

# Policy & Resources Urgency Sub-Committee

Date:           **14 May 2020**  
Time:           **11.30am**  
Venue           **Virtual Meeting- Skype**

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

The meeting will also be webcast live to the internet.

Members:   **Councillors:**, Platts, Mac Cafferty and Bell

Contact:     **Mark Wall**  
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# AGENDA

## 1 PROCEDURAL MATTERS

- (a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
- (a) Disclosable pecuniary interests;
  - (b) Any other interests required to be registered under the local code;
  - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

**NOTE:** Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

## 2 COVID - 19 DEATH MANAGEMENT : FINANCIAL REPORT

1 - 6

Report of the Executive Director for Health & Adult Social Care.

Contact Officer: Annie Sparks

Tel: 01273 292436

Ward Affected: All Wards

## 3 TRANSPORT STRATEGY - COVID19 EMERGENCY RESPONSE TO TRANSPORT AND REALLOCATING ROAD SPACE

7 - 26

Report of the Executive Director for Economy, Environment & Culture.

Contact Officer: Andrew Westwood

Tel: 01273 292468

Ward Affected: All Wards

**4 EMERGENCY AGREEMENT TO SUPPLIER RELIEF FOR HOME TO SCHOOL TRANSPORT OPERATORS 27 - 36**

Report of the Interim Executive Director for Families, Children & Learning.

*Contact Officer: Deb Austin*

*Tel: 01273 291407*

*Ward Affected: All Wards*

**5 HOMELESS & ROUGH SLEEPER ACCOMMODATION NEXT STEPS 37 - 44**

Joint report of the Interim Executive Director for Housing, Neighbourhoods & Communities and the Executive Director for Health & Adult Social Care.

*Contact Officer: Sylvia Peckham*

*Tel: 01273 293318*

**PART TWO**

**6 HOMELESS AND ROUGH SLEEPER ACCOMMODATION NEXT STEPS - EXEMPT CATEGORY 3 45 - 52**

Joint report of the Interim Executive Director for Housing, Neighbourhoods & Communities and the Executive Director for Health & Adult Social Care (circulated to Members only).

*Contact Officer: Sylvia Peckham*

*Tel: 01273 293318*

*Ward Affected: All Wards*

**7 PART TWO PROCEEDINGS**

To consider whether the item listed in Part Two of the agenda and the decisions thereon should remain exempt from disclosure to the press and public.

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**FURTHER INFORMATION**

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

Date of Publication - Wednesday, 6 May 2020

<b>Subject:</b>	<b>COVID-19 Death Management : Financial Report</b>		
<b>Date of Meeting:</b>	<b>14<sup>th</sup> May 2020</b>		
<b>Report of:</b>	<b>Executive Director Health and Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Annie Sparks Regulatory Services Manager</b>	<b>Tel: 07767 613460</b>
	<b>Email:</b>	<a href="mailto:annie.sparks@brighton-hove.gov.uk">annie.sparks@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

1.1 In response to the COVID -19 pandemic a Pan Sussex Death Management Plan has been developed and implemented in accordance with duties under the Civil Contingencies Act 2004. The Sussex Resilience Forum have been responsible for the coordination and delivery of the plan. This report presents the costs for delivering the plan and how these will be distributed across Brighton & Hove City Council, East Sussex County Council and West Sussex County Council.

**2. RECOMMENDATIONS:**

2.1 Agree a further contribution of £0.068m to the pan-Sussex response to death management of the COVID-19 pandemic based on the council's share of 17% of a maximum additional Sussex-wide spend of £0.400m. This is in addition to the £0.046m contribution (17% of £0.270m) reported to Policy & Resources Committee on 30th April.

**3. CONTEXT/ BACKGROUND INFORMATION**

3.1 On 19th March 2020, as part of the response to the COVID–19 pandemic, the Sussex Resilience Forum (SRF) declared a Major Incident under the provisions of the Civil Contingencies Act 2004. This triggered the establishment of a Strategic Coordination Group (SCG), including executive leads for partner organisations and agencies.

3.2 An emergency command and control structure was immediately implemented that ensured quick and timely communication channels with central government through to local GOLD executive leads and down to a coordinated tactical operational response.

3.3 Immediately, a Death Management Process Cell was established, and a pan Sussex Death Management Plan was implemented. To be both responsive to the emerging risk, and ensure a swift and timely response, the cell membership included coroners, NHS and CCG representatives, Police and local authorities. It was also agreed that Brighton & Hove City Council would be the strategic lead for the delivery of the plan.

- 3.4 The development and implementation of the plan was informed by not only national Public Health England modelling data but also local data relating to the end-to-end body management processes.
- 3.5 On 7th April 2020 it was agreed by the SRF SCG that spending to deliver the death management response would be split across the 3 administrative areas, Brighton & Hove City Council, West Sussex County Council, and East Sussex County Council. It was agreed that the division would be in accordance with population count.

	% share
<b>Brighton &amp; Hove - BHCC</b>	<b>17.0%</b>
East Sussex - ESCC	32.5%
West Sussex - WSCC	50.5%
Sussex overall	100.0%

- 3.6 On 9 April 2020, using officer urgency powers, the designated Gold Command officer authorised the immediate purchase of additional equipment and facilities to provide for PAN Sussex excess death management on behalf of the Sussex Resilience Forum (SRF).
- 3.7 Following updated Public Health modelling and in order to manage the projected risks, contingency plans for additional body storage were urgently required as the number of storage containers made available by the Ministry of Housing, Communities & Local Government (MHCLG) were insufficient to meet the required capacity. A supplier for refrigerated containers, shelters and storage became available at short notice and the Gold Command (and SRF lead) therefore, considered that the use of officer urgency powers was appropriate to secure the required facilities for Sussex given the very high national demand for storage facilities.
- 3.8 This cost is expected to be approximately £0.270m once all invoices are settled and was reported to Policy & Resources Committee on the 30<sup>th</sup> April 2020. However, it should be noted that Brighton & Hove City Council's share of this expense will be 17% or approximately £0.046m.
- 3.9 To manage risk and be responsive, additional body storage facilities were aligned with existing body storage and mortuary facilities across the county, and this has enabled existing skilled staff and resource to be utilised. This has also helped to minimise the movement of bodies, and reduce associated risks.
- 3.10 Four sites across Sussex have been utilised and additional cost has been incurred in setting up the sites, and the provision of services and equipment. In addition, ongoing site management costs including security and body transportation are being incurred. This is approximately an additional £0.280m across Sussex (Brighton & Hove's share of this expense at 17% is approximately £0.048m).

- 3.11 The majority of infrastructure, processes and procedures are now in place. The Death Management Cell continues to meet to review risks and review the national and local data implications.
- 3.12 The impacts of the changes to the national restrictions on infection and death rates is uncertain. Therefore, additional Sussex-wide contingency funding of £0.120m is recommended and will need to be kept under review to ensure a fast effective and dynamic response and reflect changes in the death rate and changes to how bereavement services are delivered and managed.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 As an emergency response, no alternative responses have been considered. Not preparing effectively for the potential consequences and outcomes indicated by national and local data, including Public Health England analysis and guidance, would clearly leave local council's open to severe criticism and reputational harm, particularly given the government's Emergency Response Funds provided to councils to meet such costs.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Communication has been coordinated through the Sussex Resilience Forum Warning and Informing GOLD Communications Team, and the SRF Strategic Coordinated Group represented by the BHCC Executive Director for Health and Adult Social Care.

#### **6. CONCLUSION**

- 6.1 In response to the COVID-19 pandemic a pan-Sussex Death Management Plan has been developed and implemented. This has been informed by national public health modelling, and local data.
- 6.2 The majority of the infrastructure to deliver the plan is in place.
- 6.3 The SRF Death Management Process Cell routinely reviews the risks and data and adjusts the plan and response as required. This includes a response to the changes in the national restrictions and the impacts this will have on the death rates and delivery of bereavement services.
- 6.4 All actions, risks, and costings are reported through to the SRF Strategic Coordinating Group and membership includes executive leads for WSCC, ESCC, BHCC and partner agencies and organisations.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 Expenditure of £0.270m in respect of death management (BHCC share £0.046m) was reported to Policy & Resources Committee on 30th April and this was planned to be funded from the £8.157m of Government grant that had been announced at that time.

- 7.2 This report details a further £0.400m (BHCC share £0.068m) of expenditure which would bring the total BHCC share up to £0.114m. The government has announced a further £8.048m grant but it is important to note that because it is not possible to accurately quantify all of the costs that might arise in response to the Coronavirus pandemic it is therefore not possible to say if the government funding will be sufficient to cover these emergency costs including the excess death management costs in this report. Should these funds be insufficient, members are advised that the council would need to call on its reserves which may include the working balance and other earmarked reserves.

*Finance Officer Consulted: Jeff Coates*

*Date: 11/05/20*

Legal Implications:

- 7.3 The proposals in the report are consistent with the council's powers and obligations under the Civil Contingencies Act and Government direction and guidance.

*Lawyer Consulted: Liz Culbert*

*Date: 12th May 2020*

Equalities Implications:

- 7.4 Specific bereavement cell established considering communication and support in relation to faith groups and vulnerable sectors of the community and ensuring dignity throughout the death management process

Sustainability Implications:

- 7.5 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

- 7.6 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 7.7 Risk logs are reviewed weekly by the death management cell and reported to the SRF SCG.

