

BRIGHTON & HOVE CITY COUNCIL
POLICY, RESOURCES & GROWTH COMMITTEE

4.00pm 30 NOVEMBER 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillors Morgan (Chair) Hamilton (Deputy Chair), Janio (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bell, Mitchell, Peltzer Dunn, Sykes, Wealls and Yates

PART ONE

55 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

55.1 There were none.

(b) Declarations of Interest

55.2 There were none.

(c) Exclusion of Press and Public

55.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

55.4 **RESOLVED:** That the press and public not be excluded from the meeting.

56 MINUTES

56.1 In reference to item 44.6, Councillor Yates stated that as a matter of accuracy, The Bevy was in fact a co-operative rather than community interest company.

56.2 **RESOLVED-** That the minutes of the previous meeting be approved and signed as the correct record subject to the above amendment.

57 CHAIR'S COMMUNICATIONS

57.1 The Chair provided the following communications:

“The city’s first Rent Smart conference was held yesterday and I’d like to put on record my thanks to Councillor Hill and all involved in setting that up. It’s important to do all we can to improve things in the city’s private rental sector for the benefit of all. Last week I attended the Federation of Small Business’s event in Ship Street to promote Small Business Saturday which is this weekend. I’d urge everyone to support a small or medium sized enterprise whether a street stall, high street shop or local supplier this Saturday. At the Small Business event, I heard about the ‘Tech-Takeback’ pop-up shop where all data and information is erased from used tech handed in before being given a new lease of life and re-used. The tech will be given to charities distribute, sold to people less able to afford new tech or if the equipment is beyond repair, dismantled for recycling. The shop is open at 13 Pavilion Buildings for another few days and four more pop-up shops will be run by the council, Freegle, SOENECS and EraseMyData. I’ve signed the White Ribbon pledge as part of the annual 16 days of action against violence on women. The campaign asked everyone but especially men to take a personal pledge to never commit, condone or remain silent about male violence against women. Swapping a white ribbon for a red one, tomorrow is World Aids Day and I will mark the day, along with others, in remembrance of those who have lost their lives. We will be discussing Madeira Terraces later in the agenda but I do want at this point to highlight the incredible work of Jax Atkins and her team of volunteers who organised the raffle in support of the campaign, surely one of the largest in the city’s history. The raffle sold almost 16,000 tickets with over 650 prizes donated by artists, authors, businesses and many others from across the city, a true example of real community spirit, will and determination”.

58 CALL OVER

58.1 The following items were reserved for discussion:

- Item 61: Council Tax Reduction Review
- Item 62: Targeted Budget Management (TBM) 2017/18: Month 7
- Item 64: Draft Revenue Budget and Capital Investment Proposals 2018/19
- Item 65: Saltdean Lido CIC- Request for Loan
- Item 67: Progress Update Corporate Key Performance Indicators Q2 2017-18
- Item 68: Madeira Drive Regeneration Framework and Madeira Terraces Update
- Item 71: Response to Forthcoming General Data Protection Regulation
- Item 72: Trade Recognition Agreement
- Item 73: Committee Timetable 2018-19
- Item 74: Greater Brighton Economic Board- Admission for New Member to the Board
- Item 74A: Night Shelter Proposal

58.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion, and that the following reports of the agenda, with the recommendations therein had been agreed and adopted:

- Item 63: Treasury Management Policy Statement 2017-18 (Including Annual Investment Strategy 2017/18)- Mid Year Review
- Item 66: Review of Members’ Allowances
- Item 69: Royal Pavilion Estate Capital Project Phase 2

- Item 70: Corporate Procurement for Water Supply and Wastewater Provision

59 PUBLIC INVOLVEMENT

(A) PETITIONS

(i) Reduce the use of single-use plastics in Brighton & Hove

(D) NOTICES OF MOTION

(i) Banning of single use plastics

(ii) Unnecessary single use

59.1 The Committee considered a petition and two Notices of Motion referred from the Full Council meeting held on 2 November 2017 relating to the use of single use plastics.

59.2 The Chair provided the following response:

“The petition and both Notices of Motion ask that this committee receive a report covering various issues.

I understand that the Environment, Transport & Sustainability agreed at their meeting on Tuesday evening that this should come in the form of one report, considered by this committee alone to avoid any duplication.

I propose that we agree to the request and receive a report to a future meeting, does Committee agree?”

59.3 Councillor Mac Cafferty highlighted that the recommendations in the petition did not include an amendment passed on using the Community Infrastructure Levy and that should be recorded so the intention of the petition was not lost.

59.4 **RESOLVED-** That the Committee receive an officer report on the matter to a future meeting.

(ii) Water Fountains to Reduce Rubbish and Pollution

59.5 The Committee received a petition referred from the meeting of Full Council held on 2 November 2017 and signed by 2,600 people requesting the council to examine options to install drinking taps to reduce the excessive use of plastic.

59.6 The Chair provided the following response:

“Members will note that Council has asked us to consider receiving a report on the costings to introduce and public health costs associated with public water fountains.

I propose that we agree to the request and receive a report to a future meeting, does Committee agree?”

59.7 **RESOLVED-** That the Committee receive an officer report on the matter to a future meeting.

60 MEMBER INVOLVEMENT**(D) NOTICES OF MOTION****(i) Banning of single use plastics****(ii) Unnecessary single-use plastics**

60.1 As per minute item 59.1

(iii) Mitigating the adverse impact of Universal Credit

60.2 The Committee considered a Notice of Motion referred from the meeting of Full Council held on 2 November request the committee receive a report outlining how the Council could be as effective as possible on the matter, taking into account a number of considerations.

60.3 The Chair provided the following response:

“The committee has been referred a Notice of Motion from Council requesting a report be received to a future meeting with consideration of a number of actions.

As the Notice of Motion states, the Neighbourhoods, Inclusion, Communities & Equality Committee received a report to its meeting in October 2017 that updated the committee on the activities across council services to prepare for the introduction of Universal Credit. That report was also referred to Full Council for information.

