

Cabinet

Date: **24 April 2025**

Time: **2.00pm**

Venue: **Council Chamber, Hove Town Hall**

Members: **Councillors:** Sankey (Chair), Taylor (Deputy Chair), Allen, Daniel, Miller, Muten, Robins, Rowkins and Williams

Contact: **John Peel**
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Chief Executive
Hove Town Hall
Norton Road
Hove BN3 3BQ

Date of Publication – Monday, 14th April 2025

AGENDA

Part One

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184 PROCEDURAL BUSINESS

- (a) **Declarations of Interest:** Statements by all Members present of any personal interests in matters on the agenda, outlining the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) **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 press and public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and online in the Constitution at Part 3E

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- (c) **Deputations:**
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To consider any written questions

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Ward Affected: All Wards

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Ward Affected: All Wards

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**195 TRANSFER OF ADULT SOCIAL CARE LEARNING DISABILITY
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Contact Officer: Lou Aish *Tel:* 01273295542
Ward Affected: All Wards

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Contact Officer: Jessica Hamilton *Tel:* 01273 291461
Ward Affected: All Wards

**197 BRIGHTON MARINA TO RIVER ADUR FLOOD AND COASTAL
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Contact Officer: Steven Parker
Ward Affected: All Wards

198 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and 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 John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Brighton & Hove City Council

Cabinet

Agenda Item 188(a)

Subject: Petitions

Date of meeting: 24 April 2025

Report of: Director- Governance & Law

Contact Officer: Name: John Peel
Tel: 01273 291058
Email: john.peel@brighton-hove.gov.uk

Ward(s) affected: All

1. Purpose of the report and policy context

- 1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. Recommendations

- 2.1 That Cabinet note the petition.

3. Context and background information

- 3.1 To receive the following petition signed by XX people at the time of publication:

(1) Basketball Hoop in Queen's Park

We the undersigned petition Brighton & Hove Council to install a basketball board and hoop in Queens Park. This simple addition would encourage healthy, active lifestyles, provide a free and accessible outlet for young people, and enhance the sense of community in the area. Parks are most valuable when they offer a range of activities for all ages, and a basketball hoop would be a popular, low-cost improvement. We hope the council will consider this request and work with local residents to bring it to life.

Installing a basketball hoop would offer a great opportunity for people of all ages- especially young people- to stay active, socialise, and enjoy the outdoors.

The park already has good footfall, and a hoop would be a low-cost addition with a high impact. I believe it would be well-used and appreciated by the community.

Brighton & Hove City Council

Cabinet

Agenda Item 192

Subject: Capital Asset Strategy

Date of meeting: Thursday, 24 April 2025

Report of: Cabinet Member for Finance & City Regeneration

Contact Officer: Name: Jessica Hamilton
Haley Woollard

Tel: 01273 291461 / 291246

Email: Jessica.hamilton@brighton-hove.gov.uk
Haley.woollard@brighton-hove.gov.uk

Ward(s) affected: All Wards

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000.

For general release

1. Purpose of the report and policy context

- 1.1 This report sets out principles for the ongoing strategic management of the council's asset portfolio (excluding the Seafront Portfolio) and sets out a Capital Asset Strategy for managing and identifying assets to support capital receipts for the council's Innovation Fund and Capital Investment Programme.
- 1.2 The proposed strategy supports the Council Plan 2023 – 2027, specifically:
 - **Outcome 1:** A city to be proud of is supported through enabling new homes and investment to regenerate the city and through improving sustainability within the property portfolios and also supports biodiversity and the council's City Downland Estate Plan.
 - **Outcome 2:** A fair and inclusive city is supported through increasing housing supply.
 - **Outcome 4:** A responsive council with well-run services is supported by providing critical investment for the Innovation Fund which uses the government's capital receipt flexibilities to invest in improvements to service delivery, achieve savings and efficiencies, improve the council's digital services and enable best use of the council's assets to deliver capital investment and financial sustainability.

2. Recommendations

- 2.1 Cabinet approves the Capital Asset Strategy which comprises the 5 principles set out in paragraph 3.6.