Public Health Implications:

- 7.8 Actions and plans are informed by Public Health intelligence data and in close consultation with all three Coroners, NHS, CCG and Public Health colleagues.

Corporate / Citywide Implications:

- 7.9 This is a coordinated pan Sussex response as part of the Sussex Resilience Forum.

**SUPPORTING DOCUMENTATION**

**Appendices: None**



<b>Subject:</b>	<b>Transport Strategy - Covid19 emergency response to Transport and Reallocating Road Space</b>		
<b>Date of Meeting:</b>	<b>14<sup>th</sup> May 2020</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Andrew Westwood</b>	<b>Tel: 01273 292468</b>
	<b>Email:</b>	<b>andrew.westwood@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The coronavirus (Covid-19) pandemic has created a number of challenges and changes for the city in respect of how the transport network is being, and will be, used. With the implementation of government restrictions in response to the public health crisis, there has been a new demand to increase the ways that people can exercise and travel while physical distancing.
- 1.2 Cycling and walking has increased during the pandemic, and levels of traffic demand has fallen. Towns and cities throughout the UK are implementing changes to their road network to accommodate active travel and facilitate physical distancing.
- 1.3 This report seeks to identify transport network measures that the city can take in the short term to respond to the Covid-19 emergency. It also proposes that an interim Local Cycling & Walking Infrastructure Plan is prepared to outline the city's response in the medium term. The report responds to the request made by Policy & Resources Committee on 30<sup>th</sup> April 2020 for officers to urgently explore how the work of the Local Transport Plan and associated council transport policy can be rendered more flexible, to respond to the impact of the Covid-19 emergency. The report also responds to the statutory guidance issued by government on 9<sup>th</sup> May 2020 which encourages local authorities to consider how towns and cities can do what is necessary to ensure transport networks support recovery from the Covid-19 emergency and provide a lasting legacy of sustainable, safer transport.

**2. RECOMMENDATIONS:**

- 2.1 That the committee note the temporary measures that have been implemented as part of the transport strategy response to the Covid-19 pandemic, including the closure of Madeira Drive and the road space reallocation to create temporary cycle lanes along the Old Shoreham Road be noted;
- 2.2 That the committee approve the Urgent Response Action Plan and policy framework set out in Appendix A to assess and agree Covid-19 related measures in the timeframes set out;

- 2.3 That the Executive Director Economy, Environment & Culture be granted delegated authority for the delivery of the temporary measures contained in the Urgent Response Action Plan to the during the pandemic recovery phase; and
- 2.4 That officers should commission an interim Covid-19 Response Local Cycling & Walking Infrastructure Plan, using the consultant team that are currently developing the LCWIP for Brighton & Hove.
- 2.5 That the Action Plan should be reviewed for progress at the October meeting of the Environment, Transport and Sustainability committee.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Covid-19 public health crisis has had a significant impact upon the lives and health of people in the city, as well as significant economic consequences. It has also resulted in cleaner air and quieter streets and an increase in residents cycling and walking.
- 3.2 As the city begins to see more people going back to work, there is need for residents to carry on cycling and incorporating active travel into their commute. With public transport capacity reduced and a government message to avoid using public transport wherever possible, the city could experience significant congestion unless an increased range of alternative sustainable options, including cycling, is facilitated.
- 3.3 As the country begins to move into the next phase of the pandemic and restrictions on movement are eased, there is a continued emphasis on physical distancing. This means that pedestrians will need more space and, over time, restaurants and cafes may also need more space to be able offer a service outside their premises.
- 3.4 As a result of these changes to how people are traveling and using public space, towns and cities in the UK and around the world are making or proposing radical changes to their highway networks to accommodate active travel. Re-allocating road space for active travel will not only help the city respond to the next phase of the pandemic, but will also promote healthy and active living to help the city become more resilient for the future.
- 3.5 On 9<sup>th</sup> May 2020, government issued statutory guidance *Traffic Management Act 2004: network management in response to COVID-19*. The guidance refers to a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities.
- 3.6 According to the [National Travel Survey](#), in 2017-18 over 40% of urban journeys were under 2 miles – perfectly suited to walking and cycling. Active travel is affordable, delivers significant health benefits, has been shown to improve wellbeing, mitigates congestion, improves air quality and has no carbon emissions at the point of use. Reconfiguring the city based on active travel will improve the health and wellbeing of residents, as well as create lasting local economic benefits.

- 3.7 The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel. The government guidance urges local authorities to consider how towns and cities can do what is necessary to ensure transport networks support recovery from the COVID-19 emergency and provide a lasting legacy of greener, safer transport.
- 3.8 The city has a target to become Carbon Neutral by 2030 needs to support transition from modes of transport that will deliver this aspiration, alongside this support the local economy so any measures considered have to contribute to the delivery of these two aims.

#### Current traffic levels during the pandemic

- 3.9 Monitoring of the traffic levels in the city demonstrates that there has been a 60% reduction in flows on the strategic roads, but a general increase in vehicle speeds. This has been noted in every major city across the UK.
- 3.10 Bus operators are currently seeing patronage at around 10% of normal levels and are also anticipating significant shifts in passenger behaviour. On the 10<sup>th</sup> May 2020 the Prime Minister requested people should continue to avoid public transport if possible, because of the difficulty physical distancing.
- 3.11 Brighton and Hove Buses report that implementing physical distancing on buses results in 25-50% or less of normal capacity. Seating capacity will be limited by bus operators to a level that ensures alignment with government guidance. A recent Ipsos-Mori poll found that 60% of people are currently fearful of returning to public transport. Despite this, public transport through bus services will remain a critical part of the city's overall approach to sustainable transport. Many travel to work and travel to school patterns will not change by their nature and many key workers will continue to use public transport.
- 3.12 With capacity on the bus network reduced there is a risk that as people return to work they will choose to travel by car, causing congestion. There is also a risk of increased travel by car to take children to school. Providing active travel alternatives could help to address this. The new government guidance strongly advises those towns and cities with reliance on high levels of public transport to rapidly install additional cycling infrastructure to both protect the reduced public transport offering and provide safe and effective sustainable transport options.

#### Reallocating Road Space: Potential Measures

- 3.13 As a city with a high level of public transport use, there is a need to take measures to reallocate road space to people walking and cycling, both to encourage active travel and to enable physical distancing as the city moves to the next phase of the pandemic response. This needs to be done without having a significant detrimental impact upon the bus network, as in the longer term bus travel will continue to be a key aspect of the city's transport network. Government guidance encourages local authorities to take measures as swiftly as possible, and in any event "within weeks", given the urgent need to change travel habits before the restart of the economy takes full effect.

- 3.14 The Council has been quick to respond to the change in travel patterns across Brighton & Hove, and City Transport has taken some immediate steps to ensure the continued delivery of vital services, support vulnerable people and keep the city moving, including:
- Introducing 24hr concessionary bus travel for disabled and older people to support them in accessing shops earlier in the day to buy essential items
  - Automatic renewal of concessionary travel pass holders to ensure continued provision during the pandemic
  - Prioritising parking enforcement on unauthorised disabled bay parking and dangerous obstructions to support disabled road users.
  - Closing Madeira Drive to provide more outdoor space for exercise during lockdown and to reduce the safety risk to people walking and cycling
  - Creating new, temporary cycle lanes along the A270 Old Shoreham Road
  - Providing free parking for social care workers and NHS staff in on-street parking bays and Council-owned car parks to ensure key workers can continue to provide essential care to the most vulnerable during the crisis
  - Automatic renewal of Blue badges and completion of eligibility assessments for new applicants by phone, instead of face-to requests
  - Making the Bike Share scheme available free to NHS staff and council-contracted care staff during the pandemic, to support the continued care of vulnerable people in the city
  - Ensuring important larger-scale redevelopment work in the city can continue with staff working on site taking precautions to protect themselves and the public in line with government guidance.
  - Ensuring all necessary highway inspections are taking place and essential works and repairs are completed in a timely way by adjusting working practices to maintain physical distancing and new processes that limit the amount of contact staff have with one another.
- 3.15 Officers have also begun to consider a range of further measures that could be implemented across the Brighton & Hove transport network. The initial Urgent Response Action Plan is included in Appendix A. The Action Plan has been developed to tackle the short term, medium term (coming out of lockdown) and long term (recovery) phases. The measures can be summarised as improving cycling, tackling congested pavements and supporting businesses.
- 3.16 Typical road-space reallocation measures that officers are proposing through the Action Plan include installing 'pop-up' cycle lanes, and widening footways along lengths of road, particularly outside shops and transport hubs where more space is needed to allow people to queue and physical distance.
- 3.17 As well as the measures proposed in the action plan found at Appendix A, officers will continue to work on proposals to bring forward permanent schemes already planned and agreed by the Environment, Transport and Sustainability (ETS) Committee. This includes:
- Proposals for a car-free city centre
  - A review of the current ultra-low emission zone
  - Encouraging walking and cycling to school, for example through the introduction of more 'school streets' in line with requests already made by ETS Committee, and

- The development of the new Local Transport Plan and new Local Cycling & Walking Infrastructure Plan (LCWIP).
- Continuing to look for opportunities to deliver actions identified in the bus network review.

Officers will be bringing reports outlining options in relation to both a car-free city centre and an extension of the ultra-low emission zone to the November 2020 ETS Committee.

