

Brighton & Hove City Council

Policy & Resources Committee

4.00pm 1 December 2022

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Mac Cafferty (Chair) Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Allbrooke, Evans, McNair, Yates, Hugh-Jones, Nemeth and Osborne

Also present: Dr Anusree Biswas Sasidharan, Standing Invitee

Part One

69 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

- 1.1 Councillor Osborne was present in substitution for Councillor Gibson
Councillor Hugh-Jones was present in substitution for Councillor Druitt
Councillor Nemeth was present in substitution for Councillor Bell

(b) Declarations of Interest

- 1.2 Councillor Osborne declared he was a member of the South Downs National Parks Authority .

(c) Exclusion of Press and Public

- 1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.
- 1.4 **RESOLVED:** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

70 MINUTES

- 70.1 The Minutes of the meeting held on 6 December 2022 were agreed as a correct record.

71 CHAIR'S COMMUNICATIONS**71.1 The Chair gave the following communication:**

Hindsight is a wonderful thing but could any of us have anticipated the impact of the Russian invasion, foresee inflation rising to over 10% and energy costs more than doubling, or predict a truly bewildering mini-budget that has destabilised the economy and increased interest rates, all culminating in a cost of living crisis and a major impact on business survival.

This is, however, where we now find ourselves and I note from the Draft Budget report before us that the cumulative effect of this is expected to increase the council's costs next year by a staggering £39 million. While the government's Autumn Statement announced some additional resources and deferred social care reforms, this is not nearly enough, leaving us £19 million short, and I note that, yet again, it pushes an increasing burden on local taxpayers in order to sustain critical services.

It is a small relief to see that business rates are being frozen but we wait to see if government will fully compensate local authorities for this decision. I am also relieved to see the Household Support Fund extended to next year, without which the council would not be able to continue to support our food partnership or help households in hardship, leaving them facing an even greater cliff edge.

We will see where we get to in February in addressing our budget shortfall but I am under no illusion that this is going to be one of the most challenging budget rounds we have seen in this council. And sadly we are not alone. 60% of councils are facing bankruptcy within the next two years. Local government grants were cut 37% in real terms from 2010 to 2020¹. Our residents are facing an onslaught of crises that we have not previously encountered on this level, and in this combination, at any time. Inflation at a 41-year high; domestic gas and electricity prices increasing by 129% and 66% respectively, in the last year.

At this week's Parliamentary meeting of the Local Government Association- the organisation representing councils- government ministers tried to assure council leaders how councils had been given adequate funding to secure their future. This rings hollow for councils from Kent to Hampshire which are warning they will go under in the next year unless they receive adequate funding. The government is not only aware of this threat they are actively planning for it and in a deeply cynical move the same ministers instead of providing funding have instead been advertising for commissioners to run councils when they anticipate more will go bankrupt because of their cuts. If more councils do indeed go bankrupt they will join Liverpool and Croydon which has now had three bankruptcy notices served by government.

Local councils are the safety net for so many including children in care, vulnerable adults or the homeless, yet the government does little to show that it values this work. Sarah McClinton, president of the Association of Directors of Adult Social Services, writes: "The shocking situation is that we have more people requesting help from councils, more older and disabled with complex needs, yet social care capacity has reduced." Last month the Care Quality Commission warned of a "tsunami of unmet care" and said England's health and social care system was "gridlocked."

While the Conservative-controlled County Councils Network wrote that the recent cuts would “further diminish services to a ‘core offer’ of bare minimum statutory service levels, removing most, if not all, preventative services”, which would be disastrous as well as economically unsound, costing the country a lot more overall.

This has led a number of us to believe that local government is being pushed over a cliff edge. The cost-of-living crisis and the rise in inflation have many causes. But the devastating effects on many people in this country are a result of political choices.

It makes no financial sense to cut local government funding to the point where councils can no longer deliver even basic services. This is no way to run a country, but it seems to be the Tory way.

Locally the impact of twelve years of Conservative Government has been disastrous. Brighton & Hove City Council has had to make £200m worth of savings in that time. This week we introduced our draft budget for 23/24 outlining the cuts that we will be forced to make as a result of chronic underfunding. Like local councils across the country, we face a string of challenges, increased demand for our services, record high inflation and cuts to our budget.

For all of these reasons, we recognise this is a difficult time for the entire city so I completely understand people being distraught, angry or upset. I share your anger about government cuts. The draft budget in front of us will require us to make a number of really horrible decisions.

Please note today councillors are only noting the budget position. However, no decision is being taken on the nursery at this time. The final decision is made at Budget Council in February. This will afford an opportunity for a longer discussion and consultation with the city, affected service users and staff.

We will continue to protect the most marginalised and as leader of the council I am very proud to be working with the council trade unions, UNISON, NEU and GMB and the Labour Group of Councillors to oppose more government cuts on the city, and to [#GIVEITBACK](#). Look for the campaign on Facebook where we’ve set up a petition and open letter.

Also on the agenda today is an update on the development brief for Blackrock. This report outlines some welcome progress and looks to allocate a budget to procure professional support for the production of the brief. Blackrock is an exciting project at the heart of our eastern seafront development.

It will build on the plans already underway expressed through the Eastern Seafront Masterplan, including the Sea Lanes, the newly approved plans for Madeira Terraces, our accessible board walk and development of the reading room. The report also outlines that while we go through this process, we will ensure that the area can be used for other uses- adding to our outdoor space and visitor experience which is synonymous with Brighton & Hove.

I am so pleased to see the Fair and Inclusive Action plan in front of us today. Through our fairer Brighton strategy, we are taking action to make our city a fairer and more sustainable place. But the work has to start within the council organisation. Addressing the disproportionate outcomes for diverse staff groups and communities across the council is essential if we are to create a more inclusive, productive and welcoming organisation. The report outlines that we still have important steps to make to close the gap and as leader of the council I am committed to driving forward this work.

