



**Brighton & Hove
City Council**

COUNCIL ADDENDUM

4.30PM, THURSDAY, 18 OCTOBER 2018

COUNCIL CHAMBER, HOVE TOWN HALL

ADDENDUM

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WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

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

Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

The following written questions have been received from members of the public.

1. QUESTION From: Mark Stack

I am aware the council has an amount budgeted for discretionary Business Rates relief each year. Can you please advise how much of that budgeted amount was unspent as of the 2nd of October 18, the day before I sent this question for inclusion to the meeting, the day it was announced that the Sticky Mike's Frog Bar music venue was to close at the end of the year?

Councillor Hamilton, Deputy Chair (Finance) of the Policy, Resources & Growth Committee will reply.

2. QUESTION From: Tony Greenstein

The IHRA 'definition of anti-Semitism', with its 11 examples, 7 of which refer to Israel, comprise over 500 words. The Oxford English Dictionary [definition](#) '*Hostility to or prejudice against Jews*' is just 6 words.

Bearing in mind the searing [criticism](#) of the IHRA from Jewish former Court of Appeal Judge Sir Stephen Sedley, '*not a definition, indefinite*', Hugh Tomlinson QC 'a potential chilling effect on public bodies' and Geoffrey Robertson QC, '[not fit for purpose](#)' perhaps Daniel Yates can spell out the IHRA's advantages over the common-sense definition of antisemitism, '*someone who doesn't like Jews.*'?

Councillor Yates, Leader of the Council will reply.

3. QUESTION From: Diane Montgomery

For the last 8 years, please can you provide a table with details for each of the housing developments granted planning permission of:

- Number of housing units approved
- Number of "affordable" housing units as a condition of the approval
- How many of the "affordable" units were for rent and at what level of rent?
- How many "affordable" units were for shared ownership
- Any payment contribution made towards providing "affordable" housing
- The date the planning permission was granted

- The date the development was completed
- What if any variance there was between the actual units of housing provided overall and affordable

Councillor Meadows, Chair of the Housing & New Homes Committee will reply.

4. QUESTION From: Carrie Hynds

On 16th August, The Argus reported that new flats at the Davigdor Rd and former City College developments are being changed from "affordable" rent to shared ownership in part "due to lack of interest from the council's preferred social landlords". How many social landlords were approached before this decision was taken?

Councillor Meadows, Chair of the Housing & New Homes Committee will reply.

5. QUESTION From: Nigel Furness

In your proposal for this Council to implement the Trans Inclusion Schools Toolkit, Councillor Daniel, you state that: "A small number of children struggle with gender identity."

Whilst this may be so, does it not imply that the vast majority don't? is this the tyranny of the minority?

Councillor Daniel, Chair of the Neighbourhoods, Inclusion, Communities & Equalities Committee will reply.

6. QUESTION From: Valerie Paynter

A serious loss of the most frequently specified type of taxi needed by passengers has arisen because of taxi licensing policies that prioritise wheelchair vehicles. To what extent is the Council aware of the damage this has caused to the trade and to disenfranchised people needing saloon car access?

Councillor O'Quinn, Chair of the Licensing Committee will reply.

7. QUESTION From: Rohan Lowe

What progress has been made on the autism strategy that was in the Fairness Commission report?

Councillor Barford, Chair of the Health & Wellbeing Board will reply.

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the deputation be thanked for attending and its subject matter noted.

Notification of three Deputations has been received. The spokesperson is entitled to speak for 5 minutes.

(1) Deputation concerning Child Refugees**Spokesperson Elaine Ortiz**

Supported by:

Alistair Rooms

Toby Moore

Nick Norton

John Gantley

Mariam O’Gorman

Mick Sutton

Michael Hamilton

Steve Williams

Jo Sweeting

Penelope Steel

Vicki Lesley

Ward affected: All

Councillor Daniel, Chair of the Neighbourhoods, Inclusion, Communities & Equalities Committee will reply.

(2) Deputation concerning The IHRA Definition of Antisemitism**Spokesperson Nadia Edmond**

Supported by:

Ms Agnes Baetens

Mr Sabri Benameur

Prof Ben Rogaly

Ms Cath Senger

Ms Dorothy Sheridan MBE

Ward affected: All

Councillor Yates, Leader of the Council will reply.

(3) Deputation concerning Transparency, Accountability & Community Involvement

Spokesperson Steve Parry

Supported by:
Steve Parry,
David Thomas,
Maria Garrett-Gotch,
Barry Hughes,
Robert Carver,
Nichole Brennan,
David Croydon,
Diane Montgomery

Ward affected: All

Councillor Marsh, Chair of the Constitution Review Working Group will reply.

(4) Deputation concerning The IHRA Definition of Antisemitism

Spokesperson Fiona Sharp

Supported by:
Rabbi Andrea Zanardo
Rabbi Hershel Rader
Beryl Sharpe
Debra Goodman
Sarah Wilks
Rabbi Elli Sarah Tikvah
Rabbi de Beck Spitzer

Ward affected: All

Councillor Yates, Leader of the Council will reply.

(1) Deputation concerning Child Refugees

Thank you for the opportunity to speak to you today.

I would like to start by thanking Brighton and Hove council for the brilliant work done already in supporting refugees. Our council have really shown leadership on refugee resettlement by resettling 28 refugees (as far as I know) through the Vulnerable Persons Resettlement Scheme. You have taken on the serious responsibility of working with families and supporting them to create a new life here. Thank you for taking the decision to transform the lives of families. You've also supported young people like me to come and make a new life in Brighton -- I've been able to make a home here -- so thank you for helping to make that happen.

This year is the 80th anniversary of the Kindertransport, the scheme through which Britain welcomed 10,000 child refugees over two years. This anniversary marks the best of what Britain is about: helping those fleeing war and terror make a new life.

As part of this anniversary, we are joining a national campaign led by Lord Alf Dubs, himself a Kindertransport child, to call on central Government to start a fully-funded scheme for 1,000 child refugees to be resettled in the UK every year. If the UK were to take 1,000 children a year, spread across the UK, each local authority would support just three children.

We want to recreate now what happened then. People like me from across Britain are speaking to councils over the UK, from Perth and Kinross in Scotland down to Lewes, to ask them to offer places for child refugees in a new fully-funded scheme.

We think local authorities like ours, who represent welcoming places, can show leadership on the issue and offer more than three places a year. Hammersmith and Fulham Council have offered 100 places for child refugees; Scotland's Perth and Kinross Council have offered 20 places; and Barnet has pledged 30 places for child refugees.

We think in Brighton and Hove we are a welcoming place, so we want to work with our Council to resettle 100 child refugees over 10 years -- just 10 children every year. So we are here to ask one question:--


1. Will Brighton and Hove City Council commit to resettle 10 child refugees a year if central Government were to create a new fully-funded scheme?

We would be happy to support the council to make this happen. It would help newer refugee children and children currently in care find a home.

We would be happy to meet with the Council to discuss how we could support you in this.

Spokesperson Elaine Ortiz



80 years on it's... **Our turn** 

The *Our Turn* campaign – 10,000 child refugees resettled over the next 10 years

- Supported by the refugee charity Safe Passage, and led by Lord Alf Dubs, the *Our Turn* campaign is calling for the establishment of a new 'Children at Risk' resettlement scheme to bring 10,000 child refugees to the UK over the next 10 years.
- The scheme should build on and extend the current Vulnerable Children's Resettlement Scheme (VCRS) beyond 2020, with central government providing funding to local authorities that at least equals that allocated under VCRS.
- Critically, the new scheme would be open to vulnerable children in Europe as well as other regions around the world, to reflect the urgent need for protection of many children who arrive in Europe.
- **To secure this ambitious government commitment, the *Our Turn* campaign is asking local authorities to pledge places for children for this future scheme.**

How can local authorities support the *Our Turn* campaign and help secure a new Children at Risk scheme?

- In the past the Government has suggested that councils are unwilling to offer additional places to children. This was the justification they gave for cutting the numbers of children to be taken in under the Dubs scheme from 3,000 to just 480 places.
- **The reality is that authorities across the country have consistently volunteered to take more child refugees if the government provides adequate funding.**
- For the *Our Turn* campaign to succeed in securing an ambitious commitment to resettle 10,000 children over 10 years, it is essential that the government is sent a clear message that councils are willing to resettle more children, providing adequate support is there.
- Every place that a council pledges will help the *Our Turn* campaign show the government that the willingness to help is there.
- 10,000 children over 10 years equates to just 3 children per local authority per year. However, we are asking councils who can to pledge more than 3 places to ensure enough places are offered. We have already had commitments from councils in cities and rural areas ranging from 20 to 100 places.

Why is it *Our Turn*?

- **This year is the 80th anniversary of the start of the Kindertransport, a rescue operation launched by the UK government and Jewish groups that saved 10,000 child refugees from Nazi Europe. A new commitment to resettle child refugees will continue the UK's proud history of offering sanctuary to vulnerable children.**
- Britain's existing resettlement commitments (the Vulnerable Persons Resettlement Scheme and Vulnerable Children's Resettlement Scheme) are due to expire in 2020. The Dubs scheme resettling vulnerable children from within Europe is due to end after 480 children are resettled.
- With the current routes to safety threatened, Britain has an urgent responsibility to live up to the Kindertransport legacy by establishing a new and lasting legal commitment to ensure child refugees can access safe passage.

What will the new Children at Risk scheme look like?

<https://data2.unhcr.org/en/documents/download/63435>

- UNHCR figures show that across the world, over half a million children need urgent resettlement. In 2017 alone, nearly 32,963 refugee and migrant children arrived in Europe. Over 60% of these were unaccompanied or separated, compared to 34% in 2016¹.
- The new Children at Risk scheme will extend the current VCRS to incorporate the principles of the Dubs scheme, enabling both unaccompanied and vulnerable children with family to benefit. It would also be available to vulnerable refugee children both within Europe and other regions globally.

The scheme will be flexible to meet the changing need from year-to-year. Eligibility will be determined by vulnerability and the best interests of the child rather than location or nationality.

- **The *Our Turn* campaign is calling on central government to fund the scheme to at least the rate of the existing VCRS and Section 67 Schemes** - currently up to £114 per day for unaccompanied children and £25,020 over five years for accompanied children. There is also limited additional funding available via the Controlling Migration Fund and the possibility for councils in England to draw on extra support for healthcare and English language provision².
- The Chief Inspector of Borders and Immigration's 2018 report on the VPRS³ found that local authorities were generally positive about the amount they received to cover the costs of the first year of a VPRS resettlement of accompanied minors (which is the same as that for VCRS). However, in their joint response to the UASC funding review, the ADCS and LGA have made clear that the current rate of funding for unaccompanied minors remains inadequate and requires a significant uplift⁴.
- **The *Our Turn* campaign believes that if the new Children at Risk scheme is to be fit for purpose, the government must take the concerns of local authorities on board and allocate adequate funding for the new Children at Risk scheme.**

Publicly thanking pledging councils at a Kindertransport Commemoration

- On 15th November, 1,000 *Our Turn* supporters, including Kindertransport survivors, child refugees, senior public figures, charities and civil society will come together in a major national event to commemorate the Kindertransport and celebrate the role communities have played in assisting child refugees to reach protection both then and now.
- Local authorities who make pledges will be invited to attend this very special commemoration event, to be publicly thanked for their commitment to helping child refugees today.
- The campaign hopes to announce pledges for at least 1,000 'Children at Risk' places from councils at the commemoration and to call on the government to fund the new scheme.