Furthermore, the Housing & New Homes Committee endorsed a report detailing the actions in place and underway to minimise the risk of eviction of local residents as a result of impact of welfare reforms to its meeting in earlier this month. That meeting heard that eviction action is always the last resort with a range of support action coming first and the council has complete discretion, exercised in each and every case.

The council has worked with a multitude of agencies in preparation of, and roll out of Universal Credit including: Moneyworks, Citizens Advice, Money Advice Plus, the community and voluntary sector, registered social landlords, private landlords and the DWP.

The council has a Discretionary Housing Payment budget of £1.3million, a Discretionary Council Tax Reduction budget of £150k and a Local Discretionary Social Fund of £180k and this committee agreed in October to release the 2018/19 contingency of £79,000 within the Welfare Reform Reserve to support the Local Discretionary Social Fund in 2017/18 if required.

Members will continue to be updated on the roll out of Universal Credit through officer briefings and updates and the Welfare Rights team have a series of training sessions for Members to attend.

On the basis of the information outlined and the huge amount of work underway and planned, I am minded to agree to receive a report in six months' time providing this committee with an update of the effectiveness of that work and any actions that might be necessary”.

60.4 **RESOLVED-** That the Notice of Motion be noted.

61 COUNCIL TAX REDUCTION REVIEW

- 61.1 The Committee considered a report of the Executive Director for Finance & Resources in relation to the Council Tax Reduction Review. The Council introduced a local Council Tax Reduction (CTR) scheme from 1 April 2013 as a result of national changes to the Council Tax Benefit (CTB) system. Under legislation the local Council Tax Reduction Scheme must be reviewed each year. The purpose of the report was to set out that review and its recommendations.
- 61.2 Councillor Sykes noted that a decision had been made at Leaders Group that the council would not consult on the Scheme for 2018/19 meaning there was no opportunity to make changes. Councillor Sykes stated that the original decision had been made too quickly and should have included a fuller picture of budget and financial information. Councillor Sykes added that whilst he appreciated that consultation was costly and the response rate low, he felt it unfortunate that meant that the council would not be able to amend the scheme even slightly, for example to change the taper rate. Councillor Sykes expressed his concern that little was known about the decline in uptake and that it could relate to people leaving the city or that potential claimants were unaware of the scheme, particularly when matched against other key data such as the significant rise in food bank use. Councillor Sykes stated his group would be abstaining in response to the recommendations.
- 61.3 Councillor Hamilton stated that a consultation with the people affected held in the previous year had received a response rate of approximately 2 per cent. Councillor Hamilton noted that the consultation would cost around £15,000 to £20,000 and he did not believe that could be justified in the circumstances. Councillor Hamilton added that due to the drop of 7,000 claimants, the identified saving of £250,000 could be made without any changes to the system. Furthermore, further monies were proposed in the budget to mitigate the impact of welfare reform. Councillor Hamilton brought attention to the transitional protection arrangements that would arise from the Council Tax Reduction scheme from April 2018, and that those that qualified for the former would be invited to apply for the latter as part of that change.
- 61.4 Councillor Mac Cafferty relayed his concern about the net effect of not consulting adding that he was sceptical as to why there had been a drop of 7,000 claimants and Members and officers needed to know the reasons behind that. Councillor Mac Cafferty added that he believed many people were unaware of the support available and it was vitally important to find out whether the scheme was working or not by conducting a consultation.
- 61.5 The Chair stated that there was a broader issue of the overall impact of welfare reform and whether the support the council provided was sufficient, this was an issue the Neighbourhoods, Inclusion, Communities & Equalities Committee could consider as the relevant portfolio holder.
- 61.6 The Executive Director, Finance & Resources stated there were many anecdotal reasons for the drop in the number of claimants although no specific research had been undertaken in Brighton & Hove.
- 61.7 The Chair stated that the Policy Team could be asked to look into the issue further and as a nationwide issue; there may be other research the council could draw upon to

provide a more comprehensive understanding of the impact of changes to the welfare system.

61.8 **RESOLVED-** That the Policy, Resources & Growth Committee:

- 1) Notes the review of the Council Tax Reduction scheme.
- 2) Notes that the calculative elements of the scheme will be updated in line with national amounts. (These are the amounts used to work out CTR entitlements based on the number and age of people in the household and their circumstances)
- 3) Notes the latest forecast reductions in claimant numbers will meet the forecast cost of the scheme included in the integrated service and financial plans (ISFPs) for 2018/19.
- 4) Approves £150,000 funding for the discretionary fund in 2018/19; this would require one-off funding of £140,000.

61.9 **RESOLVES TO RECOMMEND:**

That Policy, Resources & Growth Committee:

- 1) Recommends the scheme to Full Council.

62 TARGETED BUDGET MANAGEMENT (TBM) 2017/18: MONTH 7

62.1 The considered a report of the Executive Director, Finance & Resources in relation to Targeted Budget Management (TBM) 2017/18 Month 7. The report set out an early indication of forecast risks as at Month 7 on the council's revenue and capital budgets for the financial year 2017/18.

62.2 The Executive Lead Officer, Strategy, Governance & Law clarified that the recommendation relating to Field Officers would be subject to Neighbourhoods, Inclusion, Communities & Equalities Committee (NICE) approving the proposals in January 2018.

62.3 The Chair asked whether it was therefore necessary to move a motion to delete recommendation 2.3.

62.4 The Executive Lead Officer, Strategy, Governance & Law answered that the recommendation could either remain as it was conditional to agreement by NICE Committee or be removed.

