduction of salary thresholds may limit opportunities for overseas recruitment with domestic recruitment and skills planning providing a possible route to mitigate impacts. Situation is being monitored by officers through recovery programme.</li> <li>Potential supply chain disruption still an issue for local hospitality businesses. Council have allocated funding for local Sussex Food Depot enterprise to source local produce for local trade and emergency food networks as a contingency for international supply chain disruption at the beginning of 2021.</li> </ul>
Universities 243	<b>A</b>	<ul style="list-style-type: none"> <li>Loss of funding for research &amp; Innovation including funding post Horizon 2020</li> <li>Impact on the falling value of sterling on EU income</li> <li>Impact on staffing as a proportion of the workforce are EU citizens including academics and European researchers</li> <li>Impact on students who are EU citizens including access</li> </ul>	<ul style="list-style-type: none"> <li>Sussex University <a href="#">Brexit information</a> resource for staff and students.</li> <li>Brighton University <a href="#">Brexit advice</a> resource for staff and students.</li> </ul>	<ul style="list-style-type: none"> <li>Last update continues to apply.</li> <li>BHCC will continue to engage with universities through CMB during transition period and highlight risks, issues and opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>Brexit Implementation Lead is engaging with universities around their preparations and opportunities for joined-up strategic planning and priorities in post-Brexit Brighton &amp; Hove.</li> <li>Issues likely to be around recruitment and retention of both staff and students.</li> <li>EU funding still a critical concern and ability to participate in future programmes.</li> <li>Staff and students have been supported to apply to the EUSS.</li> </ul>

		to grants and loans post 2020 and a potential fall in new entrants			
Language Schools	<b>A</b>	<ul style="list-style-type: none"> <li>Impacts on local language schools inc. safety and applications for visas, which may be lengthy and expensive – reducing competitiveness.</li> </ul>	<ul style="list-style-type: none"> <li>Reassurance messaging sent by CET's team to city's language schools in relation to hate crimes and reporting and offer of visit to hear concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Further work to be done to understand the impact new immigration rules could have on language schools in the city. Visit Brighton will continue to monitor developments.</li> </ul>	<ul style="list-style-type: none"> <li>Local schools impacted by COVID restrictions. Economic Development Team working with B&amp;H Economic Partnership to engage schools in current planning and likely impacts in 2021.</li> </ul>
<b>Health &amp; Adult Social Care</b>	<b>RAG Status</b>	<b>RISKS &amp; ISSUES</b>	<b>October 2019</b>	<b>January 2020</b>	<b>Update &amp; Actions</b>
Public Health	<b>G</b>	<ul style="list-style-type: none"> <li>NHS emergency preparedness</li> </ul>	<ul style="list-style-type: none"> <li>Director of Public Health attends and co-Chairs Local Health Resilience Partnership NHS preparedness exercises and meetings.</li> <li>Brexit Coordinator attended NHS South East preparedness briefing Sept 2019</li> </ul>	<ul style="list-style-type: none"> <li>The Department of Health and Social Care has informed NHS England and NHS Improvement that, for the health and care system, no-deal preparations should cease.</li> </ul>	<ul style="list-style-type: none"> <li>Communications with commissioned services underway to check their preparedness relating to staff, supplies and medicines</li> <li>A review of shared implications of COVID, flu and cold weather has been conducted and is informing planning.</li> </ul>
Health and Social Care workforce	<b>A</b>	<ul style="list-style-type: none"> <li>We have a good track record of employing quality EU nationals as staff - anything which impedes this would be a detriment.</li> </ul>	<ul style="list-style-type: none"> <li>Using CQC guidance on workforce in liaising with providers in Sept/Oct</li> <li>Ensuring staff are aware of EU settled status scheme</li> <li>Information shared with wider provider market</li> </ul>	<ul style="list-style-type: none"> <li>Workforce is a more general issue and not just Brexit related. There will be specific pieces of work around promoting and supporting the social care workforce over the next year.</li> </ul>	<ul style="list-style-type: none"> <li>Further developments impeded by necessary response to COVID</li> <li>Exposure of local providers to workforce impacts – EU nationals leaving UK/immigration changes is currently unclear.</li> </ul>
Market Stability	<b>A</b>	<ul style="list-style-type: none"> <li>The care market is fragile anything which impacts, such as rising costs and recruitment</li> </ul>	<ul style="list-style-type: none"> <li>Along with the CCG well established protocol and procedures in place to deal with provider failure</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>