- 2.2 Cabinet agrees to the appropriation for housing purposes or disposal of the assets identified at paragraph 3.8 and in Part 2 of this report in the manner set out in this report.
- 2.3 Cabinet delegates authority to the Director Property & Finance in consultation with the Director Governance & Law and the Cabinet Member for Finance and City Regeneration to approve terms and take any necessary steps to facilitate and complete the appropriation for housing purposes or disposals of the properties identified in the Part 2 report and achieve best consideration.

3. Context and background information

Capital Asset Strategy

- 3.1 The council owns a significant amount of land and property. The assets held in the General Fund can broadly be categorized as follows:
- **Operational** – buildings occupied by the council or its service providers to deliver council services, including schools and civic buildings.
 - **Commercial** – the commercial investment portfolio, currently managed by Avison Young.
 - **Agricultural** – the council's farmland within its City Downland Estate, currently managed by Savills.
 - **Seafront** – the commercial, sport, leisure, community and heritage buildings from Hove Lagoon to Saltdean managed in-house.
 - **In-house** – a smaller portfolio of community and miscellaneous properties managed in-house.
- 3.2 The management of these portfolios supports and delivers the Council Plan through everything from enabling service delivery and access points to supporting the council's budget.
- 3.3 The property portfolios are subject to continual review to identify further opportunities for the delivery of Council Plan objectives and/or to improve performance.
- 3.4 The Capital Asset Strategy is aimed at further supporting delivery of the Council Plan and providing critical capital resources to support the council's Innovation and investment priorities. The property portfolios have been reviewed and following detailed analysis a key set of principles has been formulated to provide a strategic framework for identifying rationalisation and development opportunities and to improve performance.
- 3.5 The Capital Asset Strategy can result in the generation of significant capital resources. A core principle of the council's accompanying Capital Strategy (approved annually by Budget Council) is that all unringfenced capital resources should be pooled and applied to investment schemes in accordance with the Capital Strategy and aligned to council priorities. The

Capital Strategy sets out a number of conditions and considerations for the allocation and use of capital resources but, in summary, determines the allocation of capital resources as follows:

- To defined strategic funds (Strategic Investment Fund, Asset Management Fund, Planned Maintenance, IT&D Future Fund and Commercial Asset Investment Fund);
- To the Innovation Fund to support delivery of Innovation and savings programmes to support medium-term financial sustainability.
- To other capital investment schemes in accordance with priorities.

Strategic Principles

3.6 The proposed principles that will guide the strategic management of the portfolio are:

1. Rationalisation of Operational Properties

The council has undergone a rationalisation of its operational assets over many years and this process is ongoing. This supports many objectives including efficiency, carbon reduction, improved ways of working and best use of resources. Assets considered for rationalisation include those where:

- occupational ratios are low or the property is underused;
- occupational costs are high;
- the asset has a high level of functional or physical obsolescence and is in need of significant investment to improve functionality, condition and/or energy efficiency;
- they are outlying assets accommodating teams who can be relocated elsewhere;
- they are surplus assets which no longer have a service requirement;
- the assets would provide a greater opportunity for refurbishment or redevelopment and regeneration.

This strategy links to the Workspace Innovation programme for determining the most effective use of operational administrative properties.

2. Regeneration priority for Urban Fringe and Development Sites

The council owns a number of the Urban Fringe sites identified in the City Plan Part 2 (CPP2) within its Commercial and Agricultural Portfolios. There are also other sites, not urban fringe, with residential development potential, some of which are for low unit numbers and therefore below the threshold for an allocation in the CPP2. These sites will be considered by the Estates Regeneration Team for the delivery of affordable housing and regeneration. Where the cost v benefit ratio is low they will be considered for disposal.

3. Performance of Commercial Properties

Within the Commercial Property Portfolio there are a number of secondary and tertiary properties where income is low, income growth is not maintaining pace with inflation, management costs are proportionately higher and the risk of tenant default higher. Where tenants' businesses fail, the council is often left with repair liabilities and properties may prove difficult to relet. The release of these assets therefore reduces the inherent risk in the Commercial Property Portfolio. Ongoing review of the portfolio will be undertaken to identify properties for disposal.