I am delighted that, after two challenging years of hard work and widespread consultation, we have our city downland estate plan in front of us today. It's encouraging that so many people and organisations from all over the city have played a part in creating the plan. The plan includes opening up more land to the public and creating new amenities, meaning it will be easier for the public to visit and enjoy the estate. Essentially this plan includes short, medium and long-term actions with a focus on implementation over the next 10 years with a aim of reversing the loss of biodiversity and working towards and beyond carbon net zero.

Finally, today is worlds Aids day. For the first time the Red Ribbon flag is flying from council buildings. This is important because we still need to do much to reduce stigma around HIV. Treatment for HIV is now so effective that that once diagnosed and on treatment it is impossible to pass on the virus. Our city is the host to some of the best HIV support, treatment and prevention services in the country thanks to so many community organisations.

72 CALL OVER

72.1 All items on the agenda were reserved for discussion with the exception of the following items where the recommendations were agreed without discussion:

Item 80 - Annual Waiver Report 2021/22

Item 89 – Charles Kingston Gardens Lease Acquisition

Item 91 – Coroners Service

73 PUBLIC INVOLVEMENT

73.1 There were no Petitions or Deputations, but one Question.

73.2 Mr D Harris asked the following question:

In July I asked "Following allegations of poor management in recent reviews left on the HR Website glassdoor, can you please provide the workforce equality data for managers within Housing in order to understand the full equality dynamics within the department?" Since then and only after chasing 3 times, I was provided with a response 3 months later, this included the entire directorate, which was not what I was asked. Why are officers obstructing my research into housing department equality by providing wrong information?

The Chair provided the following response:

Thank you for your question. As you know, our Director of HR and Organisational Development has been helping you with these queries and the information she sent you

on 2nd November set out our quarterly equality data that shows our workforce profile for Housing, Neighbourhoods and Communities at Management level. This data for representation at different grade levels is not broken down to service level as in some areas the numbers would be below the level that it would be appropriate to report on. The information we have has been shared with you and shows representation at management grades for the council and for the Housing, Neighbourhoods and Communities Directorate.

Mr Harris asked the following supplementary question?

I've also been trying to get some freedom of information on Kendal Court, Again I am facing obstruction, since July I've still not gotten the information on homeless deaths and other queries, especially in light of the building re-opening of late, can the administration please prompt the relevant department to adhere to the corporate plan and provide the FOI data. after all, Transparency is a key corporate value, or I will take it to the ICO. Whilst on the subject of transparency who is now running the Kendal court premises?

The Chair provided the following response:

Your supplementary question needs to be related to the original question and this is a different matter. However, I do understand that you have received responses to your Freedom of Information Act requests, including your request for an internal review. If you remain unhappy with the Council's management of Freedom of Information Requests, this is a matter for the Information Commissioner's Office. I do not have any information about the current ownership/management of Kendal Court.

74 ITEMS REFERRED FROM COUNCIL

74.1 No items were referred from Full Council held on 20 October 2022

75 MEMBER INVOLVEMENT

75(a) Petitions

75.1 There were no petitions

75(b) Written Questions

75.2 Four Written Questions were submitted.

75.3 Cllr Fishleigh submitted a question but was unable to attend the meeting. It was agreed that the following response would be provided:

Question:

Residents would prefer money to be spent on a water fountain in the playground rather than bike racks in Saltdean Oval Park as we already have plenty of railings to lock our bikes to. How much money has been set-aside for these bike racks and what is the process for re-allocating these funds to a water fountain?

Chair's response:

City Parks has sought to add cycle stands to open spaces across the city, as the current provision is very low or in some cases non-existent. Transport produced 27

per cent of the UK's total emissions in 2019, so encouraging people to use a sustainable and green transport system is essential if we are to hit our climate targets. I am proud of our ambition to improve cycling infrastructure in our city. Cycling offers an enjoyable, sustainable, free and accessible option for people to travel.

The funding for the bike racks has come from a successful competitive bid to the Carbon Neutral Fund and is as such not directly transferable to other initiatives.

I am pleased that residents in Saltdean are as enthusiastic about water fountains as I am. I have been pressing for new water fountains in Brighton & Hove since my time in opposition and was pleased to roll out 6 as leader of the council, funded through a successful bid to the carbon neutral fund.

Due to Health and Safety requirements the cost of maintenance of water fountains runs into the thousands each year which is something the council needs time to plan for and accommodate. I would like to see more water fountains throughout the city, reducing plastic waste and helping to hydrate our city and so I will push to see if there is more that we can do. This could be part of a future bid to the council's Carbon Neutral fund.

75.4 Cllr McNair asked the following question:

It has recently been reported that Brighton and Hove is the 5th most expensive City for parking in the UK. Recent Council policies have dramatically increased all sorts of parking fees in the city, with some of the biggest parking charge increases in the city's history having come into effect in May. At this year's budget, the Council hit residents with a 'double whammy' increase to their residential parking permits; increasing fees not just once, but twice - and well beyond that which was recommended by officers. First the Greens introduced steep increases to parking permits at the Draft Budget stage. Then Labour proposed further increases to this on Budget night, which the Greens agreed to and voted for. Residents are furious about the excessive nature of these increases: Increasing parking permit charges once was bad enough (particularly given the poor service in the Council's parking permit department), but this double increase has no doubt make it harder for families to go about their day to day life, increasing their cost of living. One resident, Jonny Whiting, has set up an action group and spoken out on Radio Sussex about this. These double increases have backfired on the Council's own financial position, with the recent targeted budget management report showing that demand for parking has fallen substantially as a result of the higher fees and that the council now faces a £1.477 million shortfall in parking revenue it had expected to receive this year.

These shortfalls include:

- £0.605m shortfall for parking tariff increases and;
- £0.872m shortfall for resident parking permits, where demand has substantially reduced.

Does the Leader of the Council accept that he has gone too far with excessive increases to parking charges in the city, to the point where we now see a £1.477m black hole in the council's finances as a result?

The Chair provided the following response:

Parking tariffs are set at levels designed to meet a range of policy objectives including contributing to managing traffic and congestion, contributing to road safety improvements and highway maintenance, encouraging residents to consider other forms of transport for both health and well-being and carbon reduction objectives, and ensuring that roads and streets remain safe and accessible through enforcement and fines.