- 3.18 Many ad hoc requests for further measures are being received, particularly related to cycling and walking. The Action Plan has taken these into account and they have been included.
- 3.19 The proposed measures can be introduced temporarily, either in isolation or as a combined package of measures. Some interventions, including new lightly-segregated cycle lanes, will not require Traffic Regulation Orders (TROs). Others will require TROs, of which there are different types. The main ones are:
- Permanent: this process includes prior consultation on the proposed scheme design, a 21-day notice period for statutory consultees and others who can log objections; there can be a public inquiry in some circumstances.
  - Experimental: these are used to trial schemes that may then be made permanent. Authorities may put in place monitoring arrangements and carry out ongoing consultation once the measure is built. Although the initial implementation period can be quick, the need for extra monitoring and consultation afterwards makes them a more onerous process overall.
  - Temporary: these can be in place for up to 18 months. There is a 7-day notice period prior to making the TRO and a 14-day notification requirement after it is made, plus publicity requirements. These are most suitable for putting in place temporary measures and road closures.
- 3.20 Access will still be required for other activities in the road, particularly utility works, maintenance and other highway works, which will need to be balanced with work to reallocate road space to active travel. Utility works and highway maintenance activity should carry on, as they will be essential to getting the economy going again. Officers will also consider access for Blue Badge holders, deliveries and other essential services as appropriate.

#### Interim Covid-19 Response Local Walking & Cycling Infrastructure Plan

- 3.21 The city council has commissioned a Local Walking & Cycling Infrastructure Plan (LCWIP). Initial stakeholder consultation is due to take place shortly in order to identify walking and cycling issues in the city. The appointed consultants are currently working up the draft walking and cycling network which, in conjunction with initial stakeholder feedback, will be available as a further stakeholder consultation in the summer.
- 3.22 It is proposed that officers commission an interim Covid-19 Response LCWIP to progress the current Action Plan in appendix A to the next stage, so that the city's transport network can support the recovery of the city. It is proposed that a draft of this interim LCWIP will be produced for consultation by July

## Monitoring and Evaluation

- 3.23 The Transport team will monitor and evaluate any temporary measures they install, so that consideration can be given on whether there is a case for making any of the measures permanent and, where appropriate, a longer-term shift to active travel can be delivered as we move from restart to recovery. Public Health will also be involved in monitoring so that the health and wellbeing impacts as well as transport mobility impacts are considered.
- 3.24 Evaluation reports will be presented to the ETS Committee and the Policy & Resources (Recovery) Sub-Committee as required.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 A 'do nothing' option has been considered, but is not appropriate as this is likely to result in:
- Inability of residents to comply with government guidance on 'physical distancing';
  - Increased road danger as a result of higher vehicular traffic levels, speeds, collisions and harmful emissions;
  - Modal shift away from sustainable modes to private cars;
  - Increased inequalities as those that can work from home do so, or drive. National research shows these tend to be higher income earners; and,
  - Weaker and less diverse economy as small businesses struggle to adapt to new conditions.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Most significant Transport schemes are normally subject to a full consultation process before any changes are implemented. However, this is an emergency situation and there are measures that can be implemented under delegated powers, particularly when there is a risk to the public.
- 5.2 If any measure requires a formal Traffic Regulation order (TRO) then the proper legal process will be followed.
- 5.3 The police and emergency services will be consulted to ensure access is maintained where needed, for example in relation to roads that are closed to motor traffic. Bus operators and the Taxi trade will also be consulted to ensure that the public transport network is not disrupted. Local businesses will be consulted through the city wide Covid-19 Recovery Programme to ensure changes reflect their needs, particularly around access to premises. Other relevant groups will be consulted including Cycling and charity organisations

## **6. CONCLUSION**

- 6.1 The Action Plan sets out measures, in line with the new government guidance, that fit with the council's strategic priorities and those that can be delivered in the time available to reallocate road space and support the need to drive change.

- 6.2 The Action Plan details indicative costs and challenges that still need to be considered in delivering the measures.
- 6.3 Without the Action Plan there will be increasing challenges to maintain physical distancing and a real risk that some of the Authority's good work on encouraging modal shift will be undone due to the fear of using public transport. Any measures taken will take into account any detrimental impacts they might have on Public Transport. The authority will support the measures to support businesses need to reopen and encourage changes that could deliver longer term benefits.
- 6.4 The Action Plan will help to deliver Public Health benefits through facilitating improved levels of physical distancing whilst travelling, shopping for essential supplies and exercising.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The Action Plan will be funded from existing revenue budgets and the Local Transport Plan capital funding where that is applicable. Officers will further explore opportunities for bidding to the £250m Walking & Cycling funding within the overall additional £2bn funding announced by The Transport Secretary.
- 7.2 It should be noted that some of the measures detail in the action plan will remove parking in the city. The removal of any spaces will impact on the income that the council receives.

*Finance Officer Consulted: Steven Bedford*

*Date: 11/05/2020*

### Legal Implications:

- 7.3 Any changes to the highway have to conform to the legislation that is available. Highway Authorities can place various restrictions on traffic e.g close roads, make one-ways by way of Traffic Regulation Orders (TROs) made under the Road Traffic Regulation Act 1984. TROs are permanent, experimental or temporary; each type has specific processes that have to be followed in relation to consultation and engagement with the community, including specific requirements on advertising and consultation.
- 7.4 Permanent TROs are advertised first to allow anyone to object to the order and objectors have 21 days to lodge an objection that has to be either resolved or taken through a formal consideration process (such as a committee decision). Experimental orders have to be advertised as an intention for 7 days and can then be implemented for a period of 18 months to trial a scheme. There is a 6 month objection period from the start of the order.
- 7.5 Temporary orders have specific reasons as to why they can be used and are used for works on the highway where the road has to be closed to facilitate works, danger to the public or serious damage to the road. This is the process that was used for Madeira Drive due to the risks to pedestrians and cyclists with

speeding vehicles and increased use of the road. The road only has a limited number of businesses and all of these are currently closed, so this is a unique situation. Normally shutting roads in the city centre, with the need to maintain access for residents and businesses, would have to follow the full permanent or experimental route and associated consultation.

- 7.6 A highway authority has the power to make lane closures and changes to footways under the Traffic Management Act 2004. These changes to the highway can be made by officers using delegated powers without the need for Traffic Regulation Orders.

*Lawyer Consulted: Stephanie Stammers Date: 11.05.20*

Equalities Implications:

- 7.7 The plan will be subject to an Equalities Impact Assessment (EQIA) and engagement with representative/community groups will help to mitigate any potential adverse effects on people with protected characteristics, no matter how sustainable. The public sector equality duty still applies, and in making any changes to road networks, the council must consider the needs of disabled people and those with other protected characteristics. Accessibility requirements apply to temporary measures as they do to permanent ones.
- 7.8 Furthermore, one in three Brighton & Hove households do not have access to a car and without sufficient proactive planning for active travel and controlling vehicle use it is likely that disadvantaged individuals and communities would be most affected, including single parents, those with disabilities, low income groups, women and BME groups.

Sustainability Implications:

- 7.9 The measures will improve the transport network for sustainable modes of transport by reallocating road space.

Brexit Implications:

- 7.10 None.

Risk and Opportunity Management Implications:

- 7.11 *Risk 1:* Changes to the public highway are subject to legislative requirements and procedures under the Highways Act and these must be followed in order to avert legal challenge.  
*Mitigation 1:* Consult with Legal Services and other relevant authorities, such as the emergency services, as necessary.

*Risk 2:* Changes to the public highway are subject to the Equalities Duty and may result in detrimental impacts if not properly considered.

*Mitigation 2:* All Traffic Orders will be subject to EQIA and key stakeholders will be engaged.

*Risk 3:* The accelerated delivery of Transport Strategy projects, without the full suite of public engagement measures, may be considered unreasonable by stakeholders and the wider public.

*Mitigation 3:* This Emergency Response to be communicated to stakeholders alongside appropriate justification. Any measures requiring Traffic Orders to be subject to informal engagement with key stakeholders in advance of implementation.

*Risk 4:* Accelerating the delivery process results in compressing the normal technical project stages and may lead to oversight of key factors.

*Mitigation 4:* Establish a working group of key officers to identify and advise on key requirements.

#### Public Health Implications:

- 7.12 The measures will support the improvement of public health through enhanced opportunities for physical distancing during the pandemic whilst travelling, securing essential supplies and exercising. Enabling greater uptake of active travel across the city will provide both short and long term benefits to the mental and physical health of our residents. This approach supports the implementation of the Brighton & Hove Health and Wellbeing Strategy

#### Corporate / Citywide Implications:

- 7.13 The measures will support the existing Local Transport Plan 4 and the development of the new Local Transport Plan 5.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. COVID - 19 Urgent Response Transport Action Plan

#### **Background Documents**

None



# Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework

## Draft Action Plan

### 1. Background

The coronavirus (Covid-19) public health crisis has had a significant impact upon the lives and health of people in the city, as well as significant economic consequences. It has also resulted in cleaner air and quieter streets and an increase in residents cycling and walking.

As the city begins to see more people go back to work, there is need for residents to carry on cycling and active travel. With public transport capacity reduced, the city could experience significant congestion unless an increase in alternative sustainable options including cycling is facilitated.

The next phase of the public health crisis also involves a need for physical distancing. This means that pedestrians will need more space and over time restaurants and cafes may also need more space to be able offer a service outside their premises.