62.5 The Chair moved a motion to amend recommendation 2.3 as shown in bold italics below:

2.1 That the Committee approve the requested carry forward of £0.109m for Regulatory Services (paragraph 6.3) ***subject to the decision made by the Neighbourhoods, Inclusion, Communities & Equalities Committee in January 2018.***

62.6 Councillor Mitchell formally seconded the motion.

- 62.7 The Chair put the motion to the vote which was carried.
- 62.8 Councillor Sykes noted that the costs of temporary accommodation had risen £500k per year since 2014/15 and asked about the reasons behind that and the council's ability to recoup some of those costs. Referring to the slippage of approximately £6m in the capital programme, Councillor Sykes asked if that risked LEP funding for future projects and in reference to the integrated community equipment store, Councillor Sykes noted that this had been referred to in the Budget report but not in this TBM report and asked why that was the case.
- 62.9 The Executive Director, Finance & Resources replied that temporary accommodation was a complex area made more so by the impact of Universal Credit. The Executive Director Finance & Resources stated that in future, there may be the introduction of capital business cases outlining options for temporary accommodation that was less expensive than the current contractual obligations. The Executive Director Finance & Resources supplemented that the key issue was of demand which was a difficult area to manage for a variety of factors. The Executive Director, Economy, Environment & Culture stated that the recent approval of the Valley Gardens scheme by Planning Committee and the Environment, Transport & Sustainability Committee which was something the LEP had been pleased to hear via the regular updates provided by officers. The Deputy Chief Finance Officer stated that the integrated community equipment store was financed via the Better Care Fund which was a joint fund with the CCG. The pressures on that Fund would be factored into the TBM projections in accordance with the risk share arrangement. There was recognition of the pressures on that budget for the next financial year and the pressure funding was identified in Item 64 of the agenda.
- 62.10 Councillor Wealls noted that the forecast overspend was now below risk provision however, in his view this was due to fortune rather than better financial management with the drop in concessionary bus passes a significant contributing factor. Councillor Wealls stated that the budgetary risk in demand-led services still remained. Councillor Wealls noted that the Life Events service had moved from an underspend to a significant overspend in a short space of time and asked if there was sufficient executive oversight of that workstream.
- 62.11 The Executive Lead Officer, Strategy, Governance & Law stated that the overspend forecast was due to a combination of an increase in market competitors and a drop in financial discipline. An organisational board comprising of senior officers were reviewing the issue in detail and the actions identified and implemented were beginning to pay dividends. The Executive Lead Officer, Strategy, Governance & Law stated that the Bereavement Service was of particular challenge as it had a very small revenue stream but maintenance expenditure. In response, the service would carefully plan and target its services and had made staff working pattern changes as well as using improved financial forecasting systems.
- 62.12 Councillor Hamilton stated that the possibility of extending one of the cemeteries was being considered that would help the revenue position going forward.

62.13 Referring to paragraph 3.7, Councillor Mac Cafferty asked for clarification on whether the integration plans were causing complications for service delivery pressures.

62.14 The Executive Director, Finance & Resources that this referred to significantly increased workload and competing demands for management time in creating and implementing integration plans.

62.15 **RESOLVED-**

- 1) That the Committee note the forecast risk position for the General Fund, which indicates a budget pressure of £1.270m. This includes a forecast overspend of £0.190m on the council's share of the NHS managed Section 75 services.
- 2) That the Committee note that total recurrent and one-off risk provisions of £1.384m are available to mitigate the forecast General Fund risk if the risks cannot be completely eliminated by year-end.
- 3) That the Committee approve the requested carry forward of £0.109m for Regulatory Services (paragraph 6.3) subject to the decision made by the Neighbourhoods, Inclusion, Communities & Equalities Committee in January 2018.
- 4) That the Committee note the forecast for the Housing Revenue Account (HRA), which is an underspend of £0.425m.
- 5) That the Committee note the forecast risk position for the Dedicated Schools Grant which is an underspend of £0.154m.
- 6) That the Committee note the forecast outturn position on the capital programme and approve the variations and slippage in Appendix 5 and new schemes in Appendix 6.

63 TREASURY MANAGEMENT POLICY STATEMENT 2017/18 (INCLUDING ANNUAL INVESTMENT STRATEGY 2017/18) - MID YEAR REVIEW

63.1 **RESOLVED:**

- 1) That Policy, Resources & Growth Committee endorses the key actions taken during the first half of 2017/18 to meet the treasury management policy statement and practices (including the investment strategy) as set out in this report.
- 2) That Policy, Resources & Growth Committee notes that the approved maximum indicator for investment risk of 0.05% has been adhered to and the authorised limit and operational boundary have not been exceeded in the first half of the year.

RESOLVED TO RECOMMEND:

- 1) That Policy, Resources & Growth Committee recommends to full Council the approval of the amended Annual Investment Strategy 2017/18 as set out in Appendix 3 to this report.

- 2) That Policy, Resources & Growth Committee recommends to full Council the approval of the amended Minimum Revenue Provision (MRP) Policy 2017/18 as set out in Appendix 4 to this report.