While parking revenues are undoubtedly an important source of income, those received from on-street revenues and penalty charges are ringfenced transport related expenditure under the Road Traffic Regulation Act 1984. In this council, revenues are used to fund very substantial spend on Concessionary Fares, Supported Bus routes, financing related capital investment on transport projects and engineering, and contributing to traffic management costs and transport network improvements.

You will be aware that government funding has reduced by over £100 million in real terms since 2009 and this has placed increasing financial pressure on local authorities to be able to sustain investment in these services. While penalty charge notices are set by government, increasing parking on-street and off-street charges has become a necessity to be able to continue to support many services.

While the current weakened state of the economy is potentially having some impact on parking incomes, it is worth noting that the income target increased by £3.4 million in the current financial year. While we are not currently meeting this target, revenues have still increased by around £1.5 million this year which is critically important for the council's overall financial position. Economic conditions have weakened considerably since this target was set and this is a cause for concern and the council will need to monitor this situation to understand if this is likely to have longer term impacts on its medium-term financial strategy.

Cllr McNair asked the following supplementary question:

Will the Leader of the Council help ordinary residents deal with the cost-of-living crisis by looking to cut parking charges?

The Chair provided the following response:

It would be premature for me to discuss that at this stage as the fees and charges come through the service committees in January, and then to this committee after the budget is agreed in February.

75.5 Cllr Nemeth asked the following question:

The Council has significantly increased the cost of Traders permits in the City. A traders permit now cost approximately £800 per year for a standard permit, compared to under £400 before the Green-Labour councils started 11 years ago. The Council is now targeting traders with older vehicles and charging them up to £1400. This compares unfavourably to other local authorities. In Bristol for example, a traders permit costs £224 per year and there is no targeting of older vehicles. In addition to cost, traders in Brighton & Hove have been hit by other inconveniences to doing business in the city in recent years, such as new road restrictions and bus gate

finer. The high permit charges are impacting traders cost of living and ability to do business. Some traders have had enough and are now moving out of the city, which is showing up in the census figures.

Does the Leader of the Council accept that the Council has gone too far and can he explain why a standard traders permit in Brighton and Hove costs £576 more than in Bristol?

The Chair provided the following response:

The traders' permits in Bristol are valid in all of the residents' parking scheme outer residential areas but not in the Central Parking Zone. This is different to the traders permits in Brighton which allows parking across any Controlled Parking Zone in the city including the high demand areas in central Brighton, Brunswick & Adelaide, Central Hove and around the RSCH. This represents very good value for parking in the city to support all the important work traders undertake across the City as it costs just under £2.20 a day when broken down while paid on-street parking can cost over £20 a day in some areas. Traders Permits vary nationally in terms of duration and terms & conditions but in Brighton & Hove the Council has tried to allow flexibility for businesses to support their work by offering different durations from one day to annual. Brighton & Hove traders prices compare favourably with other large cities in the UK and with London Authorities. For example daily traders permits in some areas of Westminster exceed £50 a day and over £40 a day in Camden.

Cllr Nemeth asked the following supplementary question:

What message would you give to the traders on lower incomes who can't keep up with the charges and who are now having to leave the city?

The Chair provided the following response:

There is no evidence of that. I would ask traders to contact me if they are having difficulties and I will see what support can be given.

75.6

Cllr Nemeth asked the following question:

Under the Labour/Green Council there has been an increase of council bureaucracy since 2019, with an explosion of bureaucratic bodies, boards and working groups. Between 2003 and 2019 there were typically just a few working groups, boards and task and finish groups operating that were focused on completing specific jobs. There were generally never more than 5 or 6. Most of these groups are hidden or obscure to the public, do not publish minutes and are not webcast. In the last three years since 2019, under this Labour/Green Council, the number of these bureaucratic bodies has increased to 40. With this higher burden of council bureaucracy, services have got worse, accountability has been dissipated and decision-making has become more obscure. There is a sense among residents that decisions are taken 'behind closed doors' and before residents can have their say or have an influence. This has been exacerbated by the Memorandum of Understanding between Labour/Greens which created new secretive channels for decision-making, codified in a document that was never formally released to the public but provided to council officers.

Will the Leader of the Council review the burden of council bureaucracy that is hampering the performance of the council and commit to restore democracy and decision-making to the public view where residents can have an influence?

Cllr Allcock raised a point of order regarding the phrase 'Labour/Green Council', which was an inaccurate description. Cllr Nemeth said he would refer to it as a 'Labour/Green coalition style council'.

The Chair provided the following response;

Firstly, I am surprised that you are able to talk about working groups as neither you nor your colleagues attend any.

It is important to be clear that the only decision-making bodies in the Council are Committees, sub-committees and full Council. There are no member bodies that are making decisions behind closed doors because no such Groups have any decision-making power. Therefore, unlike those authorities with Cabinet style decision making arrangements, we can be very clear that this Council's decision making does all take place in the public view. That is the bedrock of the Committee system.

Member Working Groups have been established to focus on specific issues and can only be established with the agreement of P&R or – if it is a task and finish Group – by the parent Committee. Therefore, all Member Working Groups that exist do so based on a majority mandate of Councillors who have voted to set them up based on the agreed Terms of Reference. The advice and recommendations from those Groups are reported to Committee for decision. With the challenges and complexity faced in the City, I do think it is important to try and move sometimes very complex and intractable issues forward by having detailed discussions cross party and by enabling members to develop their knowledge and expertise in these areas. The Committees that make the final decision are then better informed as a result of the expert advice and recommendations received from these Groups.

The other intended aim of Member Working Groups is to ensure that Committees have the time to debate and decide on the issues that require a decision from them. By ensuring there are Board and Working Groups where members can raise other issues outside of the Committee cycle and input their ideas and thinking, this is intended to free up the Committee time to focus on taking decisions and moving the Councils priorities forward. If Groups do not engage with the Member Working Groups and use the Committees as the forum to raise ward issues or request information that has already been provided at relevant Working Groups, this only serves to slow down our ability as a Council to make the decisions needed to improve services.