		difficulties will be problematic.			
Supplies and services	<b>A</b>	<ul style="list-style-type: none"> <li>Impact on supply chains and services</li> <li>Impact on Public Health partners and contracted organisations</li> </ul>	<ul style="list-style-type: none"> <li>All providers are required to have business continuity plans in place. We have provided specific guidance on specific Brexit implications to ensure providers can incorporate these into their plans.</li> <li>Govt <u>guidance</u> for adult social care providers</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>All providers asked to review business continuity plans in light of Covid-19, flu, winter preparedness and Brexit.</li> <li>Lines of communication open to enable escalation of issues or concerns from providers.</li> </ul>
Medicines	<b>G</b>	<ul style="list-style-type: none"> <li>Impact on local supply of medicines</li> </ul>	<ul style="list-style-type: none"> <li>Govt working closely with the NHS and suppliers to make sure medicines and medical products continue to be available in all scenarios.</li> <li>Advice is to keep ordering repeat prescriptions and taking medicines as normal.</li> <li>GP's/pharmacies will inform patients of changes.</li> <li>The government has asked suppliers of medical goods to build up at least 6 weeks' worth of extra stocks above usual level.</li> <li>It has also bought extra ferry capacity so medicines and medical products will be prioritised for import.</li> <li>HASC are reviewing this in September in the light of recent developments and are linking with the CCG and SPFT</li> <li>CCG local messaging - <a href="https://www.brightonandhoveccg.nhs.uk/getting-your-medicines-if-theres-no-deal-brex-it-medicines-information">https://www.brightonandhoveccg.nhs.uk/getting-your-medicines-if-theres-no-deal-brex-it-medicines-information</a></li> </ul>	<ul style="list-style-type: none"> <li>No further action required. Medicine supplies are now being received as usual.</li> </ul>	<ul style="list-style-type: none"> <li>Aug 2020 - DHSC <u>letter</u> to medical suppliers asking to stockpile 6 weeks supply, review supply chains &amp; raise awareness of alternate freight routes</li> <li>Govt continues to work closely with the NHS and suppliers to make sure medicines and medical products continue to be available in all scenarios</li> <li>Advice to patients is to order repeat prescriptions and take medicines according to normal schedule. No reason for patients to stockpile.</li> <li>Serious shortages protocols will be issued by DHSC to manage any shortages. GPs/Pharmacies will inform patients of changes.</li> <li>The National Supply Disruption response has been stood up until the end of the transition period as a contingency measure.</li> <li>BHCC in touch with B&amp;H CCG around supporting key messaging on medicine availability and partnership messages agreed through SRF comms leads.</li> </ul>

245

			<ul style="list-style-type: none"> <li>National Audit Office (NAO) <u>assessment published 27/09/19</u> recognises national work led by Department for Health and Social Care to prepare for Brexit including effective work to maintain supplies of medicines. However NAO concludes there remains a significant amount to do before 31 October and the event of a no-deal would create a highly uncertain environment and operating all the elements of the plan would be a hugely demanding task.</li> </ul>		
246 Home Care	<b>G</b>	<ul style="list-style-type: none"> <li>Impact on travel for home care services inc. fuel and congestion</li> </ul>	<ul style="list-style-type: none"> <li>We will be reviewing with Transport colleagues to assess the extent to which this will be an issue as a compact City and Home Care providers are organised by geographical area.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>BHCC Transport Team currently able to manage potential transport disruption in the city.</li> <li>SRF developing contingencies to ensure potential disruption at ports does not impact on traffic flows.</li> <li>BHCC Fuel Plan reviewed and updated.</li> </ul>
Vulnerable people	<b>A</b>	<ul style="list-style-type: none"> <li>Potential impact on vulnerable people e.g. relating to access to food</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable People Plan being reviewed and updated</li> <li>Supply Chain &amp; Logistics task &amp; finish group to look at potential impacts on food and vulnerable people</li> <li>Development of food resilience planning to include consideration of vulnerable people in the city</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable People Plan has been updated</li> </ul>	<ul style="list-style-type: none"> <li>VPP updated in light of COVID.</li> <li>Food action plan developed to mitigate food supply and security issues impacting on emergency food networks.</li> <li>COVID Vulnerable People group monitoring developments.</li> </ul>
Neighbourhoods, Communities & Housing	RAG Status	RISKS & ISSUES	October 2019	January 2020	Update & Actions

Food Resilience

A

- Residents and businesses unable to access food – price rises, shortages and choice limitations particularly for vulnerable and low income citizens.

- Supply Chain & Logistics group being developed to understand potential city and county areas of impacts and ensure lines of communication are open to escalate issues – 3 meetings in Oct 2019.
- Work to begin with Food Partnership on food resilience and planning in relation to no-deal Brexit and the impact on vulnerable residents – this will be developed to include wider future impacts inc. climate change.

- BHCC Brexit Coordinator sitting on Food Strategy expert Panel
- Best practice learning from Lambeth Council being developed for B&H to provide the city with an emergency food plan.

- Food related risks reviewed through COVID Food Cell.
- EU Transition Food Action Plan developed and allocation made in BHCC's Brexit Budget for emergency food supply fund to cover costs of produce from 1<sup>st</sup> Jan if supply chain disruption
- One off funding for Sussex Food Depot – Social enterprise developed during the COVID response sourcing local produce/donations for local distribution to emergency food networks and food businesses.
- Border disruption including customs changes likely to impact on cost and availability of food in event of no deal. Size of impact currently unclear but will exacerbate food resilience issues that the Food Partnership and council have been responding to through the COVID response.
- City's emergency response to COVID food issues provides framework for responding to potential disruption however food availability and capacity and resource pressures may present new and significant challenge.
- Economic recession and ending of COVID HMT interventions likely to increase demand towards the end of the year.
- Stockpiling may again present a challenge and particular vulnerability around Christmas timing of end of the transition period.