As a result of these changes to how people are traveling and using space, towns and cities in the UK and around the world are making or proposing radical changes to their highway networks to accommodate active travel. Re-allocating road space for active travel will not only help the city to respond to the next phase of the pandemic but will also promote healthy and active living to help the city become more resilient for the future.

On 9<sup>th</sup> May 2020, government issued statutory guidance *Traffic Management Act 2004: network management in response to COVID-19*. The guidance refers to a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities.

In advance of this guidance being issued, the City Transport service has taken some immediate steps to ensure the continued delivery of vital services, support vulnerable people and keep the city moving, including:

- Introducing 24hr concessionary bus travel for disabled and older people to support them in accessing shops earlier in the day to buy essential items
- Automatic renewal of concessionary travel pass holders to ensure continued provision during the pandemic
- Prioritising parking enforcement on unauthorised disabled bay parking and dangerous obstructions to support disabled road users.
- Closing Madeira Drive to provide more outdoor space for exercise during lockdown and to reduce the safety risk to people walking and cycling
- Providing free parking for social carer workers and NHS staff in on-street parking bays and Council-owned car parks to ensure key workers can continue to provide essential care to the most vulnerable during the crisis
- Automatic renewal of Blue badges and completion of eligibility assessments for new applicants by phone, instead of face-to requests

## **Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework**

- Making the Bike Share scheme available for free to NHS staff and council-contracted care staff during the pandemic, to support the continued care of vulnerable people in the city
- Ensuring important larger-scale redevelopment work in the city can continue with staff working on site taking precautions to protect themselves and the public in line with government guidance.
- Ensuring all necessary highway inspections are taking place and essential works and repairs are completed in a timely way by adjusting working practices to maintain social distancing and new processes that limit the amount of contact staff have with one another.

Many ad hoc requests for further measures are being received, particularly related to cycling and walking. The seafront in particular is the focus of the concerns being expressed by the public. This has only increased the need to act quickly.

### **2. Key challenges for Transport Network Management**

The pandemic has transformed the context in which transport across the city is operating and has highlighted some key challenges:

- The need to impose physical distancing measures has highlighted some of the inadequacies inherent in the way space is allocated on the public highway and in public spaces generally.
- A significant reduction in public transport services, at a time when it is vital for key workers to access workplaces safely, has highlighted the currently lack of high-quality routes for cycling for use as an alternative mode which allows social distancing.
- Massively reduced levels of motor traffic has encouraged many people to turn to walking and cycling, but issues remain with road danger as speed has increased on many roads
- Local businesses are struggling to survive and will need to find new ways to reach their customers
- Vulnerable people are unable to leave their homes and many are now relying on the council to provide them with essential supplies.

Whilst there may be a desire to return to the status quo, pre-Covid-19, this is not likely to be possible for transport and environmental objectives. When planning a transport response to the current situation a key consideration should be avoiding a return to pre-existing motor traffic levels. During the lockdown vehicle movements have been 60% lower than usual, although there is beginning to be an increase as the lockdown continues and demand for parking is expected to rise considerably as the measures are eased.

Clearly, with a focus on social distancing, there is a risk that the good work undertaken in the city to encourage the use of public transport over cars could be undone. To manage this there will be a need for traffic reallocation, together with measures that further promote and enable sustainable forms of travel.

# Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework

## 3. Key principles

In context of Covid-19, key principles for the Transport response are identified as follows:

### A. Support vulnerable people and promote Health and Well being

More than 3000 people in the city have either been identified by their GPs as being clinically extremely vulnerable (or shielded) or have requested additional support from the government. Working with the local NHS and key partners we are reaching out to all these residents to ask what help they need through our community advice and support hub.

Any changes to the kerbside, including the reallocation of road space or parking suspensions, will need to consider vehicle access for vulnerable households. Changes will also seek to support delivering the Brighton & Hove Health and Wellbeing Strategy which includes the following commitments

- More people will travel actively, and walking and cycling will be prioritised, benefitting physical and mental health
- Air quality will be improved

### B. Enable compliance with government guidance

'Lockdown' and social / physical distancing are the main tools currently available to reduce virus transmission. The need for distancing is likely continue well into the recovery period or until such time as other tools become available.

### C. Enable essential journeys to be made safely

Key workers, including those providing health and social care, still need to travel during the lockdown period. As restrictions ease, wider groups are likely to be added to the current list and trip making will increase. Journeys both on public transport and by road need to be managed to ensure safety and to maintain low levels of private motor vehicle traffic. While in the short term parking is being offered to keyworkers (both on-street and in car parks), this will need to be reviewed in light of any future ease of lockdown restrictions and the degree to which this will need to be amended.

### D. Support a sustainable local economy and transition to a 2030 Carbon Neutral City

As restrictions ease and businesses reopen those that rely on footfall and face to face customer contact, e.g. markets, and more compact shopping areas, e.g. the Lanes, may find conditions particularly difficult. New options for linking businesses and their customers may need to be explored.

The measures will also aim to support the city's commitment to transition to become a carbon neutral city by 2030.

## **Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework**

### **E. Plan for now, near and longer term**

There are urgent actions that need to be taken, principally to satisfy B and C above – protecting public health by enabling physical distancing and reducing road danger. Beyond this we need to consider how to manage the transport network as restrictions are eased and eventually lifted and then through the recovery period. We therefore need a phased approach to our response.

### **F. Consistency and transparency**

Any measures, particularly changes to the highway, must be carefully considered and sit within the existing policy and legislative framework, including our approach to road danger reduction and the relation of this to the Covid-19 public health context. The Council's actions must be clear and transparent to stakeholders.

## **4. Government's lockdown exit strategy**

Before the government is prepared to lift the lockdown measures they have stated that five tests will need to be met:

- i. Evidence that the NHS has adequate capacity.
- ii. A sustained and consistent fall in the daily death rate from coronavirus.
- iii. Evidence that the rate of infection is decreasing to manageable levels.
- iv. Testing capacity and PPE supply is available and able to meet future demand.
- v. Confidence that any adjustments will not risk a second peak of infections.

The Government has and will continue to preparing to announce its lockdown exit strategy to restart the economy whilst keeping the spread of the virus in check. The recent announcement on the 10<sup>th</sup> May by the Prime Minister indicated that construction and those that cannot work from home can return to work. While a clear message was to avoid Public Transport it has to be acknowledged that it has a major part in moving people around the city and the Action Plan does include measures for enhancing Public Transport and needs to take into account the possible effect that any changes might make on the Public Transport network. Further announcements will be made as the lockdown is gradually relaxed and the Action Plan adapted as necessary.

The guidelines will continue to address:

- The continued need for social distancing until a vaccine has been developed.
- Wearing of personal protective equipment and adherence to enhanced cleaning and hygiene protocols where social distancing is not possible.
- Plans to avoid overcrowding on public transport.
- Constraints on indoor work environments and the need for people to continue working from home.

The Secretary of State for Transport has also issued new guidance "The Traffic Management Act 2004: network management in response to COVID – 19" This guidance will support the action plan.

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## 5. Legal considerations

Any changes to the highway have to conform to the legislation that is available. The Road Traffic Regulation Act 1984 provides the powers for Highway Authorities to close roads, make one ways and other changes. Traffic Regulation Orders (TROs) are permanent, experimental or temporary; each type has specific processes that have to be followed in relation to consultation and engagement with the community, including specific requirements on advertising and consultation.

Permanent TROs are advertised first to allow anyone to object to the order and they have 21 days to lodge an objection that has to be either reconciled or taken through a formal consideration process (a committee decision). Experimental orders have to be advertised as an intention for 7 days and can then be implemented for a period of 18 months to trial a scheme. There is a 6 month objection period from the start of the order.

Temporary orders have specific reasons as to why they can be used and are normally related to road collapses or works on the highway where the road has to be closed to facilitate works or for the safety of the public. This is the process that was used for Madeira Drive due to the risks to pedestrians and cyclists with speeding vehicles and increased use of the road. The road only has a limited number of businesses and all of these are currently shut so this is a unique road. Normally shutting roads in the city centre, with the need to maintain access for residents and businesses, would have to follow the full permanent or experimental route and associated consultation.

Lane closures and changes to footways can be made using delegated powers without the need for Traffic Regulation orders.

The DfT have relaxed some of the requirements for advertising, but this has not changed the process so will have little effect in shortening the process.

## 6. Interventions

The tables below detail the identified interventions that could be carried out in the city as a package of measures to help the city come out of lockdown. They are broken down into 3 phases of work, short term (the now), medium term (coming out of lockdown), and long term recovery. A number of other measures were assessed and not progressed for a variety of reasons.