Making a Children at Risk pledge

- If you are ready to pledge to help child refugees, the *Our Turn* campaign can add your commitment to our online record of pledging councils – please let us know if you would like us to include photos or a message of support. We can then work with your Press Office to publicise the commitment.
- To discuss the campaign further, please contact Rosie Rooney, Press and Public Affairs Manager Rosie.rooney@safepassage.org.uk - 07517805753 or Alistair Rooms, Campaigns Organiser on Alistair.rooms@safepassage.org.uk - 07398504371

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722154/Combined_local_authority_funding_instruction_2018-2019_v2.pdf

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705155/VPRS_Final_Artwork_revised.pdf

⁴ http://adcs.org.uk/assets/documentation/ADCS_LGA_Joint_response_to_UASC_Funding_Review.pdf

(2) Deputation concerning IHRA Definition
Summary of deputation to the meeting of the City Council on 18 October 2018

The IHRA Definition of Antisemitism

On October 18th 2018, Councillors will debate a proposal to 'adopt' a definition of antisemitism framed by the International Holocaust Remembrance Alliance (IHRA). **On behalf of numerous civil society organisations in the City – working to combat racism in all its forms – we urge Councillors to vote *against* this proposal.**

Charges of antisemitism have recently been levelled at many groups and individuals, including some politicians and campaigners. With the issue of antisemitism prominent in the media, the IHRA definition appears to offer local councils an opportunity to signal clearly their repudiation of this odious form of race hatred.

There are several reasons to reject the proposal to 'adopt' the IHRA definition. First, the City Council's existing policies already make clear its unambiguous opposition to racism. Moreover, we understand that the Council will consider adopting an even stronger anti-racist policy at its October meeting, and we naturally applaud this. We feel that to single out antisemitism for special or additional treatment will send the wrong message to other members of our community who also face racism. Antisemitism is a pernicious form of race hatred, which undoubtedly exists in the city. But it is no more and no less pernicious than other forms of race hatred. If the Council's anti-racism policies are adequate for some parts of our community, they are surely adequate for *all* parts of our community. And if the Council's policies are inadequate for some parts of our community, they must be strengthened for *all* parts of our community.

Second, the IHRA definition goes far beyond a definition of anti-Jewish hatred and discrimination. It explicitly links antisemitism to criticism of the Israeli government. We are profoundly concerned by this attempt to position legitimate *political* criticism as *religious* or *ethnic* discrimination or stereotyping. The effect of adopting the IHRA definition would be to silence legitimate criticism of Israel by labelling it as antisemitism. (*see supporting information)

Third, Brighton and Hove City Council has a responsibility to uphold the provisions of Article 10 of the European Convention on Human Rights, including the right to freedom of expression for all its citizens. This freedom of expression must include the right to condemn Israel's repeated violations of international humanitarian law, UN resolutions, and the Fourth Geneva Convention. The IHRA definition, in conflating antisemitism with criticism of Israel, risks being seen in law to limit such freedom. There are therefore profound civil liberties implications in adopting the IHRA definition.

Finally, we state again our unwavering opposition to all forms of racism, and applaud the City Council for its resolve on this issue. We strongly urge City Councillors to resist the pressure to adopt the IHRA definition of antisemitism – not in a negative spirit, but in the positive spirit of standing together against racism.

Spokesperson Nadia Edmond

Supporting Information:

On this point, we particularly draw Councillors' attention to two recent public statements. The first was issued in July by over 40 Jewish groups in 15 countries, co-ordinated by Jewish Voice for Peace (), condemning attempts to use the IHRA definition to stifle criticism of Israel with false accusations of antisemitism. These Jewish groups explicitly state their opposition to 'Israel's policies and system of occupation and apartheid' – a description that is deemed to be antisemitic under the IHRA definition. The other statement was issued last month by over 100 Black, Asian and Minority Ethnic organisations, writing as the 'Our History-Our Place' coalition (*). The groups argue that the IHRA definition of antisemitism could lead to a silencing of public discussion about past and current injustices suffered by the Palestinian people, and about the racism underlying those injustices.

Each City Councillor has been sent a copy of a legal opinion produced last year by Hugh Tomlinson QC. Tomlinson's opinion is a considered and dispassionate analysis of the IHRA definition, and provides sound reasons for the City Council to decline to adopt the IHRA definition. Indeed a decision to adopt it would create division and confusion.

Councillors may know that the original drafter of the IHRA definition of antisemitism, Kenneth Stern, has publicly stated that there are already signs the IHRA definition will be used to 'encourage punishments of legitimate expressions of political opinion' – a use for which it was never designed.

It is also important for Councillors to note that many public bodies have declared their opposition to the IHRA definition, including universities and colleges, trade unions, faith groups and local councils.

(3) Deputation concerning Transparency, Accountability & Community Involvement

It is 12 months since the Brighton and Hove Housing Coalition was launched and the Committee is aware of questions and deputations submitted over this period together with wider activity on the housing crisis generally and within our City in particular.

There is no doubt that issues of importance have been raised, the political agenda influenced, and interesting information made available. Examples of specific areas of concern raised by the Coalition are noted below as background information.

However, we must express our concern at the absence of meaningful responses to many questions, “Yes Minister” turgid replies, and a generally defensive attitude to proposals, new ideas, and open informed discussion. The current procedure appears to prevent involvement of the committee as a whole and does little to encourage community involvement. The Chairperson reading a prepared response and, usually, being unable to answer any supplementary question is not constructive.

The style and length of the committee agenda together with the time allowed for public scrutiny is not conducive to accountability and transparency.

We must also highlight the abysmal record of the Housing Department in relation to Freedom of Information requests and the underlying impression of the department’s desire to withhold information rather than share it. Initial viewing of data shows B&HCC to have one of the worst records in the country for refusals, time taken to respond, and non-compliance with FOI legislation.

The Coalition requests the Committee initiates a review of its procedures dealing with questions, deputations, petitions and FOI requests with the objective of establishing an example of good practice that highlights transparency, accountability and community participation.

Further, the Coalition urges the Committee to hold a special meeting in May 2019 on this issue to discuss detailed proposals for change.

We suggest BHC submits a detailed document to the Committee by 3 May based upon information, advice, and ideas from the Information Commissioner’s Office (ICO), mySociety, the Campaign for Freedom of Information, and community based groups throughout Brighton & Hove. The Coalition also seeks to involve a representative from each group on the Council to work with the team drawing up the submission.

Spokesperson Steve Parry

Supporting Information:

**Brighton & Hove Housing Coalition
Background information for Deputation on
Transparency, Accountability & Community Involvement**



The Coalition was launched on 19 August 2017. Keynote Speakers included Lloyd Russell-Moyle MP, Caroline Lucas MP, Larissa Reed, B&HCC Executive Director for Neighbourhoods, Communities and Housing, and housing activists from throughout Brighton & Hove.

One of the key objectives of the constitution is to to examine all matters discussed by the B&HCC Housing Committee to ensure robust analysis of B&HCC policies and their implementation.

Holding the Housing Department to account

During 2017/18 The Coalition has coordinated questions and deputations, as well as publishing detailed briefings;

Committee meeting 15.11.17: Questions covered S20 notices, Hereford House, temporary accommodation, B&B 'accommodation', night shelter, rough sleepers, the former Oxford Street office, Universal Credit, supported housing, SWEP, and a deputation regarding legal action being taken by BHCC against leaseholders on the Bristol Estate

A deputation on a "Pledge" to end street homelessness was refused despite it being signed by the Green councillors on the committee and one Labour member.

Committee meeting 17.1.18: Issues covered included night shelter, legal action against leaseholders, Mears, Knightguard Security Ltd, children in B&B accommodation, SWEP, short term homelessness accommodation, Housing First, and the HRA Energy Strategy

The Chairperson refused to accept questions on St Mungo's and Discretionary Housing Payments, a statement by the Chairperson on Housing Benefit payments, and a DCLG/DWP report on "supported housing".

Committee meeting 14.3.18: Questions were put on the loss of the New Homes Bonus, SWEP, land banking, malnutrition among residents in temporary & emergency accommodation, the lack of services for those who are homeless over the weekend, "Oxford Street", Discretionary Housing Payments and the Council Tax Reduction Discretionary Scheme, the absence of an Equalities Impact Assessment of the HRA budget proposals,

temporary accommodation evictions, Homemove expenditure of £1,298,000 on homelessness, children in B&B, and emergency accommodation.

A question on “Legal Action against residents – Winning litigation at all costs” was refused less than 36 hours before the meeting with no opportunity to resubmit it in an acceptable form

Committee meeting 13.6.18: The struggle for transparency & accountability continued with questions on Park Court, solar panels, the Housing computer system, Mears, procurement options, “borrowing to build”, temporary accommodation evictions, malnutrition among residents in temporary & emergency accommodation, sheltered accommodation & allocations policy, and a deputation of Bristol Estate leaseholders.

Questions on MA Construction Ltd, fraud & Mears were rejected and 5 questions were referred to other committees

A number of issues have needed to be raised on more than one occasion as a result of incorrect information having been provided, questions not answered or because of the complexity of the areas of policy. Questions have been referred to other committees without a response from housing on matters central to housing policy and questions have been refused due to a lack of awareness of their significance; an example being the recently published report on financing of “supported” housing.

No information is provided to the committee as to why certain questions or deputations are rejected

During the first year of the Coalition the Information Commissioner upheld 13 complaints covering 7 areas of housing policy. BHCC is among the worst performing local authorities with regard to implementation of Freedom of Information legislation.

It is not unusual for the Housing department to take two or three months to respond to simple requests and there are cases of accurate information taking up to two years before it is released.

The ICO Decision Notices can be found at

<https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&profile=decisions&query=&f.Date|d=d%3E20Aug2017%3C01Sep2018&calendarPicker=true&f.By+authority|publicAuthority=Brighton%20and%20Hove%20City%20Council>

(4) Deputation concerning IHRA Definition

I speak on behalf of Sussex Jewish Representative Council and the vast majority of the 3000 people who make up the Jewish community in Brighton, Hove and Sussex.

We fully support and encourage the adoption of the International Holocaust Remembrance Alliance's working definition on Antisemitism and all its examples by this Council, bringing them in line with the 141 other councils across the country.

The adoption of the IHRA definition gives my community the protection it needs against the growing tide of antisemitism we are seeing in this country. The latest hate crime figures once again show that antisemitism hate crimes have risen.

We, like all minority communities and those with protected characteristics, are fully entitled to self-define hate against us. We do not seek to tell other minorities what is or is not an attack on them. We see no reason why others feel better equipped to tell us what is or isn't antisemitism.

We stand shoulder-to-shoulder with other faith groups and minority communities against all hate, racism and bigotry.