Having said that I agree that it is essential to keep our advisory bodies and the calls on member and officer time under review. We do regularly undertake a review of the Member Working Groups and look to consolidate or remove these where there is a consensus that they are no longer needed. The next detailed review will take place following the May elections, but in advance of that we are able to consider any specific proposals for discontinuance of any specific Groups if this is raised with officers at Leaders Group.

Cllr Nemeth said that he had attended a high number of Working Groups and was therefore surprised by the Chair's comments that he hadn't attended any.

The Chair clarified that he meant the Conservative Group and not him.

75(c) Letters

75.7 There were none

75 (d) Notices of Motion

75.8 Two Notices of Motion were submitted.

75.9 Cllr McNair proposed the following Notice of Motion on Council Fees and Charges:

This committee:

- 1) Recognises the financial strain that many residents are currently experiencing;
- 2) Notes that Council Fees and Charges in many cases contribute to this strain;
- 3) Further notes that the Council's Fees and Charges have risen excessively compared to surrounding local authorities; and
- 4) Calls on Officers to highlight the Fees and Charges which compare unfavourably with those of surrounding authorities in their reports so that this information can be considered by Committees when setting future Fees & Charges.

Cllr Nemeth seconded the Notice of Motion.

75.10 The Chair noted that there was an amendment from the Green Group.

75.11 Cllr Allbrooke proposed the following amendment, changes in italics:

This committee:

- 1) Recognises the financial strain that many residents are currently experiencing *due to decisions of the Government including the impact of the mini budget on mortgage interest rates which affects homeowners and renters alike;*
- 2) Notes that Council Fees and Charges in many cases contribute to this strain. *due to 12 years of cuts, which have led to all councils having to explore additional revenue streams. In Brighton and Hove this is to replace over £100m of revenue support grant lost since 2010;*
- 3) Further notes that the Council's Fees and Charges have risen excessively compared to surrounding local authorities *similarly to comparator local authorities due to the financial strain all local authorities are facing after the impact of Government cuts and financial decisions referred to at 1) and 2) above;* and

4) ~~Calls on~~ *Notes that* Officers to highlight the Fees and Charges which *and how they* compare unfavourably with those of surrounding *comparator* authorities in their reports so that this information can be considered by Committees when setting future Fees & Charges.

Cllr Hugh-Jones seconded the amendment.

75.12 The Committee voted on the amendment, and it was carried 8 for and 2 against.

75.13 The Committee voted on the Notice of Motion as amended and it was agreed to note it.

75.14 **RESOLVED:** That the Notice of Motion on Council Fees and Charges be noted.

75.15 Cllr Nemeth proposed the following Notice of Motion on the Protection of Urban Fringe:

This committee:

1) Notes the recent approval of City Plan Part 2;

2) Requests that Officers bring a report detailing the urban fringe sites within the City Plan which are owned by the Council and setting out the legal protections and responsibilities of the Council in relation to those sites as Landlord.

Cllr McNair seconded the Notice of Motion.

75.16 Cllr Osborne raised concerns over the cost implications of providing such a report, and the Assistant Director Legal and Democratic Services confirmed that due to staff resources it would be necessary to outsource the work at a cost of around £50k.

75.17 The Committee voted and it was agreed with 6 votes for and 4 against.

75.18 **RESOLVED:** That it was agreed to undertake the issues as set out in the Notice of Motion.

76 TARGETED BUDGET MANAGEMENT (TBM) 2022/23: MONTH 7 (OCTOBER)

76.1 The Committee considered the report of the Chief Finance Officer which set out an indication of forecast risks as at Month 7 on the council's revenue and capital budgets for the financial year 2022/23.

76.2 Cllr Appich proposed the following amendment to the recommendations (changes in italics):

2.1 That the committee note the forecast risk position for the General Fund, which indicates a potential forecast overspend risk of £11.637m. This includes an underspend of £0.208m on the council's share of the NHS managed Section 75 services.

2.2 Note the expected provision required in relation to the academisation of Homewood House of £0.250m as set out in paragraph 9.8.

- 2.3 That the committee note the forecast for the Housing Revenue Account (HRA), which is currently an overspend of £1.173m.
- 2.4 That the committee note the forecast position for the Dedicated Schools Grant which is currently an overspend of £0.094m.
- 2.5 That the committee note the forecast outturn position on the capital programme which is a forecast underspend of £0.393m and approve the variations and slippage in Appendix 6 and new schemes as set out in Appendix 7.
- 2.6 *That the committee notes that further urgent work is required to balance the budget within the current financial year.*
- 2.7 *That the committee requests officers report back to service committees and January Policy & Resources Committee, listing the actions they are taking within their directorates under officer delegations together with a list of further recommended actions that could be taken this year to bring the budget under control, including consideration of bringing forward proposed rises to fees and charges and the proposed reduction in payments of concessionary bus fares support to bus companies operating in the Brighton & Hove area in to this financial year – subject to legal advice.*

76.3 Cllr Yates seconded the proposed amendment.

76.4 Cllr Allbrooke confirmed the Green Group would support the amendment.

76.4 The committee voted on the amendment, and it was agreed with two abstentions from the Conservative Group.

76.5 **RESOLVED:** That the Committee -

- (i) Note the forecast risk position for the General Fund, which indicates a potential forecast overspend risk of £11.637m. This includes an underspend of £0.208m on the council's share of the NHS managed Section 75 services;
- (ii) Noted the expected provision required in relation to the academisation of Homewood House of £0.250m as set out in paragraph 9.8;
- (iii) Noted the forecast for the Housing Revenue Account (HRA), which is currently an overspend of £1.173m;
- (iv) Noted the forecast position for the Dedicated Schools Grant which is currently an overspend of £0.094m;
- (v) Noted the forecast outturn position on the capital programme which is a forecast underspend of £0.393m and approve the variations and slippage in Appendix 6 and new schemes as set out in Appendix 7;
- (vi) Noted that further urgent work is required to balance the budget within the current financial year;

- (vii) Requested officers report back to service committees and January Policy & Resources Committee, listing the actions they are taking within their directorates under officer delegations together with a list of further recommended actions that could be taken this year to bring the budget under control, including consideration of bringing forward proposed rises to fees and charges and the proposed reduction in payments of concessionary bus fares support to Brighton & Hove Bus Company in to this financial year – subject to legal advice.