247

Regulatory Services

A

- Impacts related to export certification, movement of animals, food safety

- BHCC leading on the Sussex wide Supply Chain and Logistics Cell/Work stream should risks emerge and need escalation through the Sussex resilience Forum
- DEFRA & Food Standards Agency (FSA) have reviewed advice on fish export

- Resilience Forum contingency planning stood down at instruction of Govt. Plans will continue to be reviewed as necessary.
- Continuing to monitor developments during transition period – Changes to regulations and local impacts on trading standards/food safety are key and

- Additional support may be needed for business compliance due to changes in food safety, trading standards and export regulations. This is likely to exacerbate capacity issues especially running concurrently to Covid-19 response & recovery work.

			<p>certificates and now to be risk based. Provision of 24/7 local authority cover to issue certificates no longer needed in relation to fish business at Shoreham Port.</p> <ul style="list-style-type: none"> <li>• Liaising with East Sussex TSD as they undertake our animal welfare work on our behalf.</li> <li>• Identifying those businesses locally who have the need to import/export goods from product safety/food standards perspective</li> </ul>	<p>BHCC will need to prepare council services and city.</p>	<ul style="list-style-type: none"> <li>• Regulatory Services monitoring developments and sharing FSA guidance with stakeholders.</li> </ul>
<p>Shoreham Port <i>Also link to Transport</i></p>	<b>G</b>	<ul style="list-style-type: none"> <li>• Main risk that national custom declaration database does not have capacity and fails</li> </ul>	<ul style="list-style-type: none"> <li>• Retained contact with Shoreham Port who have routine dialogue with DEFRA, HMRC and Port Association.</li> <li>• The port has contingencies in place for holding freight pending customs clearance.</li> </ul>	<ul style="list-style-type: none"> <li>• Previous assessment for no deal scenario currently no longer applicable and no identified risks during transition period.</li> <li>• Developments will be monitored and issues highlighted as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular meetings taking place between BHCC Emergency Planning Team and port.</li> <li>• Contingencies being developed for any delays due to introduction of new systems.</li> </ul>
<p>Migrants</p>	<b>A</b>	<ul style="list-style-type: none"> <li>• City may need funding to assist destitute EU nationals to return to home countries</li> </ul>	<ul style="list-style-type: none"> <li>• Situation kept under review - Brighton &amp; Hove Refugee &amp; Migrant Forum.</li> </ul>	<ul style="list-style-type: none"> <li>• Previous update still applies. Please see EUSS section for latest information on the scheme.</li> </ul>	<ul style="list-style-type: none"> <li>• EUSS awareness raising and advice is continuing to be reviewed and developed.</li> <li>• Signposting material provided through Community networks and South East Strategic Migration Partnership</li> <li>• COVID Welfare Support &amp; Financial Hardship Working Group continuing to monitor developments.</li> </ul>
<p>Advice (inc. Settled Status)</p>	<b>A</b>	<ul style="list-style-type: none"> <li>• Shortage of accredited immigration advice in city</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable EU nationals drop in sessions delivered by Migrant Help started at the offices of Voices in Exile in Kemptown – BHCC will signpost through customer centres and Register Office.</li> </ul>	<ul style="list-style-type: none"> <li>• Scoping for possibility of immigration advice event in the city where residents can ask questions and receive guidance on how to apply to the EUSS.</li> <li>• Awareness raising of EUSS and support a key priority</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of immigration advice still presenting a risk to the city particularly in light of introduction of new immigration system.</li> <li>• EUSS Action Plan being developed with Brexit Budget allocation to ensure support is maintained in the city.</li> </ul>

248

			<ul style="list-style-type: none"> <li>Register Office providing EUSS ID checks from 2<sup>nd</sup> Oct. Jubilee Library also to provide service. Awaiting android devices to be delivered.</li> </ul>	<ul style="list-style-type: none"> <li>Brexit Coordinator &amp; Comms Officer messaging for feedback from all stakeholders on the scheme and access to it so they can raise with Home Office.</li> <li>Unclear if Govt funding for advice for vulnerable EU nationals will continue past March. Issue being monitored.</li> </ul>	
CVS		<ul style="list-style-type: none"> <li>EU nationals in the workforce</li> <li>EU funding</li> <li>Finance</li> <li>Increasing demand</li> </ul>			<ul style="list-style-type: none"> <li>Brexit Implementation Lead is engaging with Community Works on preparations and risks.</li> <li>Concerns raised around potential further loss of income if economy shrinks and grants are affected.</li> <li>Potential for an increase in demand due to pivotal role of CVS in Covid response and recovery and possible dual challenge of a no deal Brexit.</li> <li>BHCC currently exploring business continuity planning training webinars for city stakeholders including CVS as a potential gap in planning knowledge for the sector.</li> <li>EU nationals in the sector has so far not been an issue with EUSS signposting information continuing to be shared.</li> <li>EU funding - <i>Taking Account 4</i> provides an overview of previous and current funding from the EU into the local sector.</li> <li>The Community Works report was published in March 2019. It is estimated the figure for funding accessed by the local CVS for the whole of 2019 at £953,072 (comprising Interreg 2 Seas, Erasmus Plus and ESIF funding).</li> <li>The sector has previously been successful in winning ESIF so any UK replacement – Shared Prosperity Fund – would provide necessary continued support. Details of SPF</li> </ul>