Similarly, within the Commercial Property Portfolio tenancy changes, such as lease expiries, terminations, and Landlord break clauses provide an opportunity to obtain vacant possession of properties and sites for release where properties are high risk and/or poor performing or where sites can be redeveloped.

4. Unsolicited offers and special interest purchasers

Within the Commercial Property Portfolio the council receives offers from commercial tenants and long lessees to acquire the freehold or re-gear their lease. Such offers, being from parties with a special interest, can represent favourable terms for the council and are therefore considered on a case-by-case basis. Alternatively, the council may approach a tenant or special interest party rather than advertise an asset on the open market to achieve best consideration. In all cases, such transfers are subject to an independent valuation to ensure best consideration is achieved.

5. Heritage Assets

These assets are best maintained when occupied and in use. Vacant and Listed buildings are a significant drain on the council's resources requiring costly maintenance and repair and significant investment to provide any occupiable space and even then, providing limited ability to create revenue, therefore making investment in heritage assets unviable. Grant funding may be available in some cases but also requires resources to apply for and is competitive and therefore not guaranteed. Funding is also limited and will normally still require the council to carry significant cost risk. These assets require further, more detailed consideration to better understand the costs and benefits of retention but release of these assets for an alternative and beneficial use should be a primary consideration.

- 3.7 When considering alternative options for land and properties, any land or properties that can be used for the provision of housing will first be offered for appropriation to the Housing Revenue Account at best consideration.
- 3.8 Applying the principles summarized in 3.6 to the portfolio has enabled a number of properties to be identified to support the Capital Asset Strategy to be either approved for appropriation to the HRA or disposal. These properties include:
- 10 Stanmer Village

- 10 Hangleton Way
- 8 Shenfield Way
- Homewood School

Details of all of the properties identified, including those that are commercially sensitive, are summarised in Part 2 of this report.

4. Analysis and consideration of alternative options

- 4.1 The retention of surplus operational assets will incur ongoing occupational costs including NNDR (business rates), utilities, cleaning, Health & Safety testing and inspections, security, repair and maintenance. The cost of these is an ongoing pressure on the council's Corporate Landlord budgets. By releasing these assets, Corporate Landlord expenditure is therefore reduced and, where budgets are currently sufficient, revenue savings can be made.
- 4.2 The unnecessary retention of sites suitable for development presents a missed opportunity to provide additional housing for the city or development for regeneration, supporting businesses and employment. Unless best consideration cannot be achieved due to market conditions, these sites should not normally be retained.
- 4.3 The retention of commercial properties will result in the retention of income streams but for higher risk properties in the portfolio where there is risk of tenant default, or indeed for those properties that are already vacant, the council will become liable for the occupational costs of the building and potentially repairs and dilapidations. Rationalisation of these properties should be considered.
- 4.4 In accordance with the council's capital strategy the council will look at the potential community use of assets that it no longer has a use for and considers all land and property for potential housing supply or development.
- 4.5 In all circumstances, by retaining properties the council will forgo a capital receipt which if invested as part of the Innovation Fund would yield savings in the council's service delivery and/or improvement of service delivery.

5. Community engagement and consultation

- 5.1 The council has sought advice from its managing agents, Avison Young and Savills as well as building surveyors. Advice has also been sought from Housing officers and the Estates Regeneration Team. Consultation has been undertaken with the Downland Advisory Panel.

6. Financial implications

- 6.1 The council's Capital Strategy, agreed at Budget Council on 27 February 2025, highlighted the need for capital receipts to support the council's current Innovation and change programmes as part of the Medium Term Financial Plan. The report identified the need for £20 million net receipts in addition to the Strategic, Asset Management and ICT investment funds. Capital receipts are an essential component to support innovation and transformation of services, the delivery of savings and support financial resilience and sustainability over the medium term. The demand for capital receipts will grow further as the council identifies new investment requirements to meet the Innovation ambition.
- 6.2 The recommendations set out in this report and proposed disposals within the accompanying Part 2 report will contribute towards the capital receipts requirement. Where the transfer of a property results in a loss of rent, part of the capital receipt will be used to repay debt or investment to offset the rent loss and therefore reduce the net capital receipt available.