The IHRA definition in no way limits an individual's freedom of speech and is equally clear that robust, legitimate criticism against the government of Israel is perfectly permissible. But as MP Gareth Snell so clearly stated last weekend, 'If you're not able to criticise Israel without breaching IHRA, it isn't IHRA stopping you, it's probably that you're an antisemite.'

We welcome the strong and principled stand taken by the leaders of all three parties here in Brighton and Hove in doing what is right. This in no way affects any other minority community or the people of Brighton and Hove or any causes they wish to support and champion. The decision today to adopt the IHRA without any amendments or caveats will be welcomed by the majority of our 3000 strong community. Brighton and Hove's Jewish community has thrived and contributed to this city for more than 250 years. This motion demonstrates that we are valued, heard, respected and protected by this Council in our welcoming City of Sanctuary. We are grateful for your support and solidarity.

Spokesperson Fiona Sharpe

GREEN GROUP AMENDMENT**IMPROVE BRIGHTON & HOVE'S RECYCLING SCHEME
– PETITION FOR DEBATE**

To amend recommendation 2.1 and insert the following recommendations 2.2 and 2.3 as shown below in ***bold italics***;

2.1 That the petition is noted and referred to the Environment, Transport & Sustainability Committee for consideration at its meeting on the 27th November 2018, ***with the report to this meeting to include:***

- (i) a costed investigation into increasing the range of plastics the Council collects;***
- (ii) a costed investigation into the set-up of a food waste collection trial;***
- (iii) a costed investigation into increasing the frequency of recycling collections including exploring costed options for a commensurate reduction of refuse collection;***
- (iv) a costed investigation into an education and information publicity drive, encouraging recycling and explaining how and what can be recycled;***
- (v) a costed investigation into options for a 'Service Guarantee,' allowing residents to know what level of recycling service they can expect the Council to provide;***

2.2 That with the above investigations to include the exploration of external funding sources e.g. DEFRA, Local Enterprise Partnership, Ministry of Housing, Communities & Local Government and others; and

2.3 That for such a report to provide further detail on:

- (i) how the Council may seek to ensure events granted permission in Brighton and Hove are 'single-use plastic free' by 2020;***
- (ii) an action plan, including timescales, setting out how the council will contribute to the achievement of the Waste Framework Directive target of 50% recycling by 2020.***

Proposed by: Cllr Littman

Seconded by: Cllr Gibson

Recommendation if carried to read:

2.1 That the petition is noted and referred to the Environment, Transport & Sustainability Committee for consideration at its meeting on the 27th November 2018, with the report to this meeting to include:

- (i) a costed investigation into increasing the range of plastics the Council collects;
- (ii) a costed investigation into the set-up of a food waste collection trial;
- (iii) a costed investigation into increasing the frequency of recycling collections including exploring costed options for a commensurate reduction of refuse collection;
- (iv) a costed investigation into an education and information publicity drive, encouraging recycling and explaining how and what can be recycled;
- (v) a costed investigation into options for a 'Service Guarantee,' allowing residents to know what level of recycling service they can expect the Council to provide;

2.2 That with the above investigations to include the exploration of external funding sources e.g. DEFRA, Local Enterprise Partnership, Ministry of Housing, Communities & Local Government and others; and

2.3 That for such a report to provide further detail on:

- (i) how the Council may seek to ensure events granted permission in Brighton and Hove are 'single-use plastic free' by 2020;
- (ii) an action plan, including timescales, setting out how the council will contribute to the achievement of the Waste Framework Directive target of 50% recycling by 2020.

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 Inkpin-Leissner – Wild Park:

Could Councillor Mitchell please explain how was the funding that BHCC have been receiving from Natural England to maintain Wild Park precisely been used and why did Rangers not check on the pond in Wild Park, when it was drying out?

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

The council receives agricultural subsidies for some sites in the city, including Wild Park. We receive two payments towards management of these sites; the Higher Level Stewardship (HLS) payments which are designed to offset the increased costs of managing areas of wildlife importance and an area payment from the Basic Payment Scheme (BPS). Overall each year, with the significant help of our fantastic volunteers, the conservation, general management, fencing maintenance and grazing works are able to be covered by the subsidy received.

On the Downland Estate the council has a number of Dew Ponds. The council does not stock these with fish because the ponds dry out and Dew Ponds are not a natural habitat for fish. They are also detrimental to the amphibians and other creatures that we are trying to encourage at these sites.

Dew Ponds will typically dry out periodically and this is a natural occurrence. They are dependent on rain falling into the bowl that the ponds are built within to fill them. Unfortunately, members of the public do deposit unwanted fish and other pets in them and because up till this year we have had a series of wet summers, the ponds have held water for longer and fish numbers have built up. We have no practical or affordable method of filling them up but if we are draining one of the permanent ponds in a park then we do make provision to relocate the fish.

(2) Councillor Phillips – HIV & Sexual Health Services

Since 2015 what has been the annual council spend on HIV and sexual health services, year by year?

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

Annual spend on HIV and sexual health budget from the public health budget was:

| | |
|---------|------------|
| 2015/16 | £5,018,582 |
| 2016/17 | £5,032,375 |
| 2017/18 | £5,134,041 |

The budget for 2018/19 is £4,455,624

During the same period (2015/16-2018/19), excluding the funding adjustment for the transfer of health visiting and school nursing from the NHS to Local Authorities, the ring-fenced public health grant for Brighton & Hove has been reduced by £2,815,502 per year*. In response to this funding for HIV and sexual health services was reduced for 2018/19. This reduction was achieved by extending the contract with the provider for two years on the basis of a reduction in the service tariff price paid to the provider and by extending provision of home STI testing.

*PH ringfenced grant reduction

| year: | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 |
|---|-------|-------|------------|------------|------------|------------|
| grant reductions: | £0 | £0 | £1,289,945 | £1,289,945 | £1,289,945 | £1,289,945 |
| | | | | £475,786 | £475,786 | £475,786 |
| | | | | | £521,000 | £521,000 |
| | | | | | | £528,771 |
| | | | | | | |
| cumulative total of grant reductions | | | £1,289,945 | £1,765,731 | £2,286,731 | £2,815,502 |

(3) Councillor Gibson

Please can you indicate:

- when each of the current contracts with Baron Homes, Helgor Trading, Colgate and Gray to provide temporary/emergency accommodation are due to end?
- when consideration of extension or replacement (recommissioning) of each of these contracts will commence?
- how members of the housing committee will be involved in decisions around future provision?

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

The contracts for Baron Homes and Helgor Trading expire in 2021; the Colgate & Gray contract expires in 2019, each with a six month extension clause.

Preliminary discussions will begin shortly with our colleagues in Corporate Procurement to establish a preferred contract pathway for renting Emergency Accommodation in future. We will also be considering the impact of our strategy

to reduce the use of emergency accommodation in terms of how long we need to procure any further contracts for.

Any further contracts that are required will go through the Procurement Advisory Board. The provision of accommodation for homelessness households is a statutory function and Members delegated responsibility for decisions on leasing for up to 10 years to officers in 2009.

(4) Councillor Gibson - Providing council owned emergency accommodation.

Last year there was unanimous support for looking into providing council owned emergency accommodation as a “matter of urgency.”

To progress this, a subsequent Housing & New Homes agreed to:

“call for a report on the business case modeling for a “spend to save” purchase of emergency accommodation, so that the council may directly provide its own emergency accommodation

That this modeling:

- a) Estimates revenue savings on current expenditure of private provision
- b) Estimates the capital appreciation that would flow to the council through ownership of Emergency accommodation
- c) Explores the potential to offer greater support to residents of emergency accommodation from any savings achieved

Since the provision of council owned emergency accommodation has the potential to save money and improve the quality of provision and the motion received unanimous support in Council and in Housing Committee, can you indicate when the report will come to Housing & New Homes Committee?

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

The council have been investigating providing council owned temporary accommodation and members of HNHs Cttee will be aware of the recent provision of Stonehurst Court which was re-purposed sheltered accommodation that was no longer fit for purpose. The information called for regarding the financial modelling requires significant work and so a report will be forthcoming in June 2019.

(5) Councillor Phillips

How many educational psychologist assessments for primary aged children have been undertaken in the city over the past six months, and of those how many resulted in statements being issued?

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

Over the last six months there have been a total of 172 educational psychology assessments of which 64 were statutory assessments. This resulted in the development of 47 Education Health and Care plans.

(6) Councillor Sykes

Please could a statement be provided on progress this financial year with the negotiations with Network Rail, repairs and refurbishment of Hove Station footbridge, including investment projections for the next 18 months?

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

Thank you for your question – I can inform you that negotiations with Network Rail as to the future maintenance requirements and responsibilities for future maintenance are still on going. As you will be aware the Council has set aside funding from the Capital Pot once the scale and scope of future maintenance responsibilities have been agreed. Further meetings are set to take place in the coming months.

(7) Councillor Sykes

Please could a statement be provided on progress this financial year with Brighton Town Hall Workstyles, including investment projections for the next 18 months?

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

Options for Brighton Town Hall that fit with the Administration's priorities of supporting business and encouraging inward investment, while also looking to address the issue of an under-occupied and ageing building, have been explored during the current financial year. This work will support the development of a business case, which will be presented back to Policy, Resources & Growth for consideration and a decision at a later date. Until a decision is made by committee, no further investment in the building will be made beyond that identified through the Planned Maintenance Budget.

(8) Councillor Sykes

Please can an update be provided on the status and progress this year of any work being undertaken by BHCC on district heat initiatives, and what is planned over the next year?

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

Initial feasibility works have been carried out in the Hove Station area focussed on the council housing blocks located here. Since the feasibility study was commissioned wider re-development considerations for this area have evolved including the potential to offer greater opportunities by embedding a District Heat approach at the outset of future development. Accordingly this feasibility will be considered alongside major project considerations for the area including any master planning that will include.

(9) Councillor Sykes

Please can an update be provided on the status and progress this year of any work being undertaken by BHCC on a Solar Farm on BHCC land, and what is planned over the next year?

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

Property & Design are assessing a site in Falmer for the possible construction of a solar farm. Specialist advice is being sought from suitably qualified and experienced consultants to support us in completing a feasibility study. We have gone out to the market twice to local consultants at the end of 2017 and in Spring of this year but although interest was expressed verbally, no quotations were submitted to undertake the feasibility study. The brief has additionally been sent to our rural estate consultants and to the local Lewes & Eastbourne Council renewables framework consultant.

It is thought that this apparent lack of interest may at least be partly due to the impending end of the Feed In Tariff in 2019 and the consequential demands on consultants time. It is now considered that this market activity will have peaked and so our intention is to go out to the market again later this year and we are working closely with the sustainability team to review the brief and draw up a list of suitable consultants and potential framework partners.

(10) Councillor Sykes

Please can an update be provided on the status and progress this year of any work being undertaken by BHCC on food waste collection initiatives in the city, and what is planned over the next year?

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

In July 2015 as part of the Cityclean Service Plan and Priorities Report, opportunities for food waste collection were explored in detail but were not pursued due to the high cost which was in excess of £1 million per year. In light of the reductions in funding it is not possible to introduce a food waste collection at this time.