249

					still awaited from MHCLG including clarity on SPF link to the Devolution White Paper
Community cohesion	<b>A</b>	<ul style="list-style-type: none"> <li>Impact of increased divisions and potential hate incidents in the context of Brexit</li> </ul>	<ul style="list-style-type: none"> <li>Community groups have expressed concern</li> <li>Planning needed for ongoing positive community engagement, for BHCC and police to be communicating with communities, offering reassurance, and to have a presence and communication channels in case of problems</li> <li>Messaging went out to community groups March 2019, and tailored messaging for priority groups including language schools and BHCC staff. This was positively received but due to time lapse needs to be recirculated</li> <li>Communications channels being set up with Sussex Police to share information and have reach into communities should problems arise</li> <li>'Supporting our communities' on BHCC Brexit webpage</li> </ul>	<ul style="list-style-type: none"> <li>Meetings between community safety officers and police will continue to ensure strategic approach to reporting of issues and feed into communications plans around hate crime reporting etc.</li> </ul>	<ul style="list-style-type: none"> <li>Community Tensions &amp; Reassurance Group reconvened during COVID recovery to enable cross partner awareness raising of emerging issues within communities related but not limited to Brexit. The group will ensure coordinated messaging to communities.</li> </ul>
Housing	<b>A</b>	<ul style="list-style-type: none"> <li>Additional pressure on housing stock etc. due to returning British citizens from EU (but possible exiting citizens could balance)</li> <li>Possible changes to eligibility criteria</li> </ul>	<ul style="list-style-type: none"> <li>Housing Leadership Team working with all key partners/contractors to ensure preparedness.</li> </ul>	<ul style="list-style-type: none"> <li>Developments to be monitored through transition period.</li> </ul>	<ul style="list-style-type: none"> <li>Housing Leadership Team working with all key partners/contractors to ensure preparedness.</li> </ul>

250

for existing tenants

- Possible recruitment issues re repair service
- Low income/vulnerable households impacted by rises in food & fuel costs.

Existing Property & Investment arrangements

- Materials may present a supply issue for the existing service – particularly around lift parts.
- Fuel – this is a broader issue but should there be supply issues this may particularly impact our responsive services across a range of providers.
- Staff implications – a number of our sub contractor staff will be EU nationals so there may be implications in terms of staffing

		levels and impact.			
Families, Children & Learning	RAG Status	RISKS & ISSUES	October 2019	January 2020	Update & Actions
252 EU Nationals in residential care and receiving other services.	A	<ul style="list-style-type: none"> <li>The Council currently relies on a number of EU agreements in relation to British children who are taken abroad and in relation to European children born outside the UK who are looked after by BHCC. In many areas, cooperation between the UK and EU will cease, and the applicable legal regime in many practice areas will change.</li> </ul>	<ul style="list-style-type: none"> <li>HASC currently seeking clarity on this issue.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>Does this risk belong here, with FCL or is responsibility shared?</li> <li><a href="#">Gov.uk guidance</a></li> <li>Are we assured all children in care/care leavers supported to apply to the scheme?</li> </ul>
EU national children in care Settled Status applications	A	<ul style="list-style-type: none"> <li>EU Settlement Scheme applications – impact on social work time/ capacity – documentation needed</li> <li>Impact of criminal</li> </ul>	<ul style="list-style-type: none"> <li>Numbers of children in care and care leavers requiring support to apply for EU Settlement status scoped and applications being made, overseen by Head of Service. Numbers and process discussed in FCL DMT and shared with Home Office.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply</li> <li>Officers continue to engage with regular Home Office conference call updates</li> </ul>



		convictions could affect settled care status	<ul style="list-style-type: none"> <li>No concerns currently identified about the EUSS process (including the scanners for the biometric identity documents) or impact on social work time/ capacity to support. Initial concerns about impact of criminal convictions have so far not borne out. Processes are in place to continue to identify and make applications of EUSS for new children coming into Local Authority care.</li> </ul>		
Workforce	<b>A</b>	<ul style="list-style-type: none"> <li>Travel in and out of Greater Brighton due to changed border controls</li> <li>EU Settlement Scheme applications (FCL staff) – Need to target BHCC support</li> </ul>	<ul style="list-style-type: none"> <li>Reminders to apply for EUSS distributed via FCL comms and advised further information will be shared by HR.</li> <li>Covered Brexit preparedness in FCL comms to support workforce to consider any potential impacts on service provision, including travel disruptions in and out of work / in and out of appointments / and to social work visits.</li> <li>Covered Brexit preparedness in FCL comms to support workforce to consider any potential impacts on the vulnerable families they are supporting – signposting information shared.</li> <li>Reminder re reporting hate crimes circulated via FCL comms with general reminder about being unsettling and</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply</li> <li>EUSS internal awareness raising continues including letter to all staff members</li> </ul>