77 TREASURY MANAGEMENT STRATEGY STATEMENT 2022-23 - MID-YEAR REVIEW

77.1 The Committee considered the report of the Chief Finance Officer regarding the 2022/23 Treasury Management Strategy Statement. This had been approved by this committee at its meeting held on 10 February 2022 and by Full Council held on 24 February 2022. The report advised members of the actions taken in the first half of 2022/23.

77.2 Members asked why the cashflow for the period April – September 2022/23 had changed from a £70.4m surplus in the previous year to a £49.7m deficit. Officers advised that it was due to the timing of cash coming in and cash coming out, the overall investments were roughly the same. In the first six months of 21/22 the Council took over the responsibilities for the Coast to Capital LEP which resulted in £66m being transferred to the Council's bank account from the previous accountable body. In this financial year the Council had to make substantial payments back to the government for business rates and business rate grants.

77.3 **RESOLVED:** That the Committee –

- (i) Noted the key actions taken during the first half of 2022/23 to meet the Treasury Management Strategy Statement and practices (including the investment strategy) as set out in this report;
- (ii) Noted the reported compliance with the Annual Investment Strategy for the 6 month period up to the end of September 2022;
- (iii) Noted that the approved maximum indicator for investment risk of 0.05% has been adhered to and the authorised borrowing limit and operational boundary have not been exceeded.

78 DRAFT GENERAL FUND BUDGET & RESOURCES UPDATE 2023/24

78.1 The Committee considered the report of the Chief Finance Officer which provided an update on the council's General Fund resource position for 2023/24 to 2026/27.

78.2 Members referred to the EIA for the Bright Start Nursery and noted the high number of pupils who were eligible for Early Years Pupil Premium, who lived in income deprived families, had Special Educational Needs and identified as being from an ethnic minority, and said that if the nursery closed families may struggle to find alternative suitable places. The Executive Director Families Children & Learning that there would be a full

consultation on the possible closure of the nursery and if it was agree to close it the Council would work closely with families to provide alternative provision.

78.3 Cllr Appich proposed the following amendment (changes in italics):

- 2.1 Notes the updated forecasts and latest resource estimates set out in the report.
- 2.2 Notes the Draft Budget Strategies and first draft savings at Appendix 1 *and requests that the criteria against which these draft savings are measured is published in full for this committee to scrutinise at February Policy & Resources Committee.*
- 2.3 Notes the draft Equality Impact Assessments (EIAs) at Appendix 2 and notes that final EIAs will be provided to February Policy & Resources Committee and Budget Council.
- 2.4 Notes the updated budget gaps set out in paragraph 4.23 totalling £53.739m over the 4-year period, including £18.930m in 2023/24.
- 2.5 Notes the potential actions and routes that the authority may need to consider if it is unable to develop and agree a balanced budget for 2023/24, including accommodating the impact of any projected overspend for 2022/23 as at month 9 (December).
- 2.6 Notes that updated financial data and information from central government regarding the Local Government Financial Settlement (LGFS) may impact further on the development of budget proposals for 2023/24.

78.4 Cllr Yates seconded the amendment. In response to a question he confirmed that the 'criteria' would be based on the Corporate Plan.

78.5 The Committee voted on the amendment, and it was agreed.

78.6 **RESOLVED:** That the Committee –

- (i) Noted the updated forecasts and latest resource estimates set out in the report;
- (ii) Noted the Draft Budget Strategies and first draft savings at Appendix 1 and requests that the criteria against which these draft savings are measured is published in full for this committee to scrutinise at February Policy & Resources Committee;
- (iii) Noted the draft Equality Impact Assessments (EIAs) at Appendix 2 and notes that final EIAs will be provided to February Policy & Resources Committee and Budget Council;
- (iv) Noted the updated budget gaps set out in paragraph 4.23 totalling £53.739m over the 4-year period, including £18.930m in 2023/24;

- (v) Noted the potential actions and routes that the authority may need to consider if it is unable to develop and agree a balanced budget for 2023/24, including accommodating the impact of any projected overspend for 2022/23 as at month 9 (December);
- (vi) Noted that updated financial data and information from central government regarding the Local Government Financial Settlement (LGFS) may impact further on the development of budget proposals for 2023/24.

79 8-9 KINGS ROAD BRIGHTON

79.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which sought approval for the disposal of this mixed-use commercial property.

79.2 Cllr Evans proposed the following amendment (changes in italics):

- 2.1 That Committee agrees to the disposal of the freehold of this property and that delegated powers be given the Executive Director Economy, Environment and Culture and the Assistant Director Legal and Democratic Services to approve terms and take any necessary steps to facilitate this recommendation.
- 2.2 That the net capital receipt be invested in the existing commercial portfolio to reduce inherent risk and secure revenue streams by funding landlords repair liability and reducing obsolescence, *subject to a future report to Policy & Resources Committee, via Asset Management Board, that considers the use of the capital receipt being directed towards investment in social housing/homeless support services, in line with the original intended use of the asset.*

79.3 Cllr Allcock seconded the amendment.

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

79.5 RESOLVED:

- (i) That the Committee agreed to the disposal of the freehold of this property and that delegated powers be given the Executive Director Economy, Environment and Culture and the Assistant Director Legal and Democratic Services to approve terms and take any necessary steps to facilitate this recommendation;
- (ii) That the net capital receipt be invested in the existing commercial portfolio to reduce inherent risk and secure revenue streams by funding landlords repair liability and reducing obsolescence, subject to a future report to Policy & Resources Committee, via Asset Management Board, that considers the use of the capital receipt being directed towards investment in social housing/homeless support services, in line with the original intended use of the asset.