64 DRAFT REVENUE BUDGET AND CAPITAL INVESTMENT PROPOSALS 2018/19

- 64.1 The Committee considered a report of the Executive Director, Finance & Resources that set out the draft revenue and capital budget proposals for the third year of the 4-year planning framework introduced in 2016/17 which were aligned with the current central government spending review period and 4-year funding deal.
- 64.2 Councillor Sykes asked the following questions: what the £135,000 for rough sleeping initiatives was and why the £100,000 for teachers pay had come from the General Fund rather than DSG; clarification on the Public Health figures provided on pages 133 and 131, clarification on the figure provided for the increase pressures on the waste PFI contract related to increased properties as the figure assumed a 1% rise in property numbers across Brighton & Hove and whether Members would get the opportunity to revisit the proposals at Budget Council as some of the terminology used inferred that this meeting were agreeing various matters.
- 64.3 In response, the Executive Director, Finance & Resources confirmed that Budget Council would have to approve the proposals. The Deputy Chief Finance Officer replied that he was uncertain of the detail regarding the precise use of the £135,000 allocated to rough sleeping initiatives; the teachers' pay issue concerned recognising the pressures on school budgets and was a one-off payment to smooth the impact of a 2% pay award. The Deputy Chief Finance Officer stated that there were two issues relating to the figures provided for Public Health; the first was an allocation of £651,000 was to provide pressure funding in relation to the loss of grant in 2018/19 and the £350,000 figure concerned a one-off allocation which would allow the service to defer a saving relating to a substance misuse contract and that saving would be made the following year.
- 64.4 Councillor Sykes asked the following questions: on page 144 of the agenda that was a positive amount of £4.2m for 2019/20 listed in table 3 and asked what that concerned; why the TBM 7 report listed an underspend in DSG of £150,000 that contradicted an predicted overspend in this report and the detail of the £220,000 attributed to commitments and reinvestment in Financing Costs on page 153 of the agenda.
- 64.5 The Executive Director, Families, Children & Learning clarified that the TBM was predicting an underspend however, that related to the Early Years part of the DSG but overall, the budget pressures were greater than spend and schools in general were under significant financial pressure. In relation to the positive amount of £4.2m, the Head of Finance that this mostly detailed an improved settlement for the Better Care Fund with the other element relating to changes in the financing cost budget that was anticipated for 2018/19. The £220,000 figure related to the investment in Saltdean Lido, the commitment to social services investment already built into the capital programme with the remainder relating to the anticipated true financing costs that were reviewed annually.
- 64.6 Councillor Wealls asked for a formal definition of pressure funding, the detail of the £30,000 capital investment in social enterprise detailed on page 141 of the agenda and

for more detail on the carbon budget as the figure of 4% planned reduction appeared small.

64.7 The Executive Director, Finance & Resources explained that pressure funding related to increased costs as a result of demand or prices pressure in excess of inflation. The social enterprise figures were in anticipation of a project currently being developed. The Deputy Chief Finance Officer explained that the 4% carbon reduction target was a challenging one and whilst the sale of Kings House would help achieve that target, reductions in other elements of the council's property portfolio may be more difficult to attain.

64.8 Councillor Wealls noted that his Group would be abstaining from the proposals at the current stage.

64.9 Councillor Hamilton clarified that the £165,000 allocated to rough sleeping initiatives was in anticipation of a potential re-opening of a Night Shelter during the winter months of 2018 and 2019.

64.10 **RESOLVED-** That the Policy, Resources & Growth Committee:

- 1) Notes the updated forecasts for resources and expenditure and an estimated budget gap for 2018/19 based on a 1.99% Council Tax increase and an additional 3% Adult Social Care precept.
- 2) Note the Budget, Investment & Efficiency Strategy approach to meeting the financial challenge next year and over the life of this parliament.
- 3) Notes the refreshed 4 year Integrated Service & Financial Plans (ISFPs) including detailed draft proposals for savings in 2018/19 toward meeting the identified budget gap.
- 4) Directs that all of the draft savings proposals identified at Appendix 2 be subject to further consultation and engagement with relevant stakeholders and across the council, meeting statutory consultation requirements where required.
- 5) Notes the update on the HRA budget set out in paragraph 6.4 to 6.7.
- 6) Notes the Capital Investment Programme update set out in paragraphs 4.10 **Error! Reference source not found.** to 4.16.
- 7) Receive and note the Equality Impact Assessments undertaken in relation to the draft budget proposals.
- 8) Notes that subsequent decisions and information from central government may impact on the proposals in this report.

65 SALTDEAN LIDO CIC - REQUEST FOR LOAN

65.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that requested approval of a grant of £0.22m to Saltdean Lido Community

Interest Company (SLCIC) to enable a revised Stage 2 lottery bid for £4.2m to be considered by the Heritage Lottery Fund (HLF).

- 65.2 The Chair asked what the impact may be if the decision was agreed at this committee but reversed at Budget Council in February 2018.
- 65.3 The Executive Director, Economy, Environment & Culture confirmed that the committee would be making a decision on the matter at this meeting and the capital proposals detailed on page 139 of the agenda did not include Saltdean Lido.
- 65.4 Councillor Wealls asked what the re-payment terms of the loan were if the HLF bid was successful.
- 65.1 The Head of Finance clarified that if the HLF bid was successful, half the loan amount would be repaid quickly with the other half repaid once the facility was operational and likely to be over four years, although that schedule would be subject to the revised business plan.
- 65.2 Councillor Mac Cafferty stated that whilst all political groups agreed on the principle of the restoration project, there would have to be a broader debate about the continued financial support provided if progress continued to stall and a potential focus on other projects. Councillor Mac Cafferty asked if the council would be able to recover the loan if the HLF bid was unsuccessful.
- 65.3 The Executive Director, Economy, Environment & Culture noted that £30,000 had been granted to SLCIC to date which drew a successful return in terms of progress made. The aim of the £220,000 loan was to deliver £7.8 million of investment and create a sustainable future for the Lido. The Executive Director, Economy, Environment & Culture stated that if the event the HLF bid was unsuccessful, SLCIC would find it more challenging to repay the loan and advised that the committee decision could be framed in the context of the council being freeholder of the site and therefore liable for costs if the CIC fails, and that the HLF bid represented the best opportunity for renovation of the Lido for many years.
- 65.5 Councillor Sykes stated that whilst all sides could be proud of the progress made, at the same time he did have concerns about reduced due diligence relating to the perceived lack of options and the popular appeal of the Lido. Councillor Sykes stated that the committee had been asked for significant funding yet no budget nor identification of how the funding would be used was included in the documentation.
- 65.6 The Head of Finance clarified that the SLCIC had provided a revised cost plan drafted by their retained experts and officers had gone through that and verified the costs associated. In relation to the use of the £220,000, the Head of Finance explained that SLCIC was run by volunteers with the assistance of experts and the sum would be used for technical information for the revised HLF bid.
- 65.7 Councillor Yates asked that in the event the committee did not approve the report, whether officers were of the view that the £7.8m cost of restoration would become the council's liability.