The council has always encouraged residents to compost garden waste at home and provides subsidised compost bins and food waste composters. Since 2007, over 20,000 compost bins have been sold through the council's scheme, further information of which is on the council's website. We have a total of 35 current sites in the scheme supported by BHCC plus another 3 in schools/community gardens that have set up their own schemes based on the model. Of the 35 sites approximately 60% are at capacity and in the 35 sites we have 1005 households involved as users. These sites divert approximately 89 tonnes from landfill each year. The target for new sites is to have a total of 50 sites by 2020 and we have a potential of 6 new sites that we are currently working on.

The council and partners have been developing the Food Strategy and Action Plan 2018-22, and are exploring ways to reduce food waste such as:

- innovative approaches in order to prevent food waste in first place – move to a 'Food use' not a food waste agenda
- better redistribution of surplus food to people (and if not people, then animals)
- failing that, more composting / anaerobic digestion.

(11) Councillor Sykes

Please can a statement be given on the status of and projections for Warm Safe Homes grants, an element of the revised Disabled Facilities Grant?

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

Warm, Safe Homes grant is available to help low income home owners and private tenants where the household is in fuel poverty measured by the Low Income High Cost indicator or in receipt of any one of the pass-porting benefits for DFG.

The funding contributes to delivery of our Housing Strategy priorities - improving housing quality, housing conditions and energy efficiency, and our Fuel Poverty and Affordable Warmth Strategy - effectively targeting vulnerable fuel poor households and those at most risk of the health impacts of cold homes.

The vast majority of referrals have come via Brighton & Hove Energy Services Co-operative (BHESCo.) Warm, Safe Homes grant is a discretionary grant, available subject to funding; the maximum amount of assistance available increased from £5k approved by H&NHC Sept '17 to £7.5k approved by H&NHC Sept '18.

In 2017/18 (Q4) we completed 16 Warm, Safe Homes grants

Projections:

This year to date (Q1&2) we completed 19 Warm, Safe Homes grants, total spend: £39,642.20, average cost: £2,086.43; projected for the year: 38 completions, total spend £80k. Works to date include: providing extended warranties for equipment funded under DFG such as hoists, stair-lifts & closomat toilets (x10), window replacement (x 2), secondary glazing (x 1), boiler replacement (x 3), central heating (x 1), level access shower & stair lift repair/upgrades (x2) .

(12) Councillor Sykes

Please can the lead Councillor state how many BHCC sheltered housing schemes have access to Wi-Fi for residents?

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

The City council has two seniors housing blocks of flats in which wi-fi is available for residents in the communal lounge - they are Brook Meade extra care scheme and Leach Court.

Council staff are currently looking into the possibility of extending this provision to further schemes, and have requested information from other sheltered housing providers who we can learn from. This has been through the housing benchmarking organisation, Housemark.

The council is very keen to support work that ensures that no-one is digitally excluded, particularly those who are disadvantaged and/or isolated, and who stand to benefit immensely from something that many people in the city are able to take for granted. As well as supporting Digital Brighton & Hove, around 300 seniors housing residents have attended 'Get Digital' events and gadget drop-in sessions.

Some of the issues the council faces with the provision of free wi-fi include data management and ownership, cost, potential recharge or service charge, and suitable contracts with suppliers that do not leave residents with high future participation costs after an initial period. The issues are by no means insurmountable.

Once officers have finalised this accessibility work as part of a digital strategy for Housing, a report will come to the Housing & New Homes Committee with potential proposals.

(13) Councillor Taylor - School Crossing Officers

Can the chair of the Environment, Transport & Sustainability Committee echo our support for the campaign by Withdean residents in securing the much loved lollipop service for students of Stanford Infants and Junior School and outline what the Administration will do to assist residents and schools in getting this

vital service back up and running?

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

There is a national issue with the recruitment of school crossing patrol officers due to the nature of the role and the unsociable hours. However BHCC are committed to recruiting SCPO's and often appeal to schools and local residents to support the recruitment process.

Unfortunately the site at Millers Road has been vacant since December 2017 but we are continuing to try and recruit an officer for this position and we will be approaching Stanford Governors and Stanford PTA, in addition to looking at alternative design solutions such as pedestrian refuges to assist pedestrians and school children crossing safely.

(14) Councillor Nemeth – King Alfred

Given the estimated £669,000 that has already been expended by the Council on the latest King Alfred project (£409,000 officer costs and £260,000 consultant costs), what further costs are envisaged between now and project completion, and are such funds already in place?

Reply from Councillor Yates, Leader of the Council

As with the expenditure profile to date, activity and therefore cost to the Council is dependent on the phase the project has reached. Subject to completion of the Development Agreement in the coming months, the cost to the Council during the next two years is expected to be akin to that incurred during the past year. As with all projects managed by the Council's Major Projects Team, resource requirements are reviewed at least annually and financial resources are allocated as part of the budget setting process. The King Alfred project is one of the Council's strategic priorities. Appropriate financial provision has therefore been made and this is considered to be sufficient based on the currently anticipated delivery timetable.

(15) Councillor Mac Cafferty

Further to my written question to Councillor Cattell two years ago about the roof audit study of 2014* which found that the equivalent of up to 100 Olympic swimming pools of water could be held back from the city's roads and drains, could I ask how this study is informing the city's future resilience?

*<https://building-green.org.uk/2015/01/24/huge-potential-for-green-roofs-to-improve-the-centreof-brighton/>

Reply from Councillor Cattell – Chair of the Planning Committee

BHCC is the lead partner on The Living Coast UNESCO Biosphere programme, for which green and blue infrastructure is one of the main priorities identified for action.

Brighton & Hove City Plan Part One recognises the importance of green infrastructure and green roofs in enhancing biodiversity, energy efficiency and mitigating climate impacts. These impacts include urban heat island effect and flash floods caused by heavy rainfall events. It is recognised that green roofs can offer multiple benefits of helping to reduce surface water runoff, making buildings more sustainable, and enhancing biodiversity and the green network.

There are direct and indirect references to green roofs throughout City Plan Part One which have facilitated and encouraged the inclusion of green roofs within a number of development schemes in the city, especially major developments.

Some examples of where green roofs have been secured through planning consents are:

- Former Texaco Garage (Kingsway/ Victoria Terrace)
- Preston Barracks
- Anston House

This approach is further developed through the design policies of the Draft City Plan Part Two and will also be considered as part of taking work forward on preparing the Urban Design Framework Supplementary Planning Framework.

A high profile green roof was installed on The Level Cafe as part of the HLF-funded project.

As part of the New Homes for Communities Programme, there are green roofs on:

- Robert Lodge, Whitehawk
- Brooke Mead, City Centre
- Rotherfield Crescent, Hollingbury
- And a green wall at Kite Place

The council's Architecture Team also explores opportunities for green roof applications and these have been successfully installed at:

- Downsvie Link College
- Balfour Junior School
- Whitehawk Hub
- Roundabout Children's Centre

(16) Councillor Mac Cafferty

Further to my written question to last full council about the Council Tax Protocol, new figures from debt help charity StepChange tell us that in the first half of 2018, more than 30 per cent of new clients were behind on their council tax - by

far the highest category of debt arrears. Given that paying council tax continues to be a struggle for many in the city can I ask for an update on how this is being understood by the administration the Corporate Debt Board?

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

The Corporate Debt Policy is currently being redrafted and will be taken for approval to the Policy resources & Growth Committee on 24 January 2019. The Corporate Debt Board oversees the collection of debt in the Council and the application of the Policy. It has four stated principles, to:

- establish a proportionate, fair and effective end to end approach to debt management;
- use analytics to understand the debt portfolio and drive best practice for debt management;
- instil an ethos of fairness, built upon principles that recognise the impact debt collection has on the vulnerable; and
- have a proportionate enforcement response to those who do not pay on time.

Principles of fairness are at the centre of the Council's approach to debt collection. Within this the Council Tax service takes an approach to debt recovery that is proportionate, fair, recognises the impact that debt collection has upon the vulnerable, and is aimed at preventing long term debt. Under the direction of the Board a newly formed corporate debt team is analysing the council's debt portfolio to identify residents who have large debt or multiple debt and instigating early intervention, recognised universally as most effective way to support people in debt. The team will provide the appropriate direct support to people in debt including signposting to voluntary organisations who can offer specialist and independent assistance for people in debt. This work builds on the support mechanisms that are already extensively used across Council services. These include the Council Tax Debt Prevention team, the Welfare Rights Team, the Discretionary Help and Advice Team (including Local Discretionary social Fund) and the Homeless Prevention Trailblazers.

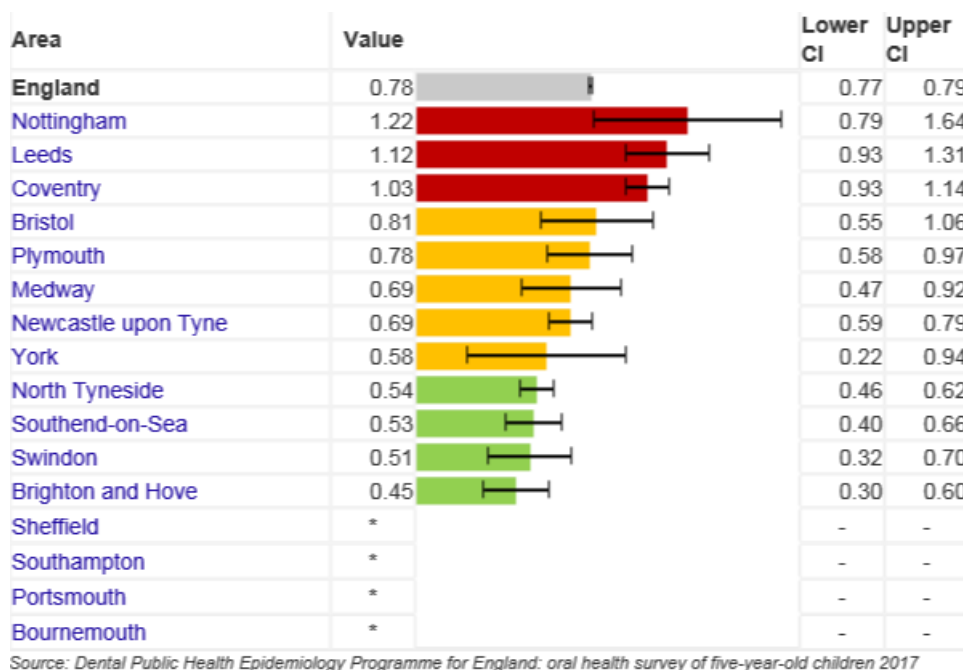
(17) Councillor Mac Cafferty

A survey this month by childcare.co.uk reveals that 3 in 4 teachers have daily teeth brushing sessions for primary pupils who do not do it at home. In Brighton & Hove 131 of the 305 children admitted to hospital for teeth extraction in 2015 /16 were aged 5-9 years. Given the importance of dental hygiene and increased knowledge about its connection to heart conditions later in life, can the administration inform me of what work they are doing to bring down this number of largely preventable hospital admissions and improve dental hygiene for primary pupils?