80 ANNUAL WAIVER REPORT 2021/22

80.1 This item was agreed without discussion.

80.2 RESOLVED: That the Committee noted the number and value of waivers authorised under Contract Standing Orders during the financial year 2021/22.

81 BUS & TAXI SHELTERS CONCESSION AGREEMENT

81.1 The Committee considered the report of the Executive Director Economy, Environment & Culture regarding the procurement process for the Bus & Taxi Shelter advertising concession.

81.2 Members asked if those who were successful in the procurement process could they use the unit to install cameras and Wi-Fi alongside the adverts which the BT had done. Officers advised that in the current contract that wouldn't be possible as the Council were strict on the GDPR implications.

81.3 Members asked if the Council had an advertising strategy to control what adverts were shown and were advised that there wasn't currently one.

81.4 RESOLVED: That the Committee –

- (i) Delegated authority to the Executive Director Economy, Environment & Culture to tender for a new Bus & Taxi Shelter Advertising Concession for a period of 8 years with an option to extend for a further period up to 24 months;
- (ii) Agreed an extension to the current concession contract for up to 12 months with an option to extend for a further 6 months while the procurement process takes place.

82 DEVELOPMENT BRIEF FOR BLACK ROCK

82.1 The Committee considered the report of the Executive Director Economy, Environment & Culture which proposed a process and timetable for creating a Development Brief for this important site, as well as procuring professional advice and support for this work.

82.2 Cllr Evans proposed the following amendment (changes in italics):

- 2.1 That Committee agrees the proposals and timetable for producing a Development Brief for the future development of the Black Rock site as outlined in para 3.30-3.42.
- 2.2 That Committee agrees that £100,000 of capital funding is allocated to procure professional support for the production of the Brief associated surveys and investigations.
- 2.3 That Committee agrees to the use of the site for meanwhile uses and entertainment space as detailed in para 3.10-3.23, *and that the meanwhile uses and lettings policies take into account the need to prioritise local businesses and foster a local circular economy.*

82.3 Cllr Appich seconded the amendment.

82.4 The Committee voted on the amendment, and it was agreed.

82.5 RESOLVED: That the Committee –

- (i) Agreed the proposals and timetable for producing a Development Brief for the future development of the Black Rock site as outlined in para 3.30-3.42;
- (ii) Agreed that £100,000 of capital funding is allocated to procure professional support for the production of the Brief associated surveys and investigations;
- (iii) Agreed to the use of the site for meanwhile uses and entertainment space as detailed in para 3.10-3.23, and that the meanwhile uses and lettings policies take into account the need to prioritise local businesses and foster a local circular economy.

83 CITY DOWNLAND ESTATE PLAN

83.1 The Committee considered the report of the Executive Director Economy Environment & Culture which sought approval for the City Downland Estate Plan.

83.2 The Committee asked for the number of tenanted farmers who took part in the consultation. Officers advised that they didn't have that information with them and would provide it after the meeting.

Officers later advised that the engagement was wide ranging, with multiple methods so that individuals/organisations could feed in opinions and ideas. Some of these (e.g. the online portal) could be done anonymously, so it may be that some of the contributions in both the first and second public consultations were from our tenant farmers, but we would not be able to confirm this. A specific farmer stakeholder engagement session was held on the 3rd February 2021 and 13 farmers and four members from the NFU attended, 12 other groups – farmers, Plumpton College, farm shop etc attended other CDEP events but were not able to attend farmer specific stakeholder engagement sessions, 5 farming groups attended the final stage of the first consultation event facilitated by Planning For Real, and 80% plus attended at least one or more CDEP events with only 3 farmers having not attended any event.

83.3 Cllr Appich proposed the following amendment (changes in italics):

- 2.1 Approves the City Downland Estate Plan attached at Appendix 1 of this report as policy.
- 2.2 Notes the extensive consultations undertaken over a two year period to inform the CDEP and that following approval and SDNPA's endorsement in February 2023 the focus will be on the first phase of implementation as set out in the two-year Next Steps section.
- 2.3 ~~Notes~~ *Agrees that any proposals to ringfence additional net income or capital receipts raised from the disposal of Downland Estate assets should be retained for reinvestment within the CDEP through the council's capital programme and that an appropriate reserve fund be maintained. will require a business case to be approved by Policy & Resources Committee within Targeted Budget Management reports or the annual progress report with decisions taken in the context of the council's overall financial position.*

2.4 Notes the implementation of the CDEP will be monitored and progress reported back to Policy & Resources annually, the Asset Member Board being the primary reporting point.

83.4 Cllr Evans seconded the amendment.

83.5 The Committee voted on the amendment, and it was agreed.

83.6 RESOLVED: That the Committee –

- (i) Approved the City Downland Estate Plan attached at Appendix 1 of this report as policy;
- (ii) Noted the extensive consultations undertaken over a two year period to inform the CDEP and that following approval and SDNPA's endorsement in February 2023 the focus will be on the first phase of implementation as set out in the two-year Next Steps section;
- (iii) Agreed that any additional net income or capital receipts raised from the disposal of Downland Estate assets should be retained for reinvestment within the CDEP through the council's capital programme and that an appropriate reserve fund be maintained;
- (iv) Noted the implementation of the CDEP will be monitored and progress reported back to Policy & Resources annually, the Asset Member Board being the primary reporting point.

84 FAIR & INCLUSIVE UPDATE INCLUDING ETHNICITY AND DISABILITY PAY GAP REPORTS

84.1 The Committee considered the report of the Executive Director Governance People & Resources which provided an update on fair and inclusive progress and outlined our priorities and future actions.

84.2 Members were concerned about the phrase 'female and male' being used rather than gender identity and asked how the Council allowed staff to self-define. Officers advised they were working with the LGBTQ forum as to what categories would be used.