- 65.8 The Executive Director, Economy, Environment & Culture stated that the £7.8m figure was an indication of the cost of restoration of the Lido. If the recommendations were not agreed by committee, the immediate impact would be that the SLCIC would find it difficult to fund a HLF bid and it would likely fail and in turn, SLCIC would find difficulty in meeting the terms of the lease. The Executive Director, Economy, Environment & Culture stated that the worst case scenario would be that SLCIC folds, the Lido would return to the council and a decision on its future would need to be made by the council.
- 65.9 Councillor Bell stated that he felt a full business plan should have been provided to the committee as the report did not have sufficient detail to make a decision on a loan in confidence.
- 65.10 Councillor Sykes stated that on hearing the assurance that officers had been provided sufficient cost information from SLCIC, he was minded to support the recommendations.
- 65.11 Councillor Peltzer Dunn asked for assurance that officers were confident the loan would be repaid.
- 65.12 Councillor Hamilton noted that similar concern was raised about the i360 loan that was 150 times larger than the amount for decision and believed the Lido should be given every opportunity to be a success and he had trust in the judgement of officers.
- 65.13 **RESOLVED-**
- 1) That the Committee notes the progress made by SLCIC including the restoration of the pools which reopened for public use during the summer.
 - 2) That the Committee approves the granting of a loan of £0.22 million to SLCIC to enable a revised Stage 2 lottery bid for £4.2 million to be considered by the Heritage Lottery Fund.
 - 3) That the Committee delegates authority to the Executive Director Economy Environment & Culture to agree the terms of the loan with the CIC and take all necessary steps to progress these recommendations.

66 REVIEW OF MEMBERS' ALLOWANCES

66.1 RESOLVED

- 1) That the report of the Independent Remuneration Panel is noted.

RESOLVED TO RECOMMEND

- 1) That the report of the Independent Remuneration Panel is referred to full Council for decision.

67 PROGRESS UPDATE CORPORATE KEY PERFORMANCE INDICATORS Q2 2017-18

- 67.1 The Committee considered a report of the Chief Executive that set out performance progress for the period 1 April 2017 to 30 September 2017 in relation to Corporate Key Performance Indicators (KPI's).
- 67.2 Councillor Sykes stated that the budget report set out £125,000 pressure funding for waste PFI disposal relating to an increase in property numbers but this was a 1% increase so the pressure funding figure would relate to other factors than property numbers. Councillor Sykes noted that there was no information in the report relating to waste spend per household.
- 67.3 Councillor Wealls asked for clarification on the percentage of planning applications that were determined within 13 weeks and the percentage that related to extensions. Furthermore, Councillor Wealls asked if an Attainment 8 progress target (relating to school pupils) could be included in future reports.
- 67.4 The Executive Director, Economy, Environment & Culture stated that information on the amount of applications determined within 13 weeks and the number where the deadline had been extended was available and could be circulated. The Executive Director, Economy, Environment & Culture noted that performance in this area was improving and the amount of applications with an extension applied was reducing in number. The Executive Director, Families, Children & Learning clarified that Attainment 8 progress information was provided in reports to the Children, Young People & Skills Committee and could be provided to this committee also.
- 67.5 Councillor Mitchell stated that recycling rates were improving and whilst there was some way to go, good progress was being made. Councillor Mitchell stated the completed roll out of the grey wheelie bins would improve overall figures by an estimated 3%.
- 67.6 Councillor Mac Cafferty noted that a number of KPI's were monitored at DMT level as shown in the table on page 327 of the agenda and asked why more detail could not be provided to the committee. Councillor Mac Cafferty noted that the quantity and scope of KPI's had significantly changed over the past year and queried why any KPI would be included if it was not reported and monitored over a consistent and long-term period.
- 67.7 The Executive Lead Officer, Strategy, Governance & Law clarified that the Committee had previously agreed the scope a number of KPI's and there was a balance to be made in effective reporting and monitoring and over-reporting in producing the report. The Executive Lead Officer, Strategy, Governance & Law stated that should any Member wish to include additional KPI's, an amendment to the document could be made.
- 67.8 Councillor Yates noted that the committee had agreed the KPI's at its meeting in July 2017 and if therefore, it was constitutionally permitted to reverse that decision.
- 67.9 The Executive Lead Officer, Strategy, Governance & Law stated there was no barrier to amending the KPI information as the information was already collated. The Executive Lead Officer, Strategy, Governance & Law added that the KPI report had only recently begun to be reported to the committee and had previously been an internal framework.
- 67.10 Councillor Janio stated that he understood that corporate priorities changed and therefore, so should KPI's and there was no need to target resource where a target had

been met or was close to being met. However, Councillor Janio felt that Members were not involved enough concerning which KPI's should be reported to the committee.

67.11 The Chief Executive replied that the Members Survey completed in September 2017 may provide a useful guide to revising the KPI's reported and the format of what was reported to committee could be changed as it was keenly desired that Members had as much insight and oversight as possible.

67.1 **RESOLVED-** That the Committee review progress in relation to Corporate KPIs particularly corrective measures outlined for 'red' and 'amber' indicators and provide ongoing support and challenge to lead officers to bring performance back on track.

68 MADEIRA DRIVE REGENERATION FRAMEWORK AND MADEIRA TERRACES UPDATE

68.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that provided a summary of progress on the 4 point plan for securing the regeneration of Madeira Drive including the restoration of Madeira Terrace. The Executive Director, Economy, Environment & Culture verbally confirmed to the meeting that the crowdfunding funding target had been successfully achieved before the deadline of 30 November 2017.

68.2 The Chair commended officers for the work undertaken adding that the crowdfunding campaign and broken new ground in terms of scale and ambition. The Chair recorded his thanks to the individuals, businesses and organisations that had pledged to the campaign that demonstrated the opportunity and potential of the Terraces.