Short Term – Urgent Response				
Location	Issue	Legislation	Strategic fit	Estimated cost
Madeira Drive	Risk to pedestrian and cyclists safety due to speeding vehicles	RTA section 14 – public safety	Yes provides area for local community to exercise and fits LTP objectives	£8k
A270 – Old	No cycling facilities to the west of	No TRO	Provides major cycling	£12k

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Shoreham Road	the city and opportunity to re-use road space. Can be implemented with lining and limited signing and without closing the entire road	required	link to the west of the city encouraging cycling from a car dominated area and fits LTP objectives. Link with existing segregated cycle lane.	
City wide	Traffic signal timings have been capped to reduce cycle times	N/A	Provides quicker crossing opportunities for pedestrians	none

### Other options considered in the city

- A259 – assessment can be seen in Appendix, these options are expensive and have a number of safety related issues
- St Georges Road – Legislation difficult and limited benefit strategically
- Boundary Road closure – bus route, legislation difficult and limited benefit strategically
- New Church Road closure - bus route, legislation difficult and limited benefit strategically
- Sackville Road – bus route, legislation difficult
- Portland Road – legislation difficult, bus route and limited benefit strategically
- Richardson Road - legislation difficult, bus route and limited benefit strategically

<b>Medium</b> – following the new guidance “The Traffic Management Act 2004: network management in response to COVID – 19” and forms part of an interim Covid-19 Response Local Cycling & Walking Infrastructure Plan				
Location	Issue	Legislation	Strategic fit	Estimated cost
ClockTower – Queens Road/North Street	Heavy pedestrian movements with high bus flows. A number of businesses at the junction could introduce queuing systems. To assist with movement reduce the traffic times so pedestrians receive more green time.	No legislation	Assists with walking and meets LTP objectives to encouraging walking	none
Western Road – full length from Dyke Road to Montpelier Road	Conflict along Western Road and major shops to enable social distancing. Work with bus operator to reduce the number of stops to enable more space for pedestrians. Assessment needed of the road to analyse what other measures could be implemented. Sufficient signage/information would be required for bus users to any changes in bus stop locations, so as not to worsen	No legislation	Assists with walking and meets LTP objectives to encouraging walking	To be determined

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	bus patronage issues.			
Sydney Street/ Gardner Street	The roads are normally closed at weekends. They could also be shut Monday to Friday to provide more space. Requires engagement with businesses before the road can be shut	Existing traffic order in place to enable closure	Assists with walking and meets LTP objectives to encouraging walking. Supports local businesses	none
Marine Parade Cycle Lane	A cycle lane on the Marine parade would provide good links into the city from the whole length of the road	No order required	Assists with walking and meets LTP objectives to encouraging walking.	To be determined
1.Boundary Road, 2.St James Street, 3.London Road	Conflict with pedestrians social distancing and accessing shops. Some opportunity to remove parking to provide greater walking space	No traffic order required	Provides social distancing	To be determined
City wide	Provide priority for cycling and walking at crossings across the city	N/A	Assists with walking and meets LTP objectives to encouraging walking.	None
A259 Bus Lane eastbound from Roedean to Ovingdean Roundabout	Increase the length of the A259 bus lane so that public transport is not delayed to encourage more use	Experimental or traffic order is needed	Assists with encouraging public transport meeting LTP objectives	To be determined
St James Street	Investigate the road to see what measures could be introduced to improve walking and cycling	Traffic Orders required may be difficult to implement	Assists with walking and meets LTP objectives to encouraging walking.	To be determined
The lanes/Old Town	Investigate measures that could be taken to improve walking and cycling. Measures could also assist local business.	Traffic Orders required may be difficult to implement	Assists with walking and meets LTP objectives to encouraging walking.	To be determined
A23	London Road to Preston Park, narrow cycle route. The contra flow cycle route runs on the footway in conflict with trees and pedestrians due to the narrow width. Narrowing the northbound traffic lanes would enable cyclists to use the road, Allowing sufficient space for two way cyclist movement with social distancing.	Currently under review	High – currently a pinch point for the national cycle route and fits LTP objectives	£20k
School Streets	Increased use cars by parents to take children to school	Depending on scheme	Assists with walking and meets LTP objectives to encouraging walking.	Depends on location
Bus Lanes	Assess the current use of Bus Lanes to ensure that the need still exists during the crisis. This includes sharing and extending Bus Lanes across the city and	Traffic Orders required may be difficult to implement	Assist with walking and cycling	Depends on location

## Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework

	consideration of delivery of action in the bus network review			
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### Other measures considered

- Closing Twittens – difficult as any closure will need a TRO and engagement with effected residents. Unlikely to get support due to possible detour and the need for access to some properties. Temporary signing could be introduced to discourage using narrow lanes as through routes.
- The Lanes and Kensington Gardens – These are parts of the city that have a very narrow space to walk. Introducing one ways or some closures would be challenging due to the necessary legislation and consultation. Signing may be the only option available to try and encourage social distancing.

<b>Long term/ Recovery – delivered through Local Cycling and Walking Infrastructure Plan (LCWIP)</b>				
<b>Measures</b>	<b>Issue</b>	<b>Legislation</b>	<b>Strategic fit</b>	<b>Estimated cost</b>
Identification of strategic cycling and walking routes into and through the city	This work is a key element of the full LCWIP and will develop the schemes that are needed to improve active travel	N/A	Key element of LCWIP	To be determined
Parking policies car free city centre	There is a direct correlation between measures taken and their success with parking.	N/A	Assists with walking and meets LTP objectives to encouraging walking. Supports local businesses	Could impact parking income
Ultra Low Emission Zone (ULEZ)	ETS Committee have requested that officers bring forward options for an extended ULEZ	N/A	The main delivery tool in improving air quality	To be determined
Review data on measures implemented	Limited data available and all measures should consider how they can be monitored (inform work on LCWIP and LTP5)	N/A	Supports permanent changes	To be determined

## 7. Monitoring the impact of interventions

Existing traffic data tools such as Traffic master can provide us with ‘normal’ expected traffic levels for a certain street / area as a baseline in relation to these measures, particularly in terms of informing where measures should be implemented. However in terms of monitoring the impact of such measures, the data is only updated every six months and therefore cannot be utilised as ‘after’ data relating to measures implemented in this fast-

## **Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework**

changing environment. In this unprecedented situation it will be difficult to ensure all schemes and measures are measured to the same degree as normal.

There are a series of traffic counters / cycle counters in place at key locations across the city (e.g Old Shoreham Road, Lewes Road) which could be used to gather broad motor / cycle traffic trends across the city.

Additionally, the use of anecdotal evidence / qualitative feedback on the efficacy of schemes could be considered given the circumstances.

### **Appendix A**

#### **Consideration of A259 Lane closure**

The existing cycle lane is constrained and with the increased numbers of pedestrians social distancing has become more difficult. Providing larger separate areas would help, but again care needs to be taken as the intention is not encourage greater demand as the Police have already intervened along the seafront to discourage gatherings on the beach. Two options have been considered, but both have significant cost implications. The area considered is from the Aquarium Roundabout to just beyond the I360.

##### **Option one**

Take out the southern inside lane so that cyclists can contra flow, achieved by using water filled barriers that will separate vehicles from cyclists.

##### *Issues*

- Barriers will take time to install and are currently difficult to obtain due to the lockdown and as there are limited suppliers
- Contra flow cyclists will not receive red signals at pedestrian crossings (safety risk)
- West Street junction is a constraint due to Shelter Hall so vehicles would sit in right turn lane - even with low flows could cause safety issues with vehicle wishing to go straight ahead
- Does not help pedestrians as cyclist will remain on the promenade
- Reduced access to Lower promenade
- Access/egress issues for cyclists on any 'new' section causing a safety risk

Cost in excess of £60,000 for the hire of the equipment and implementation (even if they could be sourced). This option has a number of safety concerns and is not supported by the seafront office due to the implications for access. Obtaining the barriers and cost make this an unviable option.

##### **Option two**

## **Brighton and Hove City Council Urgent Response Transport Action Plan and policy framework**

Take out both the inside lane for both north and south sides of the A259 so east bound cyclists would need to move over to the north side to the west of Preston Street. The cycle lanes on the north side could be coned and tapered at junctions similar to how normal cycle lanes operate in the city when with flow lanes are implemented. Would allow the promenade to be used wholly by pedestrians and no longer shared.

### *Issues*

- Detailed look at Shelter Hall needed to consider the lane constraints and its implications
- An initial review by road safety has highlighted concerns related to the conflict between cyclists and left turning traffic
- Using cones will make it feel that the lane is being worked on and drivers might not expect cyclists to emerge at junctions
- Coning will require constant monitoring to ensure the safety of cyclists
- Will require significant temporary signing that currently is difficult to obtain due to the normal suppliers being shut
- It is likely cyclists will continue to use existing cycle lane

Cost in the region of £58,000 not including the continued monitoring of the coned areas or signing costs.

Due to the cost, safety concerns and limited benefit these options, it is proposed that this will not be pursued in the urgent response phase. Consideration can be given to the A259 as part of the Interim LCWIP Covid-19 response that is proposed.

<b>Subject:</b>	<b>Emergency Agreement to Supplier Relief for Home To School Transport Operators</b>		
<b>Date of Meeting:</b>	<b>14 May 2020</b>		
<b>Report of:</b>	<b>Interim Executive Director for Families, Children &amp; Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Deb Austin</b>	<b>Tel: 01273 291407</b>
	<b>Email:</b>	<b>deb.austin@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report provides a record of the use of officer urgency powers by the Interim Executive Director Families, Children and Learning in respect of supplier relief to Home to School Transport (HTST) providers.
- 1.2 The Council's Constitution contains provision, following consultation with the Chair of the relevant Committee, for the exercise of officer urgency powers where it is not reasonably practicable to obtain prior approval of a Committee or Subcommittee. In such cases, a record of the Officer Urgency Decision is made, including the detail of the consultation undertaken, and reported to the next available Committee.