84.3 Members noted that men were less likely to attend training. Officers said that the training team were looking at addressing that disparity and would provide more information after the meeting. The following information was later supplied: The training statistics were based on course completion data. Much of the training was statutory with courses being provided for roles that required them. The council employed more females than males, so it was likely that more females attended training. Officers were reviewing the council-wide development offer and how they targeted staff. as part of the implementation of the new learning management system. One of the actions was to review the course descriptors and ensure gender-neutral language to remove barriers. The new learning management system was being implemented in Spring 2023 would also allow more detailed analysis of the data.

84.4 Members noted that the staff subject to disciplinary hearings was higher for male employees, BME and disabled staff and asked why that might be. Officers advised that the numbers were relatively small and would provide further information after the meeting. The following information was later supplied: Not all staff subject to disciplinary procedures provided their equalities monitoring information and because the numbers were small, it was difficult to draw meaningful conclusions. However, officers worked collaboratively with staff networks to understand potential issues. Work planned for next year included joint 'Improving Practice' workshops for the Disabled Workers and Carers Network and HR Advisory Services, similar to those held in 2020 with the BME Workers Forum, which led to commissioning of the specialist equalities training for HR Advisory Services in 2021. Other recommendations in the 2021-22 workforce equalities report include:

- Evaluate the impact of specialist equalities training
- Hold regular workshops with the BME Workers' Forum to maintain trusted working relationships developed through 'Informing Practice' workshops
- Continue with regular discrimination casework review meetings
- Review casework data collection

85.5 Members noted that men remained unrepresented in some areas and asked if information could be provided as to which areas in the workforce that was, and for a breakdown of their ages, sexuality etc. Officers said that men were underrepresented and would provide further information after the meeting. The following information was later supplied: The most recent Our People Data (OPD) report from 30 September 2022 shows the percentage of male employees in each directorate and also shows the age profile of all staff. We have not produced separate age profiles by sex since 30 September 2021 as the distribution of age was found to be very similar across male and female staff and a combined age profile enables the data to be read more easily.

85.6 **RESOLVED:** That the Committee –

- (i) Noted the report and recommendations;
- (ii) Continued to support and champion actions within the Fair & Inclusive Action Plan.

85 FREEDOM LEISURE CONTRACT - RESPONSE TO INCREASED ENERGY COSTS

85.1 The Committee considered the report of the Executive Director Economy, Environment and Culture regarding the increased energy costs and the impact on the Freedom Leisure contract.

85.2 Discussions were held in Part Two on the possible options available, and members were advised that the Council was supporting Freedom Leisure to keep the venues open. A further report would be provided later in the year.

85.3 RESOLVED: That the Committee –

- (i) Noted the contents of this report in relation to the increased costs faced by leisure operators across the UK linked to the energy supply crisis;
- (ii) Agreed that it is necessary to support Freedom Leisure to ensure their continued viability and the delivery of the Sports Facilities Contracts;
- (iii) Authorised the Executive Director of Economy, Environment and Culture to implement the range of mitigation measures outlined in this report at paragraphs 3.18 and 3.23, with the exception of the caveat regarding parking charges outlined in 2.8;
- (iv) Noted that the various measures will be reviewed by officers over six months and a report will be brought to TECC by June 2023 on whether it is possible to revert back to standard contract arrangements. Committee authorises the Executive Director of Economy, Environment and Culture to make revisions and changes to the arrangements based on the ongoing impact, cost and potential changes to utility prices, but agrees that committee approval will be sought if car park charging is required at Withdean Sports Complex.

86 PROGRESS UPDATE AGAINST CORPORATE KEY PERFORMANCE INDICATORS Q2 2022/23

- 86.1 The Committee considered the report of the Executive Director Governance People & Resources regarding the Corporate Key Performance Indicators for Q2 2022/23, the council's current Strategic Risks linked to the P&R Committee and Annual Governance Statement actions.
- 86.2 Cllr Allcock proposed the following amendment (changes in italics):
- 2.1 That P&R Committee note the progress made in relation to Corporate KPIs, particularly the corrective measures outlined for 'red' and 'amber' indicators included in Appendix 2 and provide support and challenge to lead officers to bring performance back on track.
 - 2.2 That P&R Committee note the council's current Strategic Risks linked to the committee as outlined in Appendix 3 and provide support and challenge to Risk Owners in managing these risks.
 - 2.3 That P&R Committee note progress against Annual Governance Statement (AGS) actions as monitored by Directorate Plans included in Appendix 4.
 - 2.4 *That P&R Committee requests the Chief Executive, as Head of Paid Service, provides a detailed report back to this committee on the specific support and challenge they are providing to progress performance in relation to:*
 - *Housing repairs*
 - *Refuse collection*
 - *EHCP (Education, Health & Care Plans)*
 - *Safeguarding Adults*

86.3 Cllr Appich seconded the amendment.

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

86.5 **RESOLVED:** That the Committee –

- (i) Noted the progress made in relation to Corporate KPIs, particularly the corrective measures outlined for 'red' and 'amber' indicators included in Appendix 2 and provide support and challenge to lead officers to bring performance back on track;
- (ii) Noted the council's current Strategic Risks linked to the committee as outlined in Appendix 3 and provide support and challenge to Risk Owners in managing these risks;
- (iii) Noted progress against Annual Governance Statement (AGS) actions as monitored by Directorate Plans included in Appendix 4;
- (iv) Requested the Chief Executive, as Head of Paid Service, provides a detailed report back to this committee on the specific support and challenge they are providing to progress performance in relation to:
 - Housing repairs
 - Refuse collection
 - EHCP (Education, Health & Care Plans)
 - Safeguarding Adults

87 REVIEW OF THE COUNCIL'S CONSTITUTION

87.1 The Committee considered the report of the Executive Director Governance People & Resources which proposed changes to the Council's Constitution. The report had recommendations for both this Committee and Full Council. The report was introduced by the Assistant Director Legal and Democratic Services.