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

Brighton & Hove Oral Health Programme for Children

Brighton & Hove local authority has lower levels of dental decay than the average for England. The most recently reported survey of 5 year old children's dental health took place in 2016/17, when the average decayed, missing and filled teeth per child was 0.45. This is lower than the England average of 0.78 and CIPFA comparators.



Not all childhood admissions to hospital for dental extractions will be due to dental decay (caries), which is preventable. Eighty-eight children aged 5-9 years were admitted to hospital for dental extractions due to decay in 2016/17, and the rate is comparable to the England average.

| | Brighton & Hove | England |
|---------|---|--|
| | % and number of dental extractions in 5-9 year olds with a primary diagnosis of caries | % of dental extractions in 5-9 year olds with a primary diagnosis of caries |
| 2016/17 | 0.6% (n 88) | 0.7% |
| 2015/16 | 0.8% (n 110) | 0.7% |
| 2014/15 | 0.8% (n 115) | 0.7% |

Source: Public Health England Dental Public Health Intelligence Programme. Hospital Episodes Statistics. Extractions data: 0-19 year olds, 2011-12 to 2016-17.

Good oral hygiene practices need to be adopted as soon as a baby's milk teeth start to appear, this includes regular tooth brushing with the appropriate amount of fluoride toothpaste, as well as healthy eating and drinking, with low sugar consumption and regular dental check-ups. BHCC are working with our

providers Sussex Community Foundation NHS Trust, to protect children's teeth through a range of oral health programmes.

Oral health promotion (OHP) interventions take place in a range of children's settings. These include Early Years Nurseries, Children's Centres, Child Health Clinics, Primary Schools, and Special Schools. In 2017/18, one hundred and twenty one OHP sessions took place across these settings, reaching approximately 5,000 people.

Tooth brushing schemes are running in the eight Children Centre hubs, and Moulsecoomb and St. Nicholas Primary Schools. These reach approximately 500 children per week. The primary school schemes are linked to breakfast clubs. All nurseries are supplied with a toolkit to support supervised tooth brushing. Child Health Clinics are supplied with toothbrushes and toothpaste, together with six monthly visits by the OHP Team.

The OHP Team is piloting a "Link Champion" programme with the Health Visiting Service to encourage dental attendance by young children in line with the national campaign of "Dental Check by One" and providing parents with oral health information and a checklist for their baby's teeth.

The OHP Team also target vulnerable children through home visits to families at the request of health visitors; delivering healthy eating and tooth brushing sessions in Special Schools; supporting the Pre School Special Educational Needs Service and making monthly visits to Gypsy and traveller sites to give oral health advice to parents, as well as distributing tooth brushes and tooth paste.

Other work that has targeted young children's oral health has included the delivery of Sugar Smart Assemblies as part of the Public Health Schools Programme. Twenty-eight sessions were delivered by the OHP Team in 2017/18. Public Health has also piloted a Sugar Smart Dental Toolkit with 19 dental practices. This included tooth brushing charts, sugar smart challenges and sugar swaps and colourful stickers, leaflets and posters supporting the national Top Tips for Teeth campaign. It is currently being evaluated.

General Dental Practitioners (GDPs) are also preventing decay in young children through the application of fluoride varnish to teeth.

(18) Councillor Mac Cafferty

According to the Grimsey Review* from July this year, lease lengths for high street shops have decreased and will continue to do so creating increased uncertainty for investors "which will have an impact on investment decisions." What assurances can I have the Administration will absorb this information in good time for any major development decision involving retail?

*<http://www.vanishinghighstreet.com/wp-content/uploads/2018/07/GrimseyReview2.pdf>

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

The Administration are in continual discussion with Aberdeen Standard Investments regarding the Waterfront project, and ASI have been sharing their thinking about the future of retail. We will also be continuing to have these discussions as the project is progressed, including receiving from ASI regular updates in the financial viability of the project, as required within the legal agreement. It is ASI's contention that Brighton remains their top performing asset in the UK and for this reason they remain very confident about its future. They also have pent up demand from retailers, particularly overseas retailers, to be part of the city's retail offer. As a shopping centre trust, ASI are very aware of the issues affecting retail and will not be choosing to continue with this proposal if they believe the risks from the retail sector are going to have a detrimental impact. ASI believe retail is changing rapidly and they will be embracing these changes as part of their new offer.

The Grimsey report also talks about the importance of community spaces and places to dwell. ASI will be focussing on this in terms of their final mixed use development and we fully expect to see leisure, food and beverage and retail as part of the new spaces, albeit in new forms that will provide a new offer in new ways. We all accept this is a time of transition for retail and we fully expect to see ASI communicating their ideas about this as the project begins to shape during next year. We must remember this is at their risk, so the council are not taking development risk on this project.

Council

18 October 2018

Agenda Item 33 (a)

Brighton & Hove City Council

Subject: Options for Future Delivery of Housing Repairs, Planned Maintenance and Capital Works - Extract from the proceedings of the Policy, Resources & Growth Committee held on the 11th October, 2018

Date of Meeting: 18 October 2018

Report of: Executive Lead Officer for Strategy, Governance & Law

Contact Officer: Name: Lisa Johnson Tel: 01273 291288
E-mail: lisa.johnson@brighton-hove.gov.uk

Wards Affected: All

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

To receive the item referred from the Policy Resources & Growth Committee for information:

Recommendation: That the extracts from the Policy, Resources & Growth Committee meeting held on the 11th October and the Special meeting of the Housing & New Homes Committee meeting held on the 26th September, 2018; together with the report of the Executive Director for Neighbourhoods, Communities & Housing be noted.

BRIGHTON & HOVE CITY COUNCIL

POLICY RESOURCES & GROWTH COMMITTEE

11 OCTOBER 2018

COUNCIL CHAMBER, HOVE TOWN HALL

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

DRAFT MINUTES

PART ONE

58 OPTIONS FOR FUTURE DELIVERY OF HOUSING REPAIRS, PLANNED MAINTENANCE AND CAPITAL WORKS

- 58.1 The Committee considered the report of the Executive Director Neighbourhoods, Communities & Housing which set out the recommendations for the future delivery of responsive repairs and empty property refurbishments, planned maintenance and improvement programmes and major capital projects, to council housing stock following the expiry of the current contractual arrangements in March 2020.
- 58.2 The Chair noted that three amendments had been submitted, and asked Councillor Bell to propose the first amendment.
- 58.3 Councillor Bell proposed the following amendment:

That in view of the importance of the issue, the matter should be considered by all 54 Members of the Authority and therefore the recommendations of the Housing & New Homes Committee as detailed in the extract from the meeting on the 26th September together with the report be referred directly to full Council for consideration and decision and that, subject to the Mayor's agreement, this be taken at its meeting on the 18th October.

Councillor Bell said that the Housing Revenue Account (HRA) was an important part of the budget, and it was tenant's money which went into that account from their rents, and councillors were therefore responsible for how their money was spent. All councillors had tenants within their wards and, although the report had already been considered by the Housing and New Homes Committee, not all Councillors had had the opportunity to speak on the matter, and therefore the Conservative Group would like to refer the report for decision making to Full Council on 18 October, (with the Mayor's agreement).

- 58.4 Councillor Wealls seconded the amendment.
- 58.5 Councillor Mitchell said that the proposals had been extensively consulted on, councillors had been involved at all stages, and the report had been considered by the Housing and New Homes Committee. The proper democratic process had been followed, and it was right that this Committee now made a decision.
- 58.6 Councillor Mac Cafferty said that the Green Group would not support the amendment, and was concerned that the Conservative Group were proposing moving the decision to Full Council only because they believed they would have a better chance of getting amendments to the report agreed there. The report had been fully discussed at a special meeting of the Housing and New Homes Committee, and to delay the matter further would impact on staff who needed some certainty.
- 58.7 Councillor Janio said that being considered at Full Council, would only delay a decision by a week. Moving this to Full Council would allow all 54 councillors to speak and vote on this important matter.
- 58.8 Councillor Wealls said that Full Council was the correct forum to make the decision on such a significant matter.
- 58.9 Councillor Peltzer Dunn said that every Councillor had tenants and leaseholders in their ward, and it was important to have a full debate where everyone had the chance to put their views.
- 58.10 Councillor Daniel said that there was a constitution which everyone agreed with, but some councillors wanted to change the way decisions were made just because they were unhappy with a potential decision. The proposals had been fully consulted, had been through Area Panels twice, councillor workshops and every group had had the opportunity to raise their concerns.
- 58.11 Councillor Peltzer Dunn asked if the Conservative Group amendment was in accordance with the Constitution. The Legal Adviser confirmed that it was.
- 58.12 The Chair said that councillors and tenants had had the opportunity to fully consider the proposals. If the other councillors had wanted to be involved in the decision making process they could have asked to address the committee, submit a question or petition etc. but none had. He noted that there were only two councillors in the public gallery, and therefore it suggested that the others were content for this committee to make a decision.
- 58.13 Councillor Bell said that the amendment was simply to allow all councillors the opportunity to take part in the debate and decision for this important matter.
- 58.14 The Committee voted on the amendment, and it was not agreed.
- 58.15 The Chair asked Councillor Wealls to propose the second Conservative Group amendment.

58.16 Councillor Wealls proposed the following amendment:

Customer Service and Quality Assurance

(1) Agrees that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;

Responsive repairs and empty property refurbishments

~~(2) Agrees that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;~~ **Approves the procurement of one contract for the provision of responsive repairs and empty property refurbishment works to council housing stock with a term of five years and the option to extend for up to a further two years.**

~~(3) Approves a 'set-up and mobilisation' budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked 'set up and mobilisation' reserve of £0.982m for use in 2019/20 funded from HRA general reserves;~~ **That funds (£1.094m) previously earmarked for set up and mobilisation of an in-house service are spent on purchasing or developing additional council housing stock to be rented at social or living rent levels in the financial year 2019/20. And that the ongoing revenue savings of £0.618m by taking the decision at (2) are spent year on year on increasing the Estates Development Budget and the proposed in-house clerk of works and surveyor service so the team has sufficient capacity to check the work undertaken.**

Planned maintenance and improvement programmes

(4) Approves the procurement of at least one contract for the provision of planned maintenance and improvement programmes to council housing stock with a term of five years with the option to extend for up to a further two years;

Major capital projects

(5) Approves the procurement of a multi-contractor framework agreement for major capital projects with a term of four years;

Specialist works

(6) Notes that the specialist works will continue to be delivered through individual contracts, with reports coming back to committee for authority to procure and award such contracts if required in accordance with the council's Constitution;

Delegation

(7) Grants delegated authority to the Executive Director Neighbourhoods, Communities & Housing to:

- (i) commence the procurements and award the contracts required to implement the recommendations;
- (ii) use the 'set-up and mobilisation' budget to create and appoint to new roles to enable these recommendations to be delivered;

- (iii) award call-off contracts under the major capital projects framework agreement; and
- (iv) take any other steps necessary to implement the recommendations in this report.