**2. RECOMMENDATIONS:**

- 2.1 That the use of officer urgency powers by the Interim Executive Director Families Children and Learning in respect of supplier relief to Home to School Transport providers be noted.
- 2.2 That the provision of supplier relief as detailed in the in the report be agreed.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The COVID 19 pandemic has resulted in significant financial challenges for many of the council's HTST providers and there are vulnerabilities for the workforce of drivers and Vehicle Passenger Assistants. It is essential that providers are supported where necessary, so they can survive the impact of the crisis and resume the essential service they offer as soon as schools re-open.
- 3.2 Prior to any direction from the government, the council had already agreed to pay all HTST operators in full up to the end of March 2020 in recognition of the sudden loss of income from school closures. Operators who carried out runs over the Easter holidays have also been paid in full.

- 3.4 The Government's Policy Procurement Note of March 2020 states that public bodies should pay suppliers until the 30 June 'as normal' if they consider them to be 'at risk' over the current crisis, on the proviso that firms operate an 'open book' approach so public bodies can check that relief is genuinely needed and not being double-claimed.
- 3.5 The current crisis has resulted in significant financial challenges for many of the council's HTST providers, most of whom are heavily dependent on school runs for their financial viability. It is essential that firms are supported where necessary, so they can survive the impact of the crisis and resume the essential service they offer as soon as schools re-open.
- 3.6 The over-riding interest of the council in terms of HTST supplier relief is to ensure the sustainability of services for September 2020 and onwards, and it has been determined the following relief will need to be offered to HTST suppliers 'at risk':
- 3.7 Payment for:
- All journeys being undertaken currently
  - All fixed costs that cannot be reclaimed elsewhere
  - Full payment for the salaries of Vehicle Passenger Assistants, as they are considered a vulnerable workforce
  - Payment to 'top-up' the salaries of drivers and other staff on the furlough scheme or receiving self-employment pay (government schemes pay 80% of income up to a limit and the council would then pay the remaining 20% up to the same limit)
  - In addition, on a case by case basis, the council will consider any exceptional costs that may need to be incurred to ensure the sustainability of individual providers.
- 3.8 No payment will be made for the profit element of business, for costs not incurred (fuel etc) or for staff pay which can reasonably be reclaimed via government schemes (with the exception of VPAs as above). Any grants or other forms of relief obtained through government schemes will be subtracted from relief offered by the council.
- 3.9 All payments to transport providers will be made on a "open book" approach which will allow the council to inspect accounts to ensure firms are not double-claiming and that funds are being used to pay staff

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 In terms of undertaking an urgency decision, delay in confirming financial support for Home to School Transport providers would have created a risk that provision would not be in place when school re-open, either in the academic year 19/20 or from September for academic year 20/21
- 4.2 In terms of alternatives to the urgency decision made, a survey of a range of Local Authorities, who are either our geographical or statistical neighbours, was undertaken. This indicated a wide variety of responses to the payment of HTST providers.

4.3 The following options were considered and rejected:

- Pay in full for all contracts as normal irrespective of reduced journeys – that would have resulted in the council paying for costs that were not incurred (e.g. fuel and vehicle maintenance) and funding staff and other costs which could reasonably have been claimed via government schemes
- Pay only for the reduced number of journeys – current journeys are running at about 17% of normal and the financial consequences are likely to drive key firms out of business and would not guarantee the sustainability of services when schools re-open.
- Pay a retainer – we considered this option which has the benefit of simplicity – but the structure and business model of our home to school transport providers varies widely and a blanket retainer would inevitably had arbitrary ‘winners’ and ‘losers’ which would not secure the stability needed.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 Agreement of the Chair of Policy & Resources was obtained in advance of the decision being taken, as required by the constitution. The opposition spokespersons for the committee were consulted as required.

## **6. CONCLUSION**

6.1 The use of officer urgency powers has ensured that the Home to School Transport providers are appropriately supported during the COVID-19 crisis, thereby supporting the providers to be able to continue to provide transport for vulnerable children going forward.

## **7. FINANCIAL & OTHER IMPLICATIONS**

### **Financial Implications:**

7.1 The early forecast for 2020/21 originally estimated a full year spend on HTST of £3.6m resulting in a budget overspend of £1.2m. Supplier relief payments on the basis outlined within the report would see a reduction in the total expenditure on HTST. The value of the reduction is dependent on the length of time the current measures remain in place and decisions made on a case by case basis to support operators. Discussions are currently ongoing with operators and information is being gathered to support any offers made, so it is not possible at this stage to accurately quantify the final level of relief payments. Initial indicative estimates suggest that there could be a reduction in overall costs to the council of up to £0.475m. It should be noted that, in order to maintain a safe service further measures resulting in potentially significant additional costs may need to be considered when schools either partially or fully reopen.

Finance Officer Consulted: David Ellis

Date: 07/05/20

**Legal Implications:**

- 7.2 The legal implications are set out in the body of the report and in the record of the urgency decision.

Lawyer Consulted: Alice Rowlands Date: 11/05/20

**Equalities Implications:**

- 7.3 There are no direct equalities implications in this report. The supplier relief provided to HTST providers does not change eligibility for the service but does ensure essential service provision for vulnerable children with SEND going forward

**Sustainability Implications:**

- 7.4 There are no sustainability implications arising from this report.

**SUPPORTING DOCUMENTATION**

Appendices:

1. Record of Urgent Decision taken by the Interim Executive Director Families Children and Learning

Background Documents

None

This record relates to urgent decisions taken by Chief Officers under the Scheme of Delegation to Officers Paragraph 7(2).

**RECORD OF URGENT DECISION**

**TAKEN BY** Deb Austin, Interim Executive Director, Families, Children and Learning

**SUBJECT:** Home to School Transport (HTST) Supplier Relief over School Closure Period

**CONTACT OFFICER:** **Regan Delf, Interim Lead for HTST, 07867 545450**

**REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO HOLD A SPECIAL MEETING OR URGENCY SUB-COMMITTEE:**

The Home to school Transport service is subject to close scrutiny following the issues of September 2019 and it is right and proper that decisions going forward are subject to proper scrutiny and monitoring, hence the reason not to use the scheme of delegation to officers' process.

The need to determine specific arrangements for supplier relief in HTST is now extremely urgent. Given the urgency it is not practicable to hold a special meeting or urgency sub-committee. It is now four weeks since the government's PPN suggested payment of suppliers 'as normal' to the end of June 2020 and over three weeks since the council responded with local guidance for suppliers over this crisis period (<https://www.brighton-hove.gov.uk/content/council-and-democracy/contracts-and-tenders-council>).

It has been always been recognised that there are specific fragilities for Home to School Transport suppliers and their staff, which necessitate a bespoke approach to decisions about relief on a case by case basis in addition to generic guidance above, but there have been delays while we consulted other Local Authorities and considered various financial models.

The HTST service has been under intense scrutiny for many months now, following a very difficult introduction of new contracting arrangements from September 19, which left families with disrupted and unsatisfactory arrangements and some children not being able to access school at all for several weeks. In that context, assurance has been given to the community that September 2020 will not be a repeat of last year, but that assurance will be under threat if the financial security of firms and their workforce is not secured quickly.

**DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF RELEVANT COMMITTEE AND OPPOSITION SPOKES:**

This Officer decision has been discussed in full with Chair of the CYPS Committee who

is in agreement with the proposal.

**DATE OF CONSULTATION WITH CHAIR/DEPUTY CHAIR AND OPPOSITION SPOKES:**

23.04.20

**THE DECISION** To note the use of officer urgency powers by the Acting Executive Director, Families, Children and Learning to provide supplier relief to operators as set out below.

**REASONS FOR DECISION:**

The current crisis has resulted in significant financial challenges for many of the council's HTST providers, most of whom are heavily dependent on school runs for their financial viability. It is essential that firms are supported where necessary, so they can survive the impact of the crisis and resume the essential service they offer as soon as schools re-open.

As this decision has been subject to delay, there is need to resolve increasing uncertainty and anxiety amongst operators, and to prevent key staff leaving firms, either through redundancy or to via employment in other driving jobs or as key workers. This is a threat to the continuity of an essential statutory service when schools re-open, as recruitment of Vehicle Passenger Assistants, in particular, is extremely challenging. Challenges remain post-recruitment also in terms of lead-in time, as all transport staff have to have an enhanced DBS, which can take 6-8 weeks or more to obtain, and also to have training in managing special needs and disabilities. Recruitment issues and the long lead-in time post-recruitment could compromise arrangements for September.

The over-riding interest of the council in terms of supplier relief is to ensure the sustainability of services for September and onwards, and it has been determined the following relief will need to be offered to HTST suppliers 'at risk':

Payment for:

- All journeys being undertaken currently
- All fixed costs that cannot be reclaimed elsewhere
- Full payment for the salaries of Vehicle Passenger Assistants, as they are considered a vulnerable workforce (see below)
- Payment to 'top-up' the salaries of drivers and other staff on the furlough scheme or receiving self-employment pay (government schemes pay 80% of income up to a limit and the council would then pay the remaining 20% up to the same limit)
- In addition, on a case by case basis, the council will consider any exceptional costs that may need to be incurred to ensure the sustainability of individual providers.

No payment will be made for the profit element of business, for costs not incurred (fuel etc) or for staff pay which can reasonably be reclaimed via government schemes (with the exception of VPAs as above). Any grants or other forms of relief obtained through

government schemes will be subtracted from relief offered by the council.