The following Officer Amendment to the report was provided:

1. *To add a new paragraph 3.28 after 3.27 as follows:*

Proposal relating to the appointment of a member to East Sussex Fire and Rescue Service

3.28 *Following the very sad death of Councillor Garry Peltzer-Dunn, the Conservative Group has nominated Councillor Robert Nemeth to be appointed as a member of ESFRS. This appointment can be made by Policy & Resources Committee as opposed to full Council for reasons of timing. The next Fire Authority meeting takes place on 8th December and therefore Policy & Resources Committee is requested to approve the appointment.*

2. *An additional recommendation to read:*

2.5 *Agrees the appointment of Councillor Robert Nemeth as a member of East Sussex Fire and Rescue Service as set out at paragraph 3.28.*

3. *The numbering of the following recommendations to be updated as follows:-*

Full Council

2.6 *Approves the proposed changes referred to in paragraph*

Policy & Resources Committee and Full Council:

2.7 *Authorise the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and authorise the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes.*

2.8 *Agree that the proposed changes come into force immediately following their approval by Policy & Resources Committee or by Full Council, as appropriate.*

87.2 The Committee noted the amendment.

87.3 Councillor McNair noted the suggested limit of 150 words for Member Questions and felt that may not be achievable and was concerned with the shorter minutes and that they still needed to be factual and clear.

87.4 Allbrooke supported the changes to shorter minutes and welcomed that an action log would now also be provided.

87.5 The Committee voted on the recommendations, and they were agreed with two abstentions from the Conservative Group members.

87.6 RESOLVED: That the Committee –

- (i) Recommends to full Council the proposals set out at paragraphs 3.1-3.9 (Council Procedure Rules), 3.14 (Sub-Committee reporting) and 3.20-3.23 (Contract Standing Orders and the Petitions Scheme);
- (ii) Noted the proposals set out at paragraph 3.10-3.12 (Minutes of meetings), 3.24 (the light touch annual survey on the Constitution) and 3.25 -3.27 of the report (the co-option of an additional Independent Person to Audit and Standards Committee);
- (iii) Agreed the proposals to make minor changes to the Scheme of Officer Delegations set out at paragraph 3.15 (Safer Communities) and 3.16 (authorised and unauthorised encampments);

- (iv) Agreed the proposals to make changes to the Downland Advisory Panel Terms of Reference set out at paragraphs 3.17 -3.19 and Appendix 2;
- (v) Agreed the appointment of Councillor Robert Nemeth as a member of East Sussex Fire and Rescue Service as set out at paragraph 3.28;
- (vi) Authorised the Chief Executive and Monitoring Officer to take all steps necessary or incidental for the implementation of the changes agreed by the Policy & Resources Committee and by Full Council, and authorise the Monitoring Officer to amend and re-publish the Council's constitutional documents to incorporate the changes;
- (vii) Agreed that the proposed changes come into force immediately following their approval by Policy & Resources Committee or by Full Council, as appropriate.

88 EASTERGATE ROAD FORMER GARAGE SITE REDEVELOPMENT

- 88.1 The Committee considered the report of the Executive Director Housing, Neighbourhoods & Communities regarding the redevelopment of the former garage site in Eastergate Road.
- 88.2 Cllr Allcock suggested officers look at all possible providers, including bringing it in-house, in addition to the YMCA. It was confirmed that all options would be considered.
- 88.3 The Committee voted on the recommendations, and they were agreed with 7 votes for and 2 abstentions.
- 88.4 **RESOLVED:** That the Committee approved a budget for the former garage site at Eastergate Road of £293,000 to allow the completion of design work to the end of RIBA Stage 4 (technical design), and for site clearance works, financed by a mixture of HRA borrowing and Brownfield Land Release Fund (BLRF) grant.

89 CHARLES KINGSTON GARDENS LEASE ACQUISITION

- 89.1 The report was agreed without discussion.
- 89.2 **RESOLVED:** That the Committee –
 - (i) Delegated authority to Executive Director Housing, Neighbourhoods & Communities to accept a surrender of the long lease on Charles Kingston Gardens from Clarion Housing Association Limited, to use as seniors housing subject to all further enquiries to be carried out proving satisfactory;
 - (ii) Approved that the Council makes an offer of up to the agreed sum and approves a budget line in the 2022/23 HRA Capital Programme detailed in the Part 2 report.

**90 NEW HOMES FOR NEIGHBOURHOODS ROTHERFIELD CRESCENT -
PROCUREMENT OF CONTRACTOR**

90.1 The Committee considered the report of the Executive Director Housing, Neighbourhoods & Communities.

90.2 **RESOLVED:** That the Committee –

- (i) Approved the increase of £0.600m in the Design Competition budget allowance to deliver the Rotherfield Crescent scheme for three, three-bedroom homes based on the Pre-Tender Estimate £1.192m;
- (ii) Delegated authority to the Executive Director for Housing, Neighbourhoods and Communities to procure and award a contract for construction via an existing Framework (the preferred route) or other compliant route.

91 CORONERS SERVICE

91.1 This item was agreed without discussion.

91.2 **RESOLVED:** That the Committee –

- (i) Agreed the transfer of Coroner's Officer staff in accordance with the principles set out at paragraph 3.7, subject to the outcome of a staff consultation process;
- (ii) Delegated power to the Executive Director Health & Adult Social Care to enter into an agreement with West Sussex County Council to place WSCC Coroner's Officers at the disposal of BHCC and the Senior Coroner for Brighton & Hove, and to take all steps necessary to give effect to the recommendations in this report;
- (iii) Noted the financial implications of the three-year financial tapering arrangement proposed by Sussex Police (indicative cost to BHCC of £224k per annum by 2025/26).

92 ITEMS REFERRED FOR COUNCIL

92.1 No items were referred to the next meeting of Full Council due to be held on 15 December 2022 for information.

93 CHARLES KINGSTON GARDENS LEASE ACQUISITION

93.1 The Committee noted the information contained in the Part Two papers.

**94 FREEDOM LEISURE CONTRACT - RESPONSE TO INCREASED ENERGY COSTS
PART 2**

94.1 The Committee noted the information contained in the Part Two papers.

95 PART TWO PROCEEDINGS

95.1 **RESOLVED:** It was agreed that the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

The meeting concluded at 9.25pm