253

			<p>uncertain times and to ensure each other are well supported, as well as to keep open and transparent with any affected families they are supporting.</p> <ul style="list-style-type: none"> <li>• BCP's to address cover arrangements / travel disruptions in place for all key services</li> <li>• Central Govt have confirmed that whilst any existing applications for professional qualifications will be completed "as far as possible". There is no future arrangement for mutual recognition of qualifications; just a promise, with no date attached, that EU and EEA social workers "will have a means to seek recognition of their qualifications". Uncertainty remains for FCL on this issue.</li> </ul>		
International Child Protection	<b>A</b>	<ul style="list-style-type: none"> <li>• If no deal - Brussels 11a will no longer apply and current DfE advice will be redrawn and LA will need to follow framework of 1996 Hague Convention instead</li> </ul>	<ul style="list-style-type: none"> <li>• Whilst we are aware that there is no guarantee that EU court will recognise/ accept judgments made in UK courts little guidance has come from central government about this. Our agreed plan is to continue to seek independent legal advice on existing and new cases.</li> <li>• We recognise that LAs exchanging data with partners in other countries "may need to make changes ahead of</li> </ul>	<ul style="list-style-type: none"> <li>• Date update - Some uncertainty around this issue. Further guidance is expected on entering a transition period.</li> <li>• In the now unlikely event of a no-deal Brexit, we understand the UK will no longer be part of the Common European Asylum System (the Dublin Regulation) so would require further central government guidance on that.</li> </ul>	<ul style="list-style-type: none"> <li>• Default to Hague Convention in no deal scenario continues to apply. <a href="#">Gov.uk information</a>.</li> <li>• <a href="#">Family Law article on what happens to pan-European child protection post Brexit</a>.</li> </ul>

			<p>the UK leaving the EU to ensure minimal risk of disruption". However, there is no specific advice just a referral to a standardised guide on leaving the EU without a deal – 6 steps to take from the Information Commissioner's Office designed for businesses. Again, some uncertainty around this issue.</p> <ul style="list-style-type: none"> <li>We understand the UK will no longer be part of the Common European Asylum System (the Dublin Regulation) if there's a no-deal Brexit.</li> </ul>		
Health, SEN and Disability 9255	A	<ul style="list-style-type: none"> <li>Supply of food in residential/ day services settings</li> <li>Services where patients visit/live – any needing medical equipment/ devices/ medicine</li> </ul>	<ul style="list-style-type: none"> <li>We are taking a sensible approach to ensuring there is an adequate supply of food and over the counter medicines in residential/ day services settings</li> <li>BCPs have been updated for all residential and day settings Services</li> <li>Support staff in residential and day settings Services are being supported to apply for EUSS</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> <li>Senior staff are identifying and ensuring service users (adults with learning disabilities) apply for EUSS.</li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> </ul>
FCL PPE needs	A	<ul style="list-style-type: none"> <li>Supply of business critical PPE may not be available when needed affecting a services' ability to deliver either</li> </ul>			<ul style="list-style-type: none"> <li>The Covid 19 response has enabled the council and local area make contingency plans for PPE and all council services were able to get supplies of most PPE needed.</li> <li>FCL has already considered the availability of PPE in business continuity plans and services have been prioritised for supplies in the event of a reduced availability.</li> </ul>