**Vehicle Passenger Assistants (VPAs)**

The council is proposing to support salaries of this group of staff in full without requiring firms to furlough, or require them to access the government's self-employment scheme. This is because their work is so critical to the operation of the HTST service and because the more casual and part-time nature of their work may make it more difficult for them to access government schemes to support workers. VPAs are known to be a difficult workforce to recruit. They are mostly self-employed, with operators recruiting them to work for around 2 hours only per day, before and after school, usually on low wages. The hours are not attractive to many, and consequently, this work tends to be fitted around other jobs or to be taken by workers of retirement age. We have some information that several VPAs have left already to take on key worker posts over this period. Additionally, VPAs must have an enhanced DBS and these can take several weeks to come through. It is essential for the sustainability of the service that the VPA workforce is protected and the enough time is allowed for workers to be recruited, checked, trained and introduced to families before school starts in September 20.

**Capacity to undertake an 'open book' approach**

All the above will be in the context of the 'open book' approach suggested in the government's PPN, which will allow the council to inspect accounts to ensure firms are not double-claiming and that funds are being used to pay staff. Discussions with firms will be thorough and detailed, so the council can be assured of robustness of proceedings and the protection of unnecessary spend of public funds.

In terms of staff capacity and skills to assess the needs of our eight HTST suppliers on an 'open book' basis, it has been agreed that Senior officers, including the Assistant Director, Education and Skills, will work alongside colleagues in Finance and Procurement, as needed, to ensure proper and thorough scrutiny of financial information. Internal Audit have also agreed to support officers in instigating the right controls to ensure that public funds are used only for intended purposes.

**DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:**

Officers understood a survey of a range of LAs, who are either our geographical or statistical neighbours. This indicated a wide variety of responses to the payment of HTST suppliers, from councils paying only for journeys undertaken to others paying in full, but the majority have reached agreement somewhere in between those two, with encouragement to firms to claim from government schemes in the first instance and for councils to provide varying degrees of back-up to that. Some councils are paying a blanket 'retainer' across all suppliers, ranging from 15% - 85% of the usual budget.

The following options were considered and rejected:

- Pay in full for all contracts as normal irrespective of reduced journeys – that would have resulted in the council paying for costs that were not incurred (eg fuel and vehicle maintenance) and funding staff and other costs which could reasonably have been claimed via government schemes – this option would not result in us fulfilling our duty to manage public funds efficiently and would be unaffordable when the council's own revenue loss is in the region of £8M, while covid-19 related costs are running at an extra £3M a month

- Pay only for the reduced number of journeys – current journeys are running at about 17% of normal and the financial consequences are likely to drive key firms out of business – this would not guarantee the sustainability of services when schools re-open.
- Pay a retainer – we considered this option which has the benefit of simplicity – but the structure and business model of our home to school transport providers varies widely and a blanket retainer would inevitably had arbitrary ‘winners’ and ‘losers’ which would not secure the stability needed. We have therefore elected on the principles above, to hold case by case meetings on an ‘open book’ approach to ensure the fairest and most efficacious response.

**LEGAL IMPLICATIONS:**

Contract variations have been drafted to cover the above over this period. These will require the signing of contracts, which so far, two firms have refused to do. Relief will only be paid on return of signed contracts and signed contract variations.

Lawyer Consulted: Alice Rowland 24/4/20

**FINANCIAL IMPLICATIONS:**

The service budget for 20/21 is £2.400m but a projected overspend of £1.200m has been factored into the budget for this year. With significant caveats around the reliability of estimates here, Finance have calculated that supplier relief on the basis above would result in a full year cost of somewhere in the region of £3,138,694, which would result in an overspend of £725,094 rather than the projected £1.200m.

Following comparisons with other statistical neighbours, officers have advised that the base budget needs to increase to accommodate current pressures and I think there is an in principle agreement to look at this in terms of forward budget planning.

Finance Office Consulted: David Ellis      Date: 24.04.20

**DATE OF NEXT COMMITTEE MEETING TO WHICH THE DECISION WILL BE REPORTED:**

CYPS Committee 15.06.20

P&R Committee June 2020

<b>Date: 24.04.20</b>	
<b>Signed:</b>	
<b>Interim Executive Director Families Children &amp; Learning</b>	
Logged by Democratic Services Officer for Annual Report:	
Name:	Date:

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<b>Subject:</b>	<b>Homeless &amp; Rough Sleeper accommodation next steps</b>		
<b>Date of Meeting:</b>	<b>14<sup>th</sup> May 2020</b>		
<b>Report of:</b>	<b>Executive Director Housing, Neighbourhoods &amp; Communities &amp; Executive Director Health &amp; Adult Social Care</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sylvia Peckham</b>	<b>Tel: 01273 293318</b>
	<b>Email:</b>	<b>Sylvia.peckham@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason.

The next stage of accommodation arrangements needs to be agreed urgently in order to secure the accommodation in time to prevent homelessness and rough sleeping.

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report sets out the risks and opportunities of accommodation for rough sleepers under the current Covid 19 restrictions and the need to ensure that those who are homeless are in safe accommodation. The current hotels that were quickly acquired in the emergency are subject to short notice and there are risks they will return to commercial business when restrictions lift. Government announcements on 10<sup>th</sup> May indicate that some hospitality business could resume from the beginning of July .
- 1.2 There is an option of acquiring university halls of residents to be available from 18 May 2020 to 4 September 2020 as our next step in relation to transition from our current emergency response to provision of accommodation for homeless and rough sleepers under Covid-19 Urgency Powers. This will lead into the work we are commencing under the Housing & Homelessness Recovery Programme Sub-Group and plans that will need to be in place to tackle homelessness and rough sleeping in the city.

### **2. RECOMMENDATIONS:**

- 2.1 That Policy & Resources agree the next steps and moving to the next phase of accommodation so that people are not at risk of returning to the street when restrictions are lifted.
- 2.2 That Policy and Resources agree to enter into contract [Licence to Occupy] with the University of Brighton for 222 units of student accommodation as move on from initial accommodation acquired under Covid-19 Urgency Powers.

### 3. CONTEXT/ BACKGROUND INFORMATION

3.1 Homeless people are at increased risk of morbidity and mortality from Covid-19 for a number of reasons, including prevalence of long term health conditions and living environments that reduce the ability to socially distance or self-isolate.

3.2 In response to this, the Minister for Homelessness wrote to local authorities requiring action to protect health and stop wider transmission, particularly for rough sleepers and those living in settings where it is difficult to socially distance or self-isolate. The Government required housing, social care, public health and NHS partners to work together to deliver action including:

- a) stop homeless people from congregating in facilities and encampments where there is a higher risk of transmission
- b) urgently procuring accommodation for people on the streets
- c) triage people into a Care and Protect model informed by NHS England and Public Health England guidance, including separate accommodation for those with symptoms of COVID19; those with pre-existing conditions but without symptoms; and lower risk without the above.
  - Ensure food, clinical and other support is provided.
  - Provision of leadership for the Care and Protect Model was identified as a priority for the NHS.

3.3 At the start of the crisis and in response of tight government directives to provide accommodation for all rough sleepers, a variety of hotel accommodation was procured.

3.4 Initially, Housing made available some self-contained emergency accommodation and procured 5 guest houses across the city to provide for rough sleepers. These were quickly filled by referrals of single homeless people who would not normally be owed a statutory housing duty and verified rough sleepers from St Mungos, Antifreeze and BHT. H&ASC Commissioning in partnership with Public Health adopted the Care and Protect model for rough sleepers. This meant people would be medically triaged and cohorted into accommodation for separate cohorts depending on their medical need and their risk of harm from Covid 19as follows:

3.4.1 work was split into:

- Verified rough sleepers including those who were in the congregate accommodation (No Second Night Out Hub and the 365 Nightshelter) which was closing and those in supported accommodation with shared facilities who needed to isolate. Projections were 350 to 400 units of accommodation were needed. These people are medically triaged according to whether they are symptomatic; not symptomatic but high health risk, low health risk; or have complex needs. They are placed into one of the units of accommodation accordingly.

- People becoming homeless and at risk of rough sleeping because there is no statutory accommodation duty, people who were accommodated at Somewhere Safe to Stay the congregate No First Night Out Service. Following medical triage to ensure that people are not symptomatic these people are referred to Housing Options and are placed into other hotels that were acquired under Covid 19. These are not subject to the protect model.
- 3.5 Working in partnership, St Mungos and Arch Healthcare have delivered a model that has enabled control of infection and support of rough sleepers who were identified as a particularly vulnerable group should they be infected with Covid 19 and ensured that all rough sleepers had an appropriate offer of accommodation in a relatively short period, which was a challenging piece of work.
- 3.6 The accommodation that was procured to enable this model was commercial hotels that would otherwise have to close under Covid 19 restrictions. Most accommodation has ensuite facilities but no access to cooking facilities. The accommodation was procured for 12 weeks with either party being able to give short notice to terminate. This notice period gave the hotels some comfort as they were unused to the client group and apprehensive.
- 3.7 In addition to the accommodation costs there were additional support costs including on-site 24/7 security, cleaning at a level for infection control and laundry provision for bedding and personal clothing. Food was also provided as the hotels do not provide cooking facilities.

#### **4. RISKS**

- 4.1 The hotels were procured for 12 weeks commencing at the beginning of April meaning current contracts will expire early July. While we may be able to negotiate extending contracts while lock down remains, there is a risk that when the Government starts to relax restrictions on lock down, the hotels will want to resume commercial business. Some of the hotels have already indicated an interest in returning to their usual business during the summer. The Government announced on 10<sup>th</sup> May that some aspects of the hospitality industry could commence from 1<sup>st</sup> July 2020.
- 4.2 Under current contracts all the hotels can issue short notice and we would have to decant all occupiers and make good any dilapidations. It is unlikely we will have move on provision in place in sufficient quantity to enable that or to have time to mobilise plans in such a short space of time.