Councillor Wealls thanked officers for the excellent report and for the work which had been carried out by all parties. He said that there were many risks to bringing the service back in-house. The set up costs would be £1m, with ongoing costs of at least £600k and therefore the in-house offer was at least 7.7% more expensive than contracting out. There were no clear tangible reasons why it was necessary. The Council would also need to arrange fleet vehicles, supply chains, IT etc. which would cost at least £4.1m. The report set out all potential risks of bringing the service in-house. There was no evidence that bringing the service in-house would bring social value, and felt that the proposals were being made for political reasons and not value for money.

58.17 Councillor Bell seconded the amendment.

58.18 Councillor Sykes agreed with Councillor Wealls' comments on the quality of the report. He said that proposals were a mixed model of in-house provision and outside contractors. He said that he had worked with contractors and suppliers and sometimes the provision was good and sometimes not, but the quality of service provided would be down to staff, and it seemed that the Conservative Group were fundamentally opposed to bringing services in-house rather than on the quality of the provision.

58.19 Councillor Janio referred to the report and noted that different figures had been given for the number of staff needed to bring the service in-house; paragraph 3.47 in the report said that 58 operatives and 34 managers would be needed, but report from Savills suggested that 43 staff were needed. The Executive Director Neighbourhoods, Communities & Housing said that the main report included both staff who were already employed by the Council and the possibility of call centre staff, but the report from Savills did not. Whether call centre were brought in house was still being considered.

58.20 Councillor Janio said that if external contractors were used and something went wrong the risk was with them, but if the service were in-house and there were problems then it would be the tenants and leaseholders who would suffer. Councillor Mac Cafferty said he only had one word to say in response, and that was 'Carillion'.

58.21 Councillor Bell said that 89% of tenants were happy with the current provider, and the report provided a long list of potential risks of bringing the service in house. It would be HRA money which would be used, and so the Council should be assuring them that they were providing the best quality service.

58.22 Councillor Wealls said that there was evidence in the report that the proposals were being taken for political reasons, and there was no evidence that bringing the service in-house would not be more expensive or that there would be any social value.

58.23 The Committee voted on the amendment, and it was not agreed.

58.24 The Chair asked Councillor Sykes to propose the third amendment.

58.25 Councillor Sykes proposed the following amendment:

To add the following recommendation –

2.8 Affirms its intention to review whether further elements of the services and works may be brought in-house in such a way that any timescales would ensure thorough preparation and a smooth transition.

Councillor Sykes said the amendment would allow the Council to review the provision of services which could be brought in-house.

58.26 Councillor Mac Cafferty seconded the amendment.

58.27 Councillor Mitchell said that the Labour Group would be happy to support the amendment.

58.28 The Committee voted and on the amendment and it was agreed.

58.29 Councillor Janio noted that at the Housing and New Homes Committee the Chair took individual votes, and asked why the Chair asked for a show of hands. The Chair said it was his discretion on how the vote was taken, and asked the Legal Adviser for advice. The Legal Adviser confirmed the vote was taken in accordance with the constitution.

58.30 **RESOLVED:** That the Committee -

- Customer service and quality assurance

(i) Agreed that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;
- Responsive repairs and empty property refurbishments

(ii) Agreed that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;
- (iii) Approved a 'set-up and mobilisation' budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked 'set up and mobilisation' reserve of £0.982m for use in 2019/20 funded from HRA general reserves;
- Planned maintenance and improvement programmes

(iv) Approved the procurement of at least one contract for the provision of planned maintenance and improvement programmes to council housing stock with a term of five years with the option to extend for up to a further two years;
- Major capital projects

(v) Approved the procurement of a multi- contractor framework agreement for major capital projects with a term of four years;

- (vi) Specialist works
Noted that the specialist works will continue to be delivered through individual contracts, with reports coming back to committee for authority to procure and award such contracts if required in accordance with the council's Constitution;
- (vii) Delegation
Granted delegated authority to the Executive Director Neighbourhoods, Communities & Housing to:
- (1) Commence the procurements and award the contracts required to implement the recommendations;
 - (2) Use the 'set-up and mobilisation' budget to create and appoint to new roles to enable these recommendations to be delivered;
 - (3) Award call-off contracts under the major capital projects framework agreement;
 - (4) Take any other steps necessary to implement the recommendations in this report.
- (viii) Affirmed its intention to review whether further elements of the services and works may be brought in-house in such a way that any timescales would ensure thorough preparation and a smooth transition.

Subject: Options for Future Delivery of Housing Repairs, Planned Maintenance and Capital Works - Extract from the proceedings of the Special Housing & New Homes Committee meeting held on the 26 September 2018.

Date of Meeting: 11 October 2018

Report of: Executive Lead Officer for Strategy, Governance & Law

Contact Officer: Name: **Caroline De Marco** Tel: **01273 291063**
E-mail: caroline.demarco@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

Action Required of the Committee:

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

Recommendation: That the following be referred to the Committee for consideration:

That Housing & New Homes Committee recommends to Policy, Resources & Growth Committee that it:

Customer service and quality assurance

- (1) Agrees that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;

Responsive repairs and empty property refurbishments

- (2) Agrees that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;
- (3) Approves a 'set-up and mobilisation' budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked 'set up and mobilisation' reserve of £0.982m for use in 2019/20 funded from HRA general reserves;

Planned maintenance and improvement programmes

- (4) Approves the procurement of at least one contract for the provision of planned maintenance and improvement programmes to council housing stock with a term of five years with the option to extend for up to a further two years;

Major capital projects

- (5) Approves the procurement of a multi- contractor framework agreement for major capital projects with a term of four years;

Specialist works

- (6) Notes that the specialist works will continue to be delivered through individual contracts, with reports coming back to committee for authority to procure and award such contracts if required in accordance with the council's Constitution;

Delegation

- (7) Grants delegated authority to the Executive Director Neighbourhoods, Communities & Housing to:
- (i) commence the procurements and award the contracts required to implement the recommendations;
 - (ii) use the 'set-up and mobilisation' budget to create and appoint to new roles to enable these recommendations to be delivered;
 - (iii) award call-off contracts under the major capital projects framework agreement; and
 - (iv) take any other steps necessary to implement the recommendations in this report.

BRIGHTON & HOVE CITY COUNCIL
SPECIAL HOUSING & NEW HOMES COMMITTEE

26 SEPTEMBER 2018

COUNCIL CHAMBER, HOVE TOWN HALL

Present: Councillor Meadows (Chair) Councillor Hill (Deputy Chair), Councillor Mears (Opposition Spokesperson), Councillor Gibson (Group Spokesperson), Councillors Atkinson, Barnett, Cattell, Druitt, Lewry and Miller.

DRAFT MINUTES

PART ONE

33 OPTIONS FOR FUTURE DELIVERY OF HOUSING REPAIRS, PLANNED MAINTENANCE AND CAPITAL WORKS

- 33.1 The Committee considered a report of the Executive Director, Neighbourhoods, Communities & Housing which set out the recommendations for the future delivery of responsive repairs and empty property refurbishments, planned maintenance and improvement programmes and major capital projects to council housing stock following the expiry of the current contractual arrangements in March 2020. The report was presented by the Head of Housing Strategy, Property and Investment, accompanied by the Business & Performance Manager, and the Business and Performance Project Manager.
- 33.2 The Chair stated that all councillors had been offered briefings on the report, including substitute members. An addendum with officer's amendments to the report had been circulated and published.
- 33.3 The Head of Housing Strategy, Property and Investment explained the structure of the report and highlighted the main elements. Officers had engaged with members through the Members' Procurement Advisory Board. There had also been a dedicated Members' workshop. There had been a series of workshops for tenants and leaseholders as detailed in Appendix 10 & 11 of the report and an independent door to door survey across the city as set out in Appendix 12. The feedback from stakeholders had enabled the council's programme team to develop a set of clear strategic objectives for the future delivery of the services and works as set out in paragraph 1.7 of the report. The recommendations in the report were based on this feedback. The report also set out the risks and benefits of the proposals. An independent report from Savills detailing the breakdown, methodology and requirements for setting up an in-house service was detailed in Appendix 9. Alternative options were set out in Section 4 of the report.
- 33.4 The Chair stated that she would hear all the amendments first and then have a general discussion.

33.5 Councillor Mears set out the Conservative amendment as follows:

“That the Housing & New Homes Committee recommends to Policy, Resources & Growth Committee that it:

Customer service and quality assurance

2.1 Agrees that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;

Responsive repairs and empty property refurbishments

2.2 ~~Agrees that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;~~ **Approves the procurement of one contract for the provision of responsive repairs and empty property refurbishment works to council housing stock with a term of five years and the option to extend for up to a further two years.**

2.3 ~~Approves a ‘set-up and mobilisation’ budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked ‘set up and mobilisation’ reserve of £0.982m for use in 2019/20 funded from HRA general reserves; That the agreed allocation of funding as shown in Appendices 3 and 4 be approved for inclusion within the council’s Capital Investment Programme 2018/19;~~ **That funds (£1.094m) previously earmarked for set up and mobilisation of an in-house service are spent on purchasing or developing additional council housing stock to be rented at social or living rent levels in the financial year 2019/20. And that the ongoing revenue savings of £0.618m by taking the decision at 2.2 are spent year on year on increasing the Estates Development Budget and the proposed in-house clerk of works and surveyor service so the team has sufficient capacity to check the work undertaken.”**

33.6 The amendment was seconded by Councillor Barnett, who stated that the amendment showed commitment to local residents and tenants.

33.7 Councillor Druitt set out the following Green amendment:

“To amend the recommendation 2.4 as shown below in **bold italics**

Planned maintenance and improvement programmes

2.4 Approves the procurement of at least one contract for the provision of planned maintenance and improvement programmes (**excluding kitchen and bathroom replacement programmes**) to council housing stock with a term of five years with the option to extend for up to a further two years;

Approves the procurement of one contract for kitchen and bathroom replacement programmes to council housing stock with a term of three years;

Notes that a report considering the business case for the in-house delivery of bathroom and kitchen replacement programmes to council housing stock will be brought back to committee for a decision prior to the end of the three year contract.”

33.8 The amendment was seconded by Councillor Gibson.

33.9 Councillor Druitt stated that the Green Group believed that the amendment would improve the contracts as it allowed the council to take a more long term view. An in-house service for kitchen and bathroom replacement would provide greater value, greater flexibility and take the profit margin out of the process. Councillors had correspondence from residents who had had work carried out by Mears. Some of the short term decisions around materials had demonstrated why taking the service in-house was a good idea. The report stated why the repairs service should be taken in house. He believed that the same argument applied to bathrooms and kitchens.

33.10 Councillor Gibson set out the following Green amendment:

“To add recommendation 2.8, as shown below in ***bold italics***

2.8 Affirms its intention to review whether further elements of the services and works may be brought in-house in such a way that any timescales would ensure thorough preparation and a smooth transition.”

33.11 The amendment was seconded by Councillor Druitt.

33.12 Councillor Gibson stated that the reason for the amendment was to demonstrate the intention of bringing more services in-house. Councillor Gibson made the following points to support his view that the council was more likely to get a better contract if it was an in house service.