Finance officer consulted: James Hengeveld Date consulted:24/03/2025

7. Legal implications

- 7.1 The Council has the power to dispose of the land under section 123 of the Local Government Act 1972 ("LGA 72") subject to obtaining the best consideration reasonably obtainable. Where a site is open space, under section 123 (2A) of the LGA 1972, this power is also subject to a requirement to advertise the proposed disposal in a local paper for two consecutive weeks and to consider any objections raised before taking a decision on whether to dispose of the land. In the event of a proposal for land to be appropriated for housing purposes, section 122 of the LGA 72 will apply. Section 122 LGA 72 enables the Council to appropriate (transfer) land it owns from one use to another, as long as (1) the new use is for a purpose it could have purchased the land and (2) the land is no longer required to be held for the purpose for which it is held immediately before the appropriation. The meaning of the words "no longer required for the purpose for which it was held immediately before the appropriation" in law means "not required" or "not needed in the public interest of the locality." Where land is open space, section 122(2A) LGA 72 also has a requirement to advertise the proposed appropriation in a local newspaper for two consecutive weeks and to consider any objections raised before taking a decision on whether to appropriate the land. In exercising the delegations set out in this report, the Director Property & Finance in consultation with the Director Governance & Law and the Cabinet Member for Finance and City Regeneration will need to be satisfied that these requirements are met.
- 7.2 Prior to any sale or appropriation of the properties it will also be necessary for Legal Services to review the titles to the properties to confirm that no interests exist that may prevent a transfer. If any restrictions or covenants exist, the reviews will ascertain whether or not they are still capable of being enforced.

8. Risk Implications

- 8.1 The main risks identified are those that occur as a result of retaining the properties identified. This would include the ongoing costs and liability of retaining properties, both occupational costs but also investment needed; the opportunity forgone to create additional housing and regenerative developments; and the capital receipt forgone and the impact this would have on funding for the Innovation Fund.

9. Equalities implications

- 9.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to: i. The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; ii. The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and; iii. Foster good relations between those who have protected characteristics and those who do not. Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment. An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. For the sites proposed for disposal that are no longer operational, there is no material impact upon groups with protected characteristics. For the remaining sites identified the Director of Finance and Property will take into consideration the equalities implications as necessary in advance of taking forward any transaction.

10. Sustainability implications

- 10.1 For those properties identified it is anticipated that following transfer the properties would be subject to investment, which would include elements to improve energy efficiency. Any redevelopment would be completed in compliance with current standards and requirements.

11. Health and Wellbeing Implications:

- 11.1 The transfer or appropriation for housing purposes of the properties listed in Part 2 of this report will allow them to be refurbished or redeveloped and occupied as housing or commercial space supporting employment, therefore contributing in a small way to the wider factors influencing health and well-being.

12. Conclusion

- 12.1 The council's property portfolios undergo continual review to improve performance and identify opportunities to support the Council Plan. This includes the achievement of capital receipts to provide funding for the council's Innovation Fund.

- 12.2 Part 1 of this report sets out the strategic principles to support the identification of opportunities to release assets. With the exception of the Seafront Portfolio these principles have been applied to all portfolios and a list of properties identified for disposal or appropriation to the HRA for housing purposes has been summarised in Part 2 of this report with recommendations.
- 12.3 With regard to the council's Heritage Assets it is recommended that a more detailed review be completed to determine the costs and benefits of retaining these assets with a recommended strategy for their retention or transfer.