		part of whole of their offer.			<ul style="list-style-type: none"> <li>Key partners such as schools and private nurseries can also buy emergency PPE supplies from the council currently, in the event of shortages from their usual suppliers, although this would be stretched if a national shortage was experienced gain.</li> </ul>
Education & Skills	A	<ul style="list-style-type: none"> <li>Food supply – provision of school meals –</li> <li>Access to education for EU nationals</li> <li>Home to school transport – risk is traffic needs/ disruptions/ congestion (DfE advise this is more of an issue than fuel shortages)</li> </ul>	<ul style="list-style-type: none"> <li>Brexit guidance: preparations for schools in England has shared with all schools by Head of School Organisation with prompts to do the following: <ul style="list-style-type: none"> <li>→ Contact their food supplier(s) if they procure food directly to ensure they are planning for 31 October.</li> <li>→ Continue with their normal arrangements for medical supplies to support pupils with health conditions. Advised that if they have any concerns about being able to meet statutory duties relating to SEND, health and safety, or safeguarding, to make Head of School Organisation immediately aware</li> <li>→ recording any Brexit impacted absence using code Y</li> <li>→ advising schools to do everything in their power to remain open</li> <li>→ Secondary, all-through schools and schools with sixth forms to make every effort to ensure that examinations for all pupils go ahead as usual.</li> <li>→ notify Head of School Organisation if school sustainability is affected in</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Previous update continues to apply.</li> <li>Schools have been well informed in terms of continuing to prepare for any overseas trips with learners.</li> </ul>	<p>Brexit guidance: preparations for schools in England has previously been shared with all schools with prompts around the following:</p> <ul style="list-style-type: none"> <li>→ Contact their food supplier(s) if they procure food directly to ensure plans are in place for post Brexit arrangements</li> <li>→ Continue with their normal arrangements for medical supplies to support pupils with health conditions. Advised that if they have any concerns about being able to meet statutory duties relating to SEND, health and safety, or safeguarding, to make Head of School Organisation immediately aware</li> <li>→ recording any Brexit impacted absence using code Y</li> <li>→ advising schools to do everything in their power to remain open in the event of a no deal Brexit and any related impacts</li> <li>→ Secondary, all-through schools and schools with sixth forms to make every effort to ensure that future examinations for all pupils go ahead as usual.</li> <li>→ notify Head of School Organisation if school sustainability is affected in any way – including any reductions in request for school places by EU families</li> <li>→ notify Head of School Organisation if there are any concerns about foreign language capacity and general loss of EU capacity and talent</li> <li>→ notify Head of School Organisation if there are any concerns about recognition of</li> </ul>

256

- any way – including any reductions in request for school places by EU families
- notify Head of School Organisation if there are any concerns about foreign language capacity and general loss of EU capacity and talent
  - notify Head of School Organisation if there are any concerns about recognition of professional qualifications and declining numbers of teaching staff
  - review their current data protection contracts and policies before 31 October to ensure that they have the correct Standard Contractual Clauses (SCC) or other Alternative Transfer Mechanisms to continue to legally receive and process personal data from the EEA
  - share FAQ's for parents
    - The Head of School Organisation has shared the following guidance with school meals service provider Caterlink [www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit](http://www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit) and instructed them to conduct stress testing and have a robust BCP in place. Reassurances received that FSM won't be affected. FCL rep attending Supply Chain & Logistics task & finish group

- professional qualifications and declining numbers of teaching staff
- review their current data protection contracts and policies to ensure that they have the correct Standard Contractual Clauses (SCC) or other Alternative Transfer Mechanisms to continue to legally receive and process personal data from the EEA
  - share FAQ's for parents for when a no deal Brexit was being prepared for in 2019.
    - The Head of School Organisation has shared the following guidance with school meals service provider Caterlink [www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit](http://www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit) and instructed them to conduct stress testing and have a robust BCP in place. Reassurances received that FSM wouldn't be affected if there was a no deal Brexit.
    - Home to School Transport will continue to be monitored and managed, in line with any emerging city transport risks related to Brexit.
    - Guidance on Brexit: preparations for further education and apprenticeship providers shared Acting Head of Skills
    - Relevant staff attending Supply Chain & Logistics task & finish group when it was meeting e.g. school meals catering

- Home to School Transport will continue to be monitored and managed, in line with any emerging city transport risks.
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**NOTICE OF MOTION****INDEPENDENT MEMBERS****NO CUTS TO UNIVERSAL CREDIT – LET FAMILIES KEEP THE £20 INCREASE**

This Council resolves to:

- Request the Chief Executive to write to the Chancellor and the Prime Minister, imploring the Government to take necessary steps to ensure that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits; and
- To request that the Chief Executive and officers work with other local government organisations, such as the LGA to form a coalition to pressure the government to make the £20 increase to Universal Credit permanent.

Proposed by: Cllr Brennan

Seconded by: Cllr Knight

Supporting Information:

- Next April the Government plan to cut the benefit level for millions of claimants by ending of the time limited increase to the basic rate of Universal Credit (and the tax credit equivalent) announced by the Chancellor on 20th March as part of his pandemic response package.
- The £20 a week boost reflected the reality that the level of benefits were not adequate to protect the swiftly increasing number of households relying on them as the crisis hit. Exactly because that increase was a very significant and welcome move to bolster low- and middle-income families living standards, its removal will be a huge loss.
- Pressing ahead would see the level of unemployment support fall to its lowest real-terms level since 1990-91, and it's lowest ever relative to average earnings. Indeed, the basic level of out-of-work support prior to the March boost was – at £73 a week (£3,800 a year) – less than half the absolute poverty line.
- The increase in benefits have had a positive effect on the lives of thousands of local claimants who are better able to pay for life's essentials such as food, clothing and utilities.
- The local economy has also benefited from the increase in benefit levels as claimants spend their money locally thereby supporting local businesses and jobs.