- There was no contractual profit funded by rents.
- The social value benefits were greater (Reference was made to page 31 of the report showing social value framework principles).
- Better working conditions for staff. Valuing staff was likely to lead to a better service.
- Greater flexibility. In a contractual arrangement there was a danger that it could become more adversarial. If the council managed its own workforce, it was easier to monitor.
- It was more accountable. There would only be one body to deal with responsive repairs.

33.13 At this point in the proceedings members moved to questions and debate on the report’s recommendations and the amendments.

33.14 Councillor Miller raised the following comments/questions:

- Quality Assurance: Reference was made to the number of quantity surveyors, mentioned in the current recommendations. Councillor Miller could not find an

explanation of how many would monitor the in-house service and those who would be monitoring both the planned and specialist work. Councillor Miller would not like to see all the quantity surveyor working on the external works and the council not quality assuring its internal work.

- Officers were asked to provide clarity with regard to the wording of the planned works recommendation and why it was not a framework.
- Officers were asked to outline the financial implications of the Green Group amendment proposed by Councillor Druitt, to bring more services in-house.
- Officers were asked to outline whether there was likely to be some pension implications as a result of increased pension liabilities.
- There was a need to understand the risks of TUPE for management and workers.
- The financial implications outlined that the estimated costs from Savills could be as low as 7.1M if the council contracted out and the upper limit for the in-house was 7.866M. On the estimates presented Councillor Miller asked for clarification that the maximum potential cost of bringing the service in-house would be £868,000 a year x 5 which was £4.3M. plus the £1.1M additional mobilisation costs which was closer to £5.4M than the £4.2M set out in the report. He stressed that the cost could be closer to £7M if the council had a 5 plus 2 contract that would be closer to £8M over the course of the contract by bringing the service in-house.

33.15 The Business & Performance Manager replied as follows:

- Quality assurance: The best comparative was the current service for monitoring the contracted element. That was made up of 1 general building manager, 3 surveying contract manager staff and 3 quantity surveyors. There was also a Major Projects Manager and a temporary quality assurance member of staff. They would be deployed around the contracted works. In terms of the in-house service there were approximately 17 staff that were responsible for supervising works. (quality assurance on the in-house repairs and empty properties service). This was a combination of supervisors and quality assurance staff.
- Planned works: The recommendation set out that there would be at least one contract for planned works. The lotting and number of contracts was set out in more detail on page 23 of the report. The report recommended that the contract was split into smaller lots based on work type. This would mean that small to medium contractors would be able to bid for individual lots. Paragraph 3.80 sets out that it would be possible for contractors to win multiple lots if they submitted a winning bid when they bid for each of those lots. That might open the opportunity for the council to benefit from reduced prices due to the economies of scale and deliver some efficiencies through managing a fewer number of contractors.

33.16 The Executive Director, Finance & Resources referred to the financial implications of Councillor Druitt's amendment. The implications were set out in the body of the report at paragraph 4.19, with potential benefits and risks at 4.25 & 4.26. There was a potential impact that the amendment might reduce the number of bidders and/or increase the costs as a three year contract would not be as attractive as the original proposal for five plus two, but that was speculation. There could be additional expense.

33.17 Councillor Miller asked if members could make a sound recommendation on that amendment without having the full financial implications. The Senior Lawyer stressed

that the Executive Director had stated that it was not possible to provide the Committee with the full financial implications. It was only possible to make a guess. The Committee could make a decision in the knowledge that it would never have the full information.

- 33.18 The Executive Director, Finance & Resources referred to the question about pensions. The pension calculations were built into the calculations set out in table 2 on page 16 of the report. This was not an exact science as officers did not know the exact pension arrangements of the current staff members. It was assumed that they would end up receiving the employer contributions based on what Brighton & Hove paid as a council. However, the future lump sum payments for new joiners of the scheme could in theory be smaller.
- 33.19 The Principal Accountant referred to the question about the difference between the in house proposal and the contracted out service for responsive repairs and empty properties. Officers had taken the higher estimate from Savills of that contracted price and compared it with the higher estimate of the council's cost. It was felt that this was a good reflection of the difference. If the council were to take the lower estimate that would add another 250 for each of the years (£250,000). For five years that would be £1.25M extra difference between the two. The Executive Director, Finance & Resources stated that in the final two years (the plus 2) it was hoped that the council would be in a position to deliver efficiencies.
- 33.20 The Executive Director, Neighbourhoods, Communities and Housing agreed that there was a risk around TUPE, however she stressed that that was not only a risk for transferring to an in-house service. There was a risk in doing anything other than keeping the current contractor.
- 33.21 Councillor Atkinson thanked officers for the comprehensive report and made the following points.
- He agreed with all the recommendations in the report, but did have some concern about timescales which were ambitious. He noted in some of the examples from other authorities that a three year lead in period was needed to ensure safe processes were in place.
 - He supported bringing customer service, quality assurance services back in-house. He further supported bringing responsive repairs and empty property refurbishment back in house. This received the lowest satisfaction rate in the ARP report and in the survey.
 - There needed to be experienced and competent managers in place to make the in-house service effective and to monitor all the other contracts.
 - Planned maintenance should go to external contractors but using the Preston model, using local firms and staff. It was not realistic to expect council managers to take on such a huge piece of work. The same approach could apply to major capital projects.
 - Value for money needed to be demonstrated for leaseholders. The first report from Savill in April 2018 had noted this concern.
 - There appeared to have been widespread engagement with tenants, leaseholders, staff and the unions. This was to be applauded. Hopefully the extensive feedback set out on pages 201 and 219 of the report from tenants and leaseholders could help inform the drawing up of all services and contracts.

- The importance of quality assurance was stressed for both in-house and contracted work.
- The apprenticeship scheme was an absolute priority and Councillor Atkinson had a question around Savill's recommended BHCC training agency. Was this the action referred to under paragraph 3.70 on page 21. It was important to grow the council's own work staff.

33.22 The Business & Performance Manager referred to mobilisation and timescales.

Extensive site visits and research had seen examples of authorities mobilising similar services within 12 months or less. The resourcing and mobilisation set up budgets indicated in the report reflected the importance of mobilising the new service in an effective way. That included funding within the 2018/19 year. The planned works lotting and the frameworks options would provide opportunities for smaller contractors to bid and enable the council to engage with a wider range of providers. In terms of the apprentices, paragraph 3.70 did relate to the observations in the Savill's report. Elsewhere in the report it was identified that for the in-house service the council would seek to deliver apprenticeships to the same ratio as the current arrangement with Mears. The apprenticeship scheme co-ordinator post set out in Paragraph 3.70 would facilitate apprenticeship placements across the diverse range of contractors.

33.23 Councillor Mears made observations and raised questions as follows:

- Reference was made to granting delegation to the Executive Director Neighbourhoods, Communities & Housing as stated in recommendation 2.7 (iv). This could not be supported until there was a clear report as to what this meant.
- Reference was made to the poor management of the Mears contract by the council. She stressed the importance of good management in the future.
- The Conservative Group were listening to tenants. They did support customer service and quality assurance being brought in-house.
- Councillor Mears stressed that she was not in any way connected to Mears Ltd.
- The Conservative Group did not support the figure for set up costs as set out in the report. Councillor Mears believed it would be nearer to £5M plus. Management costs would reach £1.5M yearly. This was to manage 58 staff.
- There was little detail regarding the number of small businesses in the city. Local businesses employed local people and supported the local economy. By having an in-house contract, local people could lose their jobs as small businesses closed. Unfortunately some small businesses would not fit into the procurement framework.
- Reference was made to the Green amendments. There was no way of knowing what Councillor Druitt's amendment entailed financially. The Conservative Group could not support Councillor Gibson's amendment as reviews were already in place.
- Breaking down contracts into smaller and smaller lots would make them more expensive.
- Tenants would be paying for all these recommendations through the HRA, when all they wanted was a good service and their homes kept to a good standard. The whole report was about spending millions of pounds of tenant's money.
- Mention was made of a serious fraud in the old Brighton Borough Council.
- Councillor Mears was concerned that the council would be paying more and would receive far less.
- The council should be looking to achieve best value for money.

33.24 Councillor Gibson raised the following points/questions:

- The Conservative amendment referred to funds of £1.094m. How many homes was that estimated to achieve? In terms of the £0.618m, how much was earmarked for the Estate Development Budget.
- Officers were questioned about the satisfaction with repairs as reported in the last Star Survey.
- A question was raised about the estimated annual value of kitchens and bathrooms planned maintenance.
- A question was raised about the value of a training agency. Officers were asked to confirm that Islington Council had set up their own workshops.
- Officers were thanked for their work on the report.

33.25 The Business & Performance Manager replied as follows:

- The distribution of the £1.094M would depend on the method of delivery.
- It was confirmed that Islington had joinery on their site.
- Officers would come back to Councillor Gibson on the level of satisfaction with repairs in the Star Survey.
- The spend on kitchen and bathrooms was £1.5M a year at the moment. Kitchens were more expensive than bathrooms but the council gave residents a choice between kitchens and bathrooms and residents tended to choose a kitchen.

33.26 The Executive Director Neighbourhoods, Communities and Housing confirmed that the question relating to the breakdown of the £0.618m was not for officers to answer.

33.27 Councillor Druitt thanked officers for the report. He was generally in favour of the direction of travel. He also thanked staff who worked for Mears. The main concern had related to management and not the quality of work. Councillor Druitt made the following points:

- With regard to the Conservative amendment, the Green Group could not support the amended 2.2. Councillor Druitt found amendment 2.3 to be interesting and its intention commendable and something he would like to support. However, as it could not be tied with 2.2, he suggested bringing it back to a future Housing & New Homes Committee and Budget Council.
- The report gave good opportunities for small businesses wanting to tender for work. Councillor Druitt was in favour of the small lots approach to procurement which did enable smaller businesses in the city to bid for work.
- Councillor Druitt's amendment would create greater social value.
- It was clear in the officers' briefing that after five years there was the potential of financial savings in the future. For example, there was no profit requirement, there was greater ability to plan longer term, and use more durable materials, and there was no incentive to carry out unnecessary work. There were incentives to do the whole job the first time. It would not be necessary for two organisations to carry out quality assurance. There was the potential in the long term for the council to save money.

33.28 The Business & Performance Manager replied as follows:

- The Savill's report on pages 198 to 199 set out some of the potential efficiencies that could be delivered over the longer term.
- The report itself compared costs on a five year basis for comparison with contractual lengths.
- When the last Star Survey was completed in 2016, 77% of residents were satisfied with the repairs service overall. 81% were satisfied with the last repair they received. 93% were satisfied with the process for reporting a repair and 81% were satisfied with the planned maintenance service.

