

Subject:	Night Shelter Proposal		
Date of Meeting:	30 November 2017		
Report of:	Executive Director Health & Adult Social Care		
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Ward(s) affected:	Regency		

FOR GENERAL RELEASE

Note: By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason, that to enable the proposals to be implemented in time a decision was required at the meeting on the 30th November.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the information necessary to complete the report was not finalised in time and delaying the item to the next meeting of the Committee would frustrate the implementation of the proposals in time. The Chair has been consulted and agreed that because of the foregoing special circumstances report should be considered at this meeting.

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report is to inform members that following the decision taken at Budget Council in February this year and subsequent research by a cross party working group, part of the Brighton Centre has been identified for use this winter as a night shelter to increase the city's capacity to reduce rough sleeping on the streets. Members are advised also to note the content of the risk assessment attached as an appendix to this report in the context that the safety of any vulnerable adult and staff/volunteers using the night shelter is of paramount importance.

2 RECOMMENDATIONS

2.1 That the committee:

- a) Agrees the planned use of part of the Brighton Centre in support of cross party agreement given in February this year to identify and provide a night shelter over the winter months to provide support to rough sleepers in the city;
- b) Note the content of the service model at Appendix 1, risk assessment at Appendix 2 and that the implementation of the proposals is subject to

complying with any health and safety, planning and other regulatory requirements;

- c) Authorise the Executive Directors for Adult Social Care & Health, Neighbourhoods, Communities and Housing and Economy, Environment & Cultures to take all steps necessary of incidental to the implementation of the proposals.
- d) Note that an evaluation report will be submitted to this committee in summer 2018 on the utilisation of the night shelter and impact of its availability.

3 CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Council adopted the Rough Sleeping Strategy in 2016. The strategy has the vision of ensuring no one has the need to sleep rough by 2020. The strategy promotes amongst its five priorities:
 - Prevent Homelessness and Rough Sleeping
 - Improving Health
- 3.2 Acknowledging the significant challenge this city faces in addressing rough sleeping on our street and the particular vulnerability of this client group, Budget Council in February 2017 carried unanimously a Notice of Motion to ...*contribute towards basic facilities and infrastructure to allow the use of empty council buildings by rough sleepers, as agreed by all parties...* A petition and report was then considered and agreed by PR&G on 4th May with respect to 'using empty council buildings for rough sleepers' and a cross party working group was set up to look at the options available to provide a night shelter for the winter
- 3.3 Following consideration of a number of locations, both council and privately owned, part of the Brighton Centre has been identified for the provision of the night shelter through the coming winter with the physical characteristics of its location, design and accommodation meeting the required purposes. The proposed space is the syndicate wing of the Brighton Centre which has a separate entrance to the rear. The intended use of this space will not impact upon other uses and the normal programme of events will continue unaffected.
- 3.4 The temporary use of part of the Brighton Centre for a night shelter does not require planning permission as the change of use, ie from part of a conference/exhibition centre to a night shelter, is not considered to constitute "development" in planning terms.
- 3.5 The night shelter will open from Sunday 10th December and run through continuously to Sunday 11th February with a possible break of a few days in mid-January. Options to address this short period and extend the night shelter availability through to late March are still being explored. The shelter will provide an opportunity for professional agencies to engage with rough sleepers to provide support including engaging with them directly in addressing any presenting health and support issues.
- 3.6 The service model attached at Appendix 1 addresses the staffing, security, and other associated costs of using the Centre. A risk assessment has also been provided at Appendix 1. This is a working document and as such will continue to be revised through the mobilisation stage and while the shelter remains open.

4 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 One-off funding of £0.035m was identified at February 2017 Budget Council to meet costs associate with the security and basic facilities for the use of empty council buildings by rough sleepers. Additional one off capital funding of £0.100m was also set aside for infrastructure costs and conversion costs for the use of council buildings to be converted to provide Night Shelter facilities. No further budgets have been identified to support ongoing revenue costs or additional capital investment in the event the costs exceed the funding available. Additional funding will also need to be identified if the Night Shelter is extended beyond the original dates proposed in this report.

Finance Officer consulted: Rob Allen

Date: 28.11.2017

Legal Implications:

- 4.2 The proposed night shelter facility is within the Council's powers and in accordance with the Council's policies. Given the fact that implementation of the proposals cuts across many officer delegations and Council policies, and given its corporate implications, it is appropriate that the decision to authorise the opening of the shelter at the venue for a limited period is authorised by the Policy, Resources & Growth Committee.
- 4.3 The implementation of the proposals needs to comply with any planning, health and safety and other regulatory requirements.
- 4.4 The temporary use of part of the Brighton Centre for a night shelter does not require planning permission as the change of use, i.e. from part of a conference/exhibition centre to a night shelter, is not considered to constitute "development" in planning terms. This is because in order to amount to development any change of use would have to be "material". Whether a change of use is material is a matter of planning judgment taking into account the planning consequences that would flow from the proposed use, for example any effect the new use would have on the character and amenity of the surrounding area. In making such an assessment a comparison needs to be made between the existing and proposed uses.
- 4.5 Having considered the detail of the proposed use the Head of Planning and the Council's Senior Planning Solicitor consider that the night shelter would not have a significant impact on its vicinity due, inter alia, to the maximum number of rough sleepers to be accommodated, the duration and hours of the use, the management proposals for those refused entry and/or congregating outside, the fact that the access to be used (Russell Road) is in a non – residential area and that adjoining streets currently generate significant footfall and activity, often late at night. In these circumstances the change of use is not assessed to be material.

Lawyer consulted: Abraham Ghebre-Ghiorghis

Date: 26.11.2017

Equalities Implications:

- 4.6 Access to the Shelter will be made through referrals by the Street Outreach Service provided by St Mungo's who will ensure that referrals are targeted at those most in need.

Risk and Opportunity Management Implications:

- 4.7 Detailed risk assessment included at Appendix 2

SUPPORTING DOCUMENTATION

Appendices:

1. Outline Service Model
2. Night Shelter Risk Assessments

Documents in Members' Rooms

1. None

Background Documents

1. Rough Sleeping Strategy 2016-2020