**NOTICE OF MOTION****LABOUR GROUP****ACTION TO REDUCE THE IMPACT OF FIREWORKS**

The Council notes and welcomes the RSPCA campaign which calls for action to reduce the impact of fireworks on animals and vulnerable people, and;

The Council calls for;

- 1) organisers of all public firework displays within Brighton & Hove advertise them in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- 2) officers to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks; and
- 3) to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display;

The Council further asks the Chief Executive to write to the Government urging;

- 1) the introduction of legislation to limit the maximum noise level of fireworks to 90 decibels for those sold to the public for private displays; and
- 2) The Council also asks that any Government response is shared at a future Council meeting.

Proposed by: Cllr Fowler

Seconded by: Cllr Platts

**Supporting Information:**

Fireworks are used by people throughout the year to mark different events.

Whilst they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals.

Vulnerable people can become confused and disorientated by the noise.

They can be a source of fear and distress for many animals (including pets, farm livestock and wildlife).

Animals affected not only suffer psychological distress but can also cause themselves injuries, sometimes very serious ones, as they attempt to run away or hide from the noise.

<https://aaf1a18515da0e792f78-c27fdabe952dfc357fe25ebf5c8897ee.ssl.cf5.rackcdn.com/143/Motion+for+councils+on+fireworks+England+301019.pdf?v=1572433962000>



**NOTICE OF MOTION****LABOUR GROUP****SUPPORT UNITED NATIONS TPNW: ICAN CITIES APPEAL**

This Council notes;

- 1) That any nuclear weapon detonation by accident or intent would constitute a major humanitarian catastrophe, with consequences transcending national borders and having grave implications for the health and survival of current and future generations;
- 2) That the Treaty on the Prohibition of Nuclear Weapons negotiated under United Nations auspices and adopted by 122 UN Member States on 7 July 2017, will gain international legal force on January 22nd 2021, 90 days after being signed and ratified by the first fifty governments;
- 3) The important security, peace-building, safety and educational roles and responsibilities of local authorities worldwide, including through 'Nuclear Free Local Authorities' (NFLA) and 'Mayors for Peace', of which BHCC is a member;
- 4) That Mayors for Peace works with the International Campaign to Abolish Nuclear Weapons (ICAN, 2017 Nobel Peace laureate) and other partners in over a hundred countries to encourage cities to support the UN Treaty on the Prohibition of Nuclear Weapons;

This Council resolves;

- 1) To declare its support for the obligations and full implementation of the Treaty on the Prohibition of Nuclear Weapons;
- 2) To call on the UK government to work for global peace in a world free of nuclear weapons by signing and ratifying the Treaty on the Prohibition of Nuclear Weapons and working alongside other UN Member States for its full implementation;
- 3) To inform the Prime Minister, UN Secretary-General, Mayors for Peace and International Campaign to Abolish Nuclear Weapons of the Council's adoption of this resolution.

Proposed by: Cllr Evans

Seconded by: Cllr Childs

**Supporting Information:**

Legislation based on ICAN's Cities Appeal has been adopted by Hiroshima, Nagasaki, Washington DC, Los Angeles, Edinburgh, Manchester, Oxford, Sydney, Melbourne, Geneva and many other cities, as well as the State of California and the County of Renfrewshire in Scotland, as listed here: [https://cities.icanw.org/list\\_of\\_cities](https://cities.icanw.org/list_of_cities)



**NOTICE OF MOTION****GREEN GROUP****POWER OF YOUTH CHARTER**

That this council:

- agrees the importance of the including voice of young people in decision making and commends the recent work on a 'youth engagement' action plan for our city's young people, which was created with the young people themselves.
- thanks Brighton and Hove Youth Council for the work they do to formally represent the city's young people within council structures and recognises the importance of the Youth Council as a body.
- reaffirms its previously agreed commitment to votes at 16.

This council therefore:

- Agrees subject to the approval of the Children, Young People & Skills Committee, to sign up to the 'Power of Youth Charter', using the aforementioned youth engagement report as a basis for showing how we will meet its aims
- Requests that the Children, Young People & Skills Committee receive a yearly report on actions taken against the Charter across the council.
- Commits to using our own communication channels as councillors and political parties to support the work of young people, as per the 'R' in the charter.

Proposed by: Cllr Clare

Seconded by: Cllr Heley

**Supporting information:**

iWill campaign 'Power of Youth' charter <https://www.iwill.org.uk/poy-charter>

Green Group Notice of Motion 'Support for Youth Strikes and other Climate Action' which included agreement to lobby Government on Votes at 16 <https://present.brighton-hove.gov.uk/documents/s143777/Item%2030%2004%20GrnGrp%20-%20Youth%20Strike.pdf>



**NOTICE OF MOTION****GREEN GROUP****PUBLIC HEALTH AND SOCIAL CARE FUNDING**

The council believes the pandemic has shown the impact of year on year cuts to local public health teams which are now 22 percent lower per head in real terms than in 2015.

Council notes that the Covid Crisis has shown not only how valuable the role of Director of Public Health and team are but also how important locally planned, supported and resourced responses to any future pandemics will be.