33.29 Councillor Miller made the following points:

- With regard to small businesses, by bringing the service in-house the council would reduce the number of sub-contractors that it would be able to use. A framework arrangement for one large contract would help that as it would have smaller lots within lots which would help small businesses.
- Councillor Miller thanked officers for their work on the report.
- It was important to write into the contracts and the council's plan going forward that element of quality assurance.
- Concern was raised at the financial implications of the Green amendments.
- The proposals if agreed would mean the council was paying significantly more for less.
- The Conservative Group were happy with Customer Service and quality assurance services being brought in-house.
- Tenants were happy with the repairs service. The problem was with planned and major works.
- Reference was made to page 21 & 22 of the report (paragraphs 3.72 and 3.73). Councillor Miller had never seen officers recommending a course of action with so many risks. Significantly fewer risks were listed on page 36 (paragraph 4.8) under possible options that are not recommended.
- Estimated costs were not a reflection of reality. The private sector costs would be at the lower end and the council costs would be at the upper end. The cost of the post of Assistant Director (£102,000) had not been set out in the ongoing costs in the report. This was now set out in the addendum. This would be £510,000 more expenditure over the five years than it would have been.
- The estimated costs in the officer's report would be £4.184 higher but Councillor Miller considered that it could be closer to £8M. It would be higher if the 5 plus 2 model was chosen. There were exceptional costs with IT, risks with TUPE and operational risks.
- Concerns were raised that the HRA would be used as a 'cash cow', and that apprenticeships would not be as good as in the individual contract.
- The proposals would lead to a City Clean service with tenants paying more for less. The service would cost £1M more for less of a service and tenants would have less value for money.

33.30 The Executive Director stressed that the recommendations were her recommendations and she & her officers had not been put under any political pressure. The methodology for the recommendations was i) Across the housing world more and more councils and associations were beginning to bring services in-house. ii) Tenants were saying that

they wanted more from a repairs contract than just repairs (e.g drying areas) An in-house service would provide flexibility. iii) The recommendations were about flexibility to put resources where they were needed. iv) There was broadly cross party support when officers had spoken to individual councillors around the idea of some services coming in-house. The Executive Director agreed that staffing costs would be increased. However, Mears and any other contractor would have a Director, an Assistant Director and managers that ran each of the individual parts. Whatever decision the council took there would be management costs. The staff costs had all been discussed and looked at by finance colleagues, legal colleagues and procurement colleagues and had been deemed to be reasonable for the services the council would be providing.

33.31 Councillor Mears stated for clarity that she was saying that the council had a procurement framework and some small businesses within the city would not fit into that criteria and would not be able to bid for contracts. Meanwhile, Mears Ltd now had a contract for Lewes District Council and Eastbourne Borough Council which could mean skills could be lost for the city.

33.32 Councillor Hill made the following points:

- There had been dissatisfaction with Mears and this was partly due to the size and length of the contract Mears was given. This had led to the perception that the contract was not very competitive. It made sense to break up the contract and deal with the types of work in different ways and to decrease the length of the contract.
- There were risks associated with the proposals and these were outlined in the report. There was a perception that if a service was brought in-house it would automatically save money because the cost of what was being done was going to be exactly the same as the cost the contractor had but without their profit margin. That was a simplistic way of looking at things and this was borne out in the report.
- The benefits of the proposals outweighed the risks and the views of tenants were being acknowledged when it came to the proposal.
- The properties belonged to the council and the council should be able to manage them. There was a need for good managers in place for the proposals to be a success.
- The Labour Group would not support the Conservative Amendment. Although it was accepted that the proposals could cost more money Councillor Hill did not know how the Conservative Group had reached the figure of £8M and 40 units. Councillor Hill stressed that most of the figures in the report were estimates.
- Councillor Hill was minded not to support the Green amendment relating to kitchens and bathrooms. The council would be reviewing the situation after three years.

33.33 Councillor Druitt made the following points:

- All the figures in the report were officer's best guess with the information that was available
- Apprenticeships were one of the social value reasons why it was better to carry out as much work in-house as was possible. The Council could run as many apprenticeship schemes as it wanted, whereas the opportunity for apprenticeships was limited if the contracts were outside the council
- Financially it was likely that an in-house service in the long term would be cheaper to deliver and offer better value to residents.

33.34 Councillor Cattell made the following points:

- Staff were thanked the staff for the astonishing amount of work carried out.
- Councillor Cattell thought the proposals were the right course of action, particularly as many local authorities were moving towards bringing services back in-house. The proposal was a mix of having a DLO and something that would benefit many small to medium size businesses.
- It was noted that one of the local authorities visited was Preston. The Preston Model was being held up as a near ideal way of placing money in the local economy and making sure that smaller businesses would benefit.
- Councillor Cattell stated that it was time to bring back civic pride to workers in local government and she supported every recommendation in the report.
- Councillor Cattell did not support the Conservative and Green amendments.

33.35 Councillor Gibson responded to points made in the debate as follows:

- There was a debate around cost versus quality. The Green Group argued that an in-house service had a greater potential for quality and that the cheapest was not always the best.
- The first part of the Conservative amendment could not be supported and the second part of the amendment depended on supporting the first part. However, there was something admirable within the second part of the amendment, which could be separated from the first part. Councillor Gibson looked forward to discussing further how the council could extend the principles contained in that amendment. This was saying if the council could find resources and savings they could be used to subsidise rents. That principle was interesting and Councillor Gibson suggested that the council should look to see how this could be achieved in a way which did not jeopardise bringing the responsive repairs and empty properties service in-house. Councillor Gibson suggested that the best way to achieve this was to use the existing and significant programme. Savings identified could be used to lower rents as many people in the city could not afford the so called affordable rents and LHA rents. There was a need for social rents and living rents.
- The other admirable element of the second part of the Conservative amendment was to ensure sufficient resources for the Estate Development Budget. He stressed that the Green Group had proposed an increase in the Estate Development Budget at Budget Council and received no support. The tenants were saying that the cuts were too severe. There was a need for everyone to work together with the tenants to identify what was needed and then look to identify the resources and prevent the erosion of the Estate Development Budget.
- In terms of satisfaction it was clear a better service was possible in-house if it was well managed. An in-house service would allow more control and flexibility to improve.
- The Green amendments would allow the work to move more quickly. The amendments had been discussed with the officers and the same action had been taken in Islington and other councils. The amendments would provide benefit in terms of social value and make a difference in terms of having control and accountability.

33.36 At this point in the proceedings members voted on the amendments as follows:

Members voted on the Conservative amendment. The amendment was not carried (4 votes in favour and 6 votes against).

Members voted on the Green amendment 2.4. The amendment was not carried (2 votes in favour and 8 votes against).

Members voted on the Green amendment 2.8. The amendment was not carried (2 votes in favour, 4 votes against and 4 abstentions).

33.37 Members voted on the substantive recommendations as follow:

- 2.1 was unanimously agreed.
- 2.2 and 2.3 and were carried (6 votes in favour and 4 votes against).
- 2.4 was unanimously agreed.
- 2.5 was unanimously agreed.
- 2.6 was unanimously agreed.
- 2.7 (i, ii, iii, & iv) was carried (6 votes in favour and 4 abstentions).

33.38 **RESOLVED:-**

That Housing & New Homes Committee recommends to Policy, Resources & Growth Committee that it:

Customer service and quality assurance

- (1) Agrees that the customer service and quality assurance services are brought in-house and delivered by the council following the expiry of the current contractual arrangements;

Responsive repairs and empty property refurbishments

- (2) Agrees that responsive repairs and empty property refurbishments works to council housing stock are brought in-house and delivered by the council following the expiry of the current contractual arrangements;
- (3) Approves a 'set-up and mobilisation' budget of £0.112m for 2018/19 funded by an in-year virement transferring this budget from the capital financing costs budget in the Housing Revenue Account (HRA) and the creation of an earmarked 'set up and mobilisation' reserve of £0.982m for use in 2019/20 funded from HRA general reserves;

Planned maintenance and improvement programmes

- (4) Approves the procurement of at least one contract for the provision of planned maintenance and improvement programmes to council housing stock with a term of five years with the option to extend for up to a further two years;

Major capital projects

- (5) Approves the procurement of a multi- contractor framework agreement for major capital projects with a term of four years;

Specialist works

- (6) Notes that the specialist works will continue to be delivered through individual contracts, with reports coming back to committee for authority to procure and award such contracts if required in accordance with the council's Constitution;

Delegation

- (7) Grants delegated authority to the Executive Director Neighbourhoods, Communities & Housing to:
- (v) commence the procurements and award the contracts required to implement the recommendations;
 - (vi) use the 'set-up and mobilisation' budget to create and appoint to new roles to enable these recommendations to be delivered;
 - (vii) award call-off contracts under the major capital projects framework agreement; and
 - (viii) take any other steps necessary to implement the recommendations in this report.

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| Council | Agenda Item 34 (3) |
| 18 th October 2018 | Brighton & Hove City Council |

NOTICE OF MOTION

GRASSCRETE

GREEN GROUP AMENDMENT

To insert the wording as shown in ***bold italics*** and delete the wording as struck through below:

This Council notes that grass verges add to the aesthetic appeal of numerous neighbourhoods in the city, as well as performing an important role for the city's ecology.

This Council calls on the Chief Executive to bring a report to Environment, Transport & Sustainability Committee to consider; ~~the use of Grasscrete~~ ***measures that will reduce damage done by vehicles*** in roadside verges across the city where off road parking is limited ~~and thus will reduce damage by vehicles.~~ ***These measures must be considered both environmentally sustainable and hard-wearing in the long term.***

This Council also calls on the Chief Executive to write to the Secretary of State, requesting that Brighton & Hove be afforded those powers granted to London Boroughs under the Greater London (General Purposes) Act that prohibit pavement and verge parking.

Proposed by: Cllr Littman

Seconded by: Cllr Knight

Recommendations if carried to read:

This Council notes that grass verges add to the aesthetic appeal of numerous neighbourhoods in the city, as well as performing an important role for the city's ecology.

This Council calls on the Chief Executive to bring a report to Environment, Transport & Sustainability Committee to consider; measures that will reduce damage done by vehicles in roadside verges across the city where off road parking is limited. These measures must be considered both environmentally sustainable and hard-wearing in the long term.

This Council also calls on the Chief Executive to write to the Secretary of State, requesting that Brighton & Hove be afforded those powers granted to London Boroughs under the Greater London (General Purposes) Act that prohibit pavement and verge parking.

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| Council | Agenda Item 34 (4) |
| 18 th October 2018 | Brighton & Hove City Council |

NOTICE OF MOTION

LABOUR AND CO-OPERATIVE GROUP AMENDMENT

LICENSE AND INSURANCE REGULATIONS FOR DELIVERY DRIVERS

That the motion be revised to delete the words as struck through and insert those shown in ***bold italics***.

This Council resolves to request a report be presented to Environment, Transport and Sustainability Committee detailing the current regulations governing the use of L-plated motorised scooters for commercial activities, ***where the police not the council is the enforcing authority***. This ***report could explore whether there is any further action*** ~~is~~ to ensure commercial businesses are acting within the law ***and with corporate responsibility*** ~~and~~ ***that*** the Council and other Authorities can take. ~~the necessary action where appropriate.~~

Proposed by: Cllr Mitchell

Seconded by: Cllr Horan

Recommendation if carried to read:

This Council resolves to request a report be presented to Environment, Transport & Sustainability Committee detailing the current regulations governing the use of L-plated motorised scooters for commercial activities, where the police not the council is the enforcing authority. This report could explore whether there is any further action to ensure commercial businesses are acting within the law and with corporate responsibility that the Council and other Authorities can take.