68.3 Councillor Sykes moved a motion to amend recommendation 2.1 as shown in strikethrough below:

2.1 That the Committee agree that officers will initiate an early soft market testing exercise to continue to assess the capacity of the private sector to deliver a 400% privately financed proposal for Madeira Terrace. If such a scheme were shown to be viable (and deliverable within the parameters of the wider regeneration framework for Madeira Drive) this committee will be asked to agree a formal procurement process. Soft market testing will be carried out during the early feasibility stage of the project.

68.4 Councillor Mac Cafferty formally seconded the motion.

68.5 The Chair stated that there had been a drafting error in the report that related to the motion and stated that he would support the motion.

68.6 The Chair then put the motion to the vote which was carried.

68.7 Councillor Wealls passed his congratulations to the administration and officers for making the campaign a success and welcomed that the success of the i360 that meant significant reserves could be used.

- 68.8 Councillor Sykes expressed his congratulations to all involved in the crowdfunding campaign. Councillor Sykes noted that the council's contribution to both the crowdfunding and regeneration had benefitted significantly from the i360 reserves and that it should be noted that the current administration had opposed the i360 at the time of approval. Councillor Sykes asked if the investment of £1m would be subject to the business case.
- 68.9 The Executive Director, Economy, Environment & Culture confirmed that £1m had been earmarked subject to the drafting and submission of the business case and was a signal to the HLF of the council's commitment to the bid. In the event that the first stage of the HLF application was successful, a report would be returned to the committee.
- 68.10 Councillor Janio noted that the project definition document listed three potential options and asked what stage the final option would be selected and who the decision would be made by.
- 68.11 The Executive Director, Economy, Environment & Culture stated that the options were preliminary options drawn up to demonstrate officers thinking to the HLF. Should the stage 1 bid be successful, a full business case would be developed and options, with costings, submitted to the committee for decision.
- 68.12 In reference to page 359, Councillor Mac Cafferty stated that he did not believe the table took into account the conservation funding requirement and the accurate total was £34m not £20m as stated.
- 68.13 The Executive Director, Economy, Environment & Culture replied that the figure had been included and the £24m figure was the total cost of construction and total value of what would be generated. Furthermore, the figures were simply an indication to the HLF of how the project would work at this stage and not the figures that would lead to the project delivery.
- 68.14 Councillor Yates stated that the figures reflected the potential investment and construction value plus the value of the asset after the work was complete which was less than the cost of regeneration.
- 68.15 **RESOLVED-**
- 1) That the committee note the success of the crowd funding campaign in raising funds for the restoration of the first three arches of Madeira Terrace, engaging the wider community in the future of Madeira Terrace, raising the profile of the Terrace nationally and internationally, and in galvanising the support of the business community.
 - 2) That, subject to the final crowd funding target being achieved, the committee authorise the Executive Director of Environment, Economy & Culture to ensure all relevant legal and statutory permissions are in place in order to allow restoration work for the first three arches to begin in 2018.
 - 3) That the Committee note that work to complete the tender specification for the restoration will take place in consultation with Historic England, Conservation groups

and key stakeholders and will form part of a full tender exercise to take place in Spring 2018.

- 4) That the Committee agree that work already underway to submit bids for future funding for the Terrace, including a proposed HLF (Heritage Lottery Fund) bid, be further progressed and regarded as a priority for support within the city.
- 5) That the Committee agree that officers will initiate an early soft market testing exercise to continue to assess the capacity of the private sector to deliver a privately financed proposal for Madeira Terrace. If such a scheme were shown to be viable (and deliverable within the parameters of the wider regeneration framework for Madeira Drive) this committee will be asked to agree a formal procurement process. Soft market testing will be carried out during the early feasibility stage of the project.

69 ROYAL PAVILION ESTATE CAPITAL PROJECT PHASE 2

69.1 RESOLVED-

- 1) That Policy & Resources Committee notes the progress made to date on the Royal Pavilion Estate capital project and the works taking place at Brighton Dome to complete Phase 1 outlined in paragraph 3.4.
- 2) That Policy, Resources & Growth Committee agrees that a Round 1 Heritage Lottery Fund bid is submitted for Phase 2 works as described in paragraph 3.8 and that, should this bid be successful, a Round 2 bid then be prepared and submitted to the Heritage Lottery Fund.
- 3) That Policy, Resources & Growth Committee notes that Historic England has placed the Grade II listed Royal Pavilion Garden on the At Risk Register and the Royal Pavilion & Museums has commissioned a Conservation Plan and Management & Maintenance Plan to address the issues raised and put in place measures for future conservation and management of the Garden to achieve substantial improvements and the removal of the Garden from the At Risk register.
- 4) That Policy, Resources & Growth Committee earmarks £1.0million of unallocated capital resources to support the Royal Pavilion Estate Capital Project Phase 2.

70 CORPORATE PROCUREMENT FOR WATER SUPPLY AND WASTEWATER PROVISION

- 70.1 **RESOLVED-** That the Committee grant delegated authority to the Assistant Director Property & Design, following consultation with the Council's Monitoring Officer, to procure and award a call off contract under a Central Purchasing Body framework agreement for the Council's water supply and wastewater services with a term of up to four years.

71 RESPONSE TO FORTHCOMING GENERAL DATA PROTECTION REGULATION

- 71.1 The Committee considered a report of the Executive Director, Finance & Resources that informed the Committee of the forthcoming changes to Data Protection regulations, the

impact these will have on the Council's operations, and the proposed approach to mitigating the associated risks. At the heart of this is the General Data Protection Regulation (GDPR) which comes into effect in May 2018.