Council asks the Chief Executive to write to the Secretary of State for Health, requesting:

That ministers reconsider spending review proposals that offer no new funding for public health teams during this public health crisis; requesting long-term, sustainable public health funding, and includes further public health spending in the local government financial settlement, expressing concern that public health funding has reduced by over £700m in real-terms in the past five years;

- this should include a budget to promote local take up of vaccination. While vaccines are delivered by the NHS, council recognises the vital role played by public health teams in promotion of immunisation against disease, and requests funding to support public health promotion work to ensure resources are available to deliver the broadest possible community engagement and take-up of a Covid-19 vaccine
- that Government publish a long-term strategy for Adult Social Care as part of a comprehensive service alongside the NHS to ensure security in old age.

Proposed by: Cllr Shanks

Seconder: Cllr Nield

**Supporting information:**

Health organisation the Kings Fund state: "In the past 20 years there have been numerous failed attempts to find a way forward for Adult Social Care funding including 12 White Papers, Green Papers and other consultations about social care in England as well as 5 independent reviews and commissions. Successive governments have put off fundamental reform of the system, opting instead for short-term measures.

<https://www.kingsfund.org.uk/projects/positions/adult-social-care-funding-and-eligibility>

"The Spending Review simply noted that the public health grant will 'be maintained'. However, it is unclear whether this means 'maintained' in cash terms or in real terms (adjusted for inflation), or something else entirely. With rising costs – including from a pay rise for health care staff in 2021/22 – even maintaining the grant in real terms would mean councils would have relatively less.

Amnesty report on care homes

Amnesty international reports on the failings of the approach to older people in care homes during the Covid-19 crisis: <https://www.amnesty.org.uk/care-homes-report>





**NOTICE OF MOTION****CONSERVATIVE GROUP****REGISTER OF HERITAGE ASSETS**

This Council

1. Expresses regret over recent incidents relating to the loss of historic lanterns from the Brighton seafront;
2. Praises the actions of local investigative journalists for identifying said missing items; and
3. Calls for an officer report to the Tourism, Equalities, Communities & Culture Committee to explore options for setting up an independent group with the aim of establishing a list of all heritage assets – including those in situ, in storage and undergoing repair elsewhere – for which the Council has responsibility.

Proposed by: Cllr Nemeth

Seconded by: Cllr Mears

**Supporting Information:**



**NOTICE OF MOTION****CONSERVATIVE GROUP****FIELD OFFICERS**

This Council

1. Seeks urgent confirmation that all 7 FTE Field Officer positions are now filled as set out at TECC Committee on 19<sup>th</sup> November 2020;
2. Requests assurance that social housing tenants will not be charged for the Field Officer service through the Housing Revenue Account during periods of non-service through the summer;
3. Notes that a report on the Field Officer programme will be presented at TECC Committee in January 2021; and
4. Calls for the report to include (i) a full explanation as to why only 2.5 of the 7 FTE Field Officer positions were filled during the summer and (ii) proposals to address concerns over the effectiveness of the service generally with respect to remit, hours of operation and allocated resources.

Proposed by: Cllr Bell

Seconded by: Cllr Lewry

**Supporting Information:**



**JOINT NOTICE OF MOTION****GREEN GROUP AND LABOUR GROUP****COMMITMENT TO HELPING THOSE WITH HIDDEN DISABILITIES**

This Council calls upon:

- All Councillors to officially recognise the Hidden Disabilities Sunflower logo, and to officially promote what it stands for, and its importance in breaking stigma;
- To ask the city council to promote the Hidden Disabilities Sunflower logo, and to promote the message to local businesses to encourage them to formally recognise the scheme;
- To illustrate that the council is supportive of this initiative and that it is 'Hidden Disability Friendly', by promoting the Sunflower logo on its buildings so that residents and visitors can identify the council as 'Hidden Disability Friendly';
- That further to continued work to ensure improved engagement and support for people with disabilities, to request that TECC commissions an action plan to ensure that the city council sets a strong standard of support for those with disabilities.

Proposer: Cllr Powell

Seconder: Cllr Williams

**Supporting information:**

It is not always obvious when anyone has a disability. Hidden disabilities can include learning disabilities and learning difficulties, lung conditions, diabetes, renal failure, visual or hearing impairments, and many other long-term conditions that simply cannot be seen and may not be immediately obvious. For instance, some people cannot wear face coverings because of their long-term health condition.

The Hidden Disability Sunflower logo can be worn to show others that the individual may require additional help, understanding or extra time to carry out a task.

“Living with these conditions can make daily life more demanding for many people. They affect each person in different ways and can be painful, exhausting, and isolating...Without visible evidence of the hidden disability, it is frequently difficult for others to acknowledge the challenges faced and as a consequence, sympathy and understanding can often be in short supply.”

“Since its launch in 2016, it has now been adopted globally by major airports and venues and in the UK, by many supermarkets, railway and coach stations, leisure facilities, the NHS, a number of police, fire and ambulance services, and an increasing number of small and large businesses and organisations.”

The above information is quoted directly from: [hiddendisabilitiesstore.com](http://hiddendisabilitiesstore.com)