#### **5. MITIGATION**

- 5.1 We are exploring the option of the core hotels in the Care & Protect model extending contracts until the autumn irrespective of whether lock down is relaxed. To this end we have already started soft conversations with the hotels in the care & protect model to see which arrangements could be extended. At least one of the hotels which provide a significant number of rooms have stated that they want to return to commercial activity.

- 5.2 We had already commenced discussions with the two local universities about making use of student accommodation. In April this accommodation was not available as there were still a number of students in residence.

It is now possible to procure University of Brighton student accommodation (222 units). This is in several blocks within central areas of the city. The rooms are basic and have shared cooking facilities but ensuite bathrooms the same as the hotels. Bedding and laundry will be provided along with free Wi-Fi. The university have confirmed they would be available from mid-May until the beginning of September when we would have to decant so they can prepare for incoming students at the end of that month (assuming lock down is over). The cost compares favourably with the hotels. This would enable us to mitigate the risk of hotels giving short notice in order to resume commercial use. The university halls provides for not less than one month's notice and only then where either party believes that there has been an operational breakdown at or in connection with the property.

- 5.3 We propose seeking to retain our current core Care & Protect accommodation provision for both symptomatic & non-symptomatic high-risk clients.
- 5.4 It is proposed that only the low health risk and low support need clients from the Care and Protect hotel accommodation and those with low/no support needs who have been accommodated through Housing Options, (that is not verified rough sleepers but those becoming homeless where there is no accommodation duty) transfer to University student accommodation.
- 5.5 We would not propose to fully occupy all rooms with clients, allowing some rooms to be used by staff and support workers for purposes of safe operation of site management, support and clinical purposes
- 5.6 The model may allow for additional savings to be made in the medium term as accommodation use is rationalised to make best use whilst retaining the care & protect model.
- 5.7 It is essential that the operating model for the university accommodation is at an appropriate level and this would need to include on site security 24/7; an on-site manager from 9-5 in addition to support for clients. Security and cleaning that is being provided at current hotels could be transferred.
- 5.8 People who have smart phones or other Wi-Fi enabled devices will be able to access Wi-Fi free and so could access TV or other on-line entertainment. Community support was previously co-ordinated to provide goods for entertainment during lockdown to try and keep people in their accommodation and these would move with people into the student University accommodation. If additional items were required we can liaise with community led support groups. In addition food has been arranged for all people in the hotels and this could be transferred to university accommodation. Security will be on site to facilitate social distancing where possible.

## **6 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 6.1 Other accommodation has been considered, including accommodation on the outskirts of the city for foreign students, but no accommodation has been identified that is both in sufficient numbers and in a central enough location in order that support for all clients can be effectively provided.
- 6.2 Other hotels have been mothballed for the duration of the lockdown and have not expressed an interest in working with the Council to provide accommodation for people who are homeless.
- 6.3 The ending of furloughing provision after lockdown is relaxed is unknown at this time. It is reasonable to assume businesses will need to re-start generating income to cover staff costs. In the event that the tourist trade doesn't materialise in sufficient numbers post lock down, there may be potential for hotels to continue to work with us. However there is a high level of uncertainty about this at present.

## **7. LONGER TERM EXIT STRATEGY**

- 7.1 There is a need to develop an overall longer-term exit strategy in preparation for when restrictions are lifted and MHCLG may cease funding additional accommodation and associated support costs for all rough sleepers. There is agreement to explore how to avoid returning people to rough sleep and how to work with people now they are accommodated to have a longer-term option.
- 7.2 This will require a project management approach to co-ordinate all the various pathways and accommodation streams, including mapping out the impacts and what existing accommodation can be released for this client group.
- 7.3 Housing Options are working closely with St Mungo's to develop Personal Housing Plans for each individual accommodated so there is a pathway.
- 7.4 In addition, Housing Needs are also working on plans for all those households we do have accommodation duties towards and to prepare for when restrictions are lifted. For example, we may get a surge in evictions from private rented accommodation as the 3 month pause comes to an end. In addition we are anticipating an increase in family/friend evictions and potentially an increase in people fleeing Domestic Violence and Abuse.
- 7.5 There are currently around 200 people accommodated in the care & protect model and a further 100 who we do not have an accommodation duty to in other hotels and emergency accommodation. Prior to lock down we were aware that (where we knew the local connection) around 50% of rough sleepers had no local connection to the city. Therefore, a proportion of people currently accommodated are likely to have no local connection and there will need to be work to support them back to those areas where they do have a connection once the lockdown period has been lifted.
- 7.6 Through the agreed joint Housing workplan there is a commitment to providing accommodation using the Housing First model for those with support needs

including those who are extremely clinically vulnerable and cannot be accommodated in buildings with shared facilities.

- 7.7 We are exploring the use of HMOs and what support would be needed for tenants and landlords. This would be for people with lower or no support needs who could maintain a tenancy with either floating or no support. Opportunities exist resulting from changes to the student accommodation area of the market, to acquire HMOs for lower support need clients and to enhance the community-based support that has been developed in the City. There would need to be additional funding to support an expanded floating support model.

## **8 COMMUNITY ENGAGEMENT & CONSULTATION**

- 8.1 This is a joint report from Housing and ASC Commissioning in conjunction with Public health. Given that an urgency decision is required there has not been sufficient time for wider consultation.

## **9 CONCLUSION**

- 9.1 There are risks with current provision if restrictions are relaxed and the hotels currently being used move back to commercial provision.
- 9.2 To offset the risk of rough sleepers being returned to the street in such an eventuality there is the option to obtain student accommodation which would be available until September. This would allow a degree of certainty while planning for move on pathways is established.
- 9.3 We can retain core hotels for symptomatic clients and those at high risk if the contract the virus and those with complex needs. This would allow a mix of options and spread the risk.
- 9.4 At the time that hotel accommodation was procured there were only estimates for the total number of people who might require accommodation. Subsequently the numbers have been less than anticipated and some of the current provision is currently under-utilised. As part of this approach we can look to make better use of the accommodation provided.

## **10. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 10.1 The cost of housing up to 400 rough sleepers and those in congregate accommodation is estimated to be £2.4m for the three months to end of June 2020. This includes the costs of accommodation, security, support, cleaning, food and laundry. This equates to £184,600 per week. Currently the council is paying 12 hotels and guest houses for en-suite rooms. Hotels are being paid on average £32 per night.
- 10.2 If the council were to continue using the current hotels up to early September, without using any University accommodation, this would cost an estimated £4.183m.

- 10.3 This report is examining the possibility of moving up to 222 clients into University accommodation in order to reduce the risk of needing to move these clients at short notice by the hotels. This accommodation is less expensive than the average hotel. However, moving clients will require an overlap of both hotel and university accommodation.
- 10.4 The report proposes that in addition to the 222 units of accommodation within the student halls, up to a maximum of 141 units are retained across the current hotel accommodation. For a short period of time the council would need to pay for both hotel accommodation and student accommodation while a smooth transfer for some clients takes place. The estimated total costs of all the accommodation, together with the transfer period is £3.901m up to early September. However, opportunities to both reduce overall hotel accommodation and further negotiate a reduced rate will be explored.
- 10.5 There is still some uncertainty over government funding for housing all homeless and rough sleepers in this way. The Government has written to say the Council can claim up to £0.066m towards the costs of housing rough sleepers. This is clearly insufficient. The Government has also given the Council £8.157m for COVID-19 emergency response funding and further funding estimated at £8m is promised. However, this is required to fund the whole council's response to this crisis and is currently estimated to be inadequate. (COVID-19 Financial Position Statement report to P&R on 30<sup>th</sup> April) On the 03.05.2020 central government announced additional funding of £76m across all local authorities to meet the needs of people fleeing domestic violence, children in need and rough sleepers. Brighton & Hove council's share of this funding is not yet confirmed. On 04.05.2020 Robert Jenrick, Minister for Housing, publicly confirmed that local authorities would have the full cost of all actions that were taken in direct response to a central government directive during the Covid 19 pandemic reimbursed. Again, this funding is still not certain.
- 10.6 The report also discusses the longer term strategy for housing and moving on this group. At the moment there is no funding for this longer term and the council was already under pressure to reduce the costs of homelessness to within budget. So housing rough sleepers after this crisis longer term would be contingent on new funds being made available.

*Finance Officer Consulted: Monica Brooks*

*Date: 11/05/20*

Legal Implications:

- 10.7 The existing emergency accommodation in response to the Government's directive to relocate all rough sleepers from the city's streets was acquired using officers' urgency powers.
- 10.8 The proposals are in line with the Council's powers and obligations under the Civil Contingencies Act (the Act) and current government direction/guidance to secure accommodation for street homeless persons and other vulnerable adults as outlined above.
- 10.9 The licences/contracts that the Council has already entered into with a number of hotels/hostels were temporary in nature and a number of them can be terminated

on 7 days' notice, meaning they are not a secure arrangement. The accommodation to be provided by Brighton University would be for a fixed term until 4<sup>th</sup> September 2020 and, although there is the ability for the licence agreement with the university to be terminated, it provides a more secure arrangement for the Council to meet its obligations

*Lawyer Consulted:*

*Elizabeth Culbert*

*Date:*

*05/05/20*

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