- 71.2 Councillor Sykes stated his concern regarding the significant capital funding that would be required and asked if officers should lobby ministers for new burden funding. Councillor Sykes asked if the capital funding request was included in the draft budget papers or would be subject to agreement by the committee.
- 71.3 The Executive Director, Finance & Resources replied that significant comment had been made nationally however; the proposals and investment had been deemed necessary to protect personal data, and avoid censure and financial penalties from the Information Commissioner's Office (ICO) in the event of failure. The Executive Director, Finance & Resources added that an element of the capital funding was contained in the budget proposals however; the revenue element could not currently be accounted for as this would occur in future years. The Executive Director, Finance & Resources stated that there was still some uncertainty about the impact of the regulation and clarified that it would be monitored closely by the Audit & Standards Committee under its responsibility for Information Governance.
- 71.4 Councillor Mac Cafferty noted the National Cyber Security Centre had provided a series of recommendations for local authorities to work on, one of which was that it was included on the risk register and he was pleased to hear confirmation that this had happened. Councillor Mac Cafferty stated that going forward, it was essential to know how other authorities were managing the change and how information could be shared to ensure implementation of the regulation was not drastically overspent.
- 71.5 The Executive Director, Finance & Resources clarified that the Orbis Partnership provided an excellent opportunity to share information and a network of intelligence that could be exploited.
- 71.6 **RESOLVED-** That the Committee:
- 1) Approves the preferred option of a 'Hub and Spoke' model to ensure that accountability for successful compliance with the forthcoming GDPR and UK Data Protection Bill 2017 is in place.
 - 2) Approves capital funding for 2017/18 and 2018/19 of up to £644,000 and the commitment of £90,000 per annum from 2019/20 in the revenue budget – these costs are to cover investment in Information Asset Administrator employment, software development, and project management resources as detailed within the options appraisal and business case in Annex A.
 - 3) Delegates authority to the Executive Director of Finance and Resources to take all steps necessary to implement the GDPR strategy.

72 TRADE UNION RECOGNITION AGREEMENT

- 72.1 The Committee considered a report of the Executive Director, Finance & Resources that requested permission to authorise the Head of Human Resources & Organisational

Development to sign a voluntary Trade Union Recognition Agreement on behalf of the council.

- 72.2 Councillor Janio stated that he did not see how the proposals would help trade union members in any way, or how the proposals were a way to proceed, especially in the context of the recent LGA Peer Review that expressed the view that relations between the council and trade unions were dysfunctional and needed to be “reset”.
- 72.3 Councillor Wealls noted that £50k had been allocated for trade union facility time in July 2017, £50k was allocated to Cityclean in October 2017, and a further £50k was identified in the Budget papers for trade union facility time. Councillor Wealls stated that he felt the report was an odd one to bring to committee and would restrict the council in any outsourcing arrangement it may come to. Councillor Wealls supplemented that the agreement would impact upon the council’s reputation with the private sector and that ultimately, council tax payers and the residents of Brighton & Hove would lose out.
- 72.4 The Chair asked Councillor Wealls to be mindful of the language used and inference made adding that the report did not ask for a financial contribution and that the allocation agreed by committee in July 2017 had been from a pre-existing underspend.
- 72.5 Councillor Bell asked how many employees had been consulted on the proposals, who had provided the text of the proposed agreement, and how many unitary authorities had similar agreements in place.
- 72.6 The Executive Director, Finance & Resources stated that discussions with HR, Legal Services, trade unions and members of the administration had led to the proposals and the wording of the agreement arose from further negotiations with the trade unions with legal input. The Executive Director, Finance & Resources clarified he was unaware of a similar agreement in place in other authorities.
- 72.7 Councillor Bell asked for clarification that the agreement had only arisen through internal discussions and there had been no consultation with any external bodies to confirm the proposals were legal and acceptable. Furthermore, Councillor Bell asked for clarification that there had been no consultation with other authorities nor was there any evidence that trade unions had consulted with their members on the proposals.
- 72.8 The Executive Director, Finance & Resources answered that the proposals had been drafted using the council’s internal legal officers. The Executive Director, Finance & Resources added there was further information in the report on LGA guidance that had been taken into account.
- 72.9 The Executive Lead Officer, Strategy, Governance & Law clarified that the agreement had been drafted by the council’s Legal Team and external counsel advice had been sought in doing so. The Executive Lead Officer, Strategy, Governance & Law noted that the proposals considered voluntary rather than statutory recognition that meant it was a local agreement that gave more flexibility. Had it been a statutory agreement, the proposals would have been submitted to the Central Arbitration Committee. The Executive Lead Officer, Strategy, Governance & Law noted that in cases where staff would be transferred to an alternative provider, there would not necessarily be a transfer of trade union recognition. The Executive Lead Officer, Strategy, Governance & Law

emphasised that the council did already recognise trade unions and the proposals recommended doing so formally.

- 72.10 Councillor Bell asked for confirmation that the agreement would stand any legal challenge.
- 72.11 The Executive Lead Officer, Strategy, Governance & Law confirmed that it would and that it would be incorporated into employee terms of employment.
- 72.12 Councillor Peltzer Dunn stated that the GMB and Unison were large organisations and asked for clarification if similar agreements had been proposed or made with any other local authorities.
- 72.13 The Executive Director, Finance & Resources stated that he did not have that information available.
- 72.14 Councillor Peltzer Dunn stated that on the basis that there was no evidence that any other local authority or trade union had deemed such an arrangement necessary, he did not see why an agreement was required.
- 72.15 Councillor Mac Cafferty noted that those people signing the agreement on behalf of the trade unions would very likely have opposed the legislation when it was originally introduced in 1992. Councillor Mac Cafferty stated that at the time, the legislation had been understood by trade union representatives as an attack on their rights of collective bargaining and effective representation. Councillor Mac Cafferty stated that he recognised and welcomed the importance of such an agreement. Councillor Mac Cafferty supplemented that it was important to understand why the trade unions felt compelled to sign such an agreement, namely that there was anxiety about the potential for transfer of employment away from the council. Councillor Mac Cafferty surmised that the council's own workforce, when faced with a degree of potential change, deserved some certainty about its future.
- 72.16 Councillor Yates stated that there were thousands of local authority staff nationwide who had faced significant challenges as a result of outsourcing and some of the comments made were a poor reflection upon members of the committee. Councillor Yates stated that the proposals would go some way to protecting staff from austerity measures. Councillor Yates agreed with the comments made by Councillor Mac Cafferty about trade union aversion to signing such agreements and that the fact that position had now shifted, was demonstration of the trade unions' willingness to reset relations. Councillor Yates noted that such agreements had been in place in NHS organisations for a significant amount of time and that was important in the context of greater health integration.
- 72.17 Councillor Wealls requested a recorded vote and this was supported by the committee.
- 72.1 The Chair put the recommendations to the vote with the following outcome:
- Councillor Bell: Against
Councillor Hamilton: For
Councillor Janio: Against

Councillor Mac Cafferty: For
Councillor Mitchell: For
Councillor Morgan: For
Councillor Peltzer Dunn: Against
Councillor Sykes: For
Councillor Wealls: Against
Councillor Yates: For

Total:
For: 6
Against: 4
Abstentions: 0

72.2 Therefore the recommendations were carried.

72.3 **RESOLVED-** That the Committee authorises the Head of Human Resources & Organisational Development to sign the attached voluntary Recognition Agreement on behalf of the council.

73 COMMITTEE TIME TABLE 2018-19

73.1 The Committee considered a report of the Executive Lead Officer, Strategy, Governance & Law that set out the proposed schedule of meetings for the municipal year 2018/19.

73.2 Councillor Peltzer Dunn observed that the Procurement Board was listed as meeting on a monthly frequency yet the proposed dates were every two months. Furthermore, the proposed Planning Committee for December 2018 was scheduled before the corresponding site visits.

73.3 The Executive Lead Officer, Strategy, Governance & Law clarified that whilst every effort was made to schedule meetings to the set frequency, it was not always possible due to potential meeting clashes and Member availability. In reference to the Planning Committee and site visit, it was explained that this was likely an error and would be corrected and confirmed with Members.

73.4 **RESOLVED-** That the proposed timetable of meetings for the 2018-19 municipal year be agreed; subject to any necessary amendments following changes to the Constitution and/or committees' requirements.

74 GREATER BRIGHTON ECONOMIC BOARD – ADMISSION OF NEW MEMBER TO THE BOARD

74.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought approval to enable Crawley Borough Council to become a member of the Greater Brighton Economic Board (GBEB). Each local authority member of the joint committee was seeking equivalent approvals from their decision-making bodies to enable Crawley Borough Council to become a member.

74.2 The Chair stated that upon his appointment to the GBEB, one of the first issues discussed was the potential expansion of the Board membership and he had

volunteered to begin discussions with Crawley Borough Council and Gatwick to that end. Whilst those discussions had taken some time to come to fruition, it was a huge step for the Board and would strengthen the region's voice to central government and wider influence of the region.

74.3 Councillor Yates stated that as a key part of the region's economy and as a key link to London, the appointment of Crawley and Gatwick made a great deal of sense.

74.4 **RESOLVED TO RECOMMEND-** That Policy, Resources & Growth Committee:

- 1) Recommends to Full Council on 14 December 2017 that Crawley Borough Council joins the GBEJC and that Gatwick Airport Ltd join the GBBP.
- 2) Notes that these changes to the membership are dependent on the decision of Full Council, all the local authorities represented on the Board agreeing that the new members be appointed, and the Board taking a formal decision that the new members are appointed.
- 3) Recommends to Full Council that it agrees to amend the Board's Heads of Terms and that it instructs the Monitoring Officer to amend the Council's constitution to reflect these amendments once they have been formally approved by all the constituent authorities and the Greater Brighton Economic Board.

A NIGHT SHELTER PROPOSAL

74a.1 The Committee considered a report of that requested approval to use part of the Brighton Centre for use during winter as a night shelter to increase the city's capacity to reduce rough sleeping on the streets.

74a.2 Councillor Sykes welcomed the proposal and the praised the work of the cross-party group. Councillor thanked his colleagues Councillors Druitt and Gibson in originally putting forward the proposal. Councillor Sykes asked for clarification on the opening dates of the Night Shelter as differing dates were provided in the report and further clarification on the operational cost to the council.

74a.3 The Head of Commissioning clarified that the Shelter would be open until 20 February 2018 and it was estimated that the operational and capital cost would be in the region of £135,000 although officers were continuing to work through that estimate in detail.

74a.4 Councillor Wealls thanked all those involved on something that was a worthy endeavour. Councillor Wealls asked if any shower facilities would be provided and whether there would be services available in the Shelter for those people suffering substance misuse and how, operationally, those using the Shelter and suffering substance misuse would be separated from those who may be in a withdrawal phase. Councillor Wealls asked what criteria would be used for those without a local connection and whether there would be applications for housing benefit and other support as part of the project.

74a.5 The Head of Commissioning answered that there were no shower facilities in the Brighton Centre but a mobile shower service was being considered, user safety in relation to a variety of issues was being considered in the proposals with room layout

and configuration and inviting specialist service providers into the Centre at the forefront of ideas as well as being identified in the risk assessment process. The Executive Director, Finance & Resource stated that any person applying for council services and eligible to claim benefits was helped to claim however, eligibility relating to the using the Brighton Centre needed to be clarified.

74a.6 Councillor Wealls asked what the employment arrangements would be for the Shelter and if staff would be contracted from charities and the third sector.

74a.7 The Head of Commissioning stated that discussions were underway with partner agencies about how their staff could be utilised as well as consideration of agency staff and oversight by existing hostel managers

74a.8 Councillor Peltzer Dunn asked when it might be known what provision would be available from the end of February to the end of March.

74a.9 The Head of Commissioning clarified that an extensive search had begun and an update would be returned to committee as soon as a location was known.

74a.10 **RESOLVED-**

- 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.

75 ITEMS REFERRED FOR COUNCIL

75.1 No items were referred to Full Council for information.

The meeting concluded at 7.05pm