Supporting Documentation

None

Brighton & Hove City Council

Cabinet

Agenda Item 193

Subject: Local Transport Plan Capital Programme 25/26

Date of meeting: 24 April 2025

Report of: Cabinet Member, Transport, Parking & Public Realm

Contact Officer: Name: Tracy Beverley Capital Programme Manager City Operations

Tel: 01273 293813
Email: tracy.beverley@brighton-hove.gov.uk

Ward(s) affected: All

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000

For general release

1. Purpose of the report and policy context

- 1.1 The Council Plan 'A Better Brighton & Hove 2023 to 2027 sets out a vision for Brighton & Hove to be a city to be proud of, a healthy, fair and inclusive city where everyone thrives. The plan sets out four outcomes to deliver this vision. This report proposes grant funding via the Local Transport Plan to directly contribute to the delivery of outcome 1, A city to be proud of, by supporting the delivery of an accessible, clean and sustainable city. Furthermore, this report demonstrates the council's clear ambition to manage resilience against Climate Change and contributing towards achieving net zero.
- 1.2 The City Council receives capital funding each year for transport schemes through the government's Local Transport Plan [LTP] process. This report proposes how the **£8.366m** grant is allocated in 2025/26 and recommends these proposals are approved.
- 1.3 In response to growing concern about the transport infrastructure this report also includes an indicative 25/26 Planned Maintenance programme and an update to the Highway Reactive, Safety Maintenance & Inspection policy. This policy defines the Council's approach to reactive highway safety maintenance on the public highway.

2. Recommendations

- 2.1 That Cabinet agrees the **£8.366m** 2025/26 Local Transport Plan Capital budget is allocated as set out in table 1, section 3, of this report.

- 2.2 That Cabinet notes the detailed indicative 2025/26 Planned Maintenance Programme, as set out on Appendix 1 and agrees the Highway Reactive Safety Maintenance & Inspection Policy as set out in Appendix 2.

3. Context and background information

- 3.1 Annually, The Department for Transport (DfT) allocates LTP funding to highway authorities. This year the funding has been allocated in two specific 'blocks'; Integrated Transport Block and Maintenance Block.
- 3.2 Within each Block' allocation the highway authority must determine how that transport funding is allocated to fulfil its statutory duty under Section 42 of the Highway Act 1980 and to maintain and improve their networks based on their local transport priorities.
- 3.3 The LTP Programme will directly contribute to corporate priorities by delivering a safe, accessible and sustainable transport network making it easier for people to travel around while continuing to invest in maintaining and upgrading our highway network. Table 1 sets out how the Council will allocate its LTP grant funding for 2025/26 to meet these priorities.
- 3.4 This investment programme aligns with the current LTP4 by continuing to invest in the maintenance of the transport network while improving streets and infrastructure. Furthermore, it is consistent with the emerging principles of the LTP5 strategy by shifting how people travel and developing safe and well-maintained streets and places. This LTP5 Strategy is underdevelopment and will inform the priorities for the future of transport.

Table 1, LTP Annual Programme 2025/26

<i>Work towards Carbon Net Zero - provide a safer, more accessible and attractive environment that enables people to walk, wheel and cycle more and reducing carbon emissions</i>		Proposed Allocation (£'000's)
Improving Safety	School Streets / Safer Streets for Kids	125
	School Travel Plan Measures	15
	Safer, Better Streets	200
	Collision reduction	75
Improving accessibility	Dropped kerbs Accessibility Programme	150
	Delivering Public Right of Way improvement Plan	50
Supporting Active and Inclusive Travel	Developing LCWIP including delivering A23 & A259 corridors	1200
Improving accessible cycling	Bike Hire facilities and cycle parking development	125
<i>Make it easier for people to move around the city- have a clear plan to address the city's transport needs and challenges</i>		
Delivering Major Schemes	Sustainable transport schemes supporting the delivery of S106 schemes unlocking potential	55
	Valley Gardens Phase 3 (Match funding)	728
	Project Management, support for delivering schemes	360
Total Integrated Transport Block Subtotal		3083
Make it easier for people to move around the city - continue investing in maintaining and upgrading our highways network		
Highway Maintenance	Carriageways	3950
	Footways	628
Highway Assets	Drainage	100
	Traffic Signals	150
	Street Lighting	100
Bridges & Structures	East Cliff Retaining Wall to support Madeira Terrace works	100
	Bridges & Structures MRN- Kings Rd Arches , Dukes mound in-fill works	200
Highway Asset Management Framework		55
Total Maintenance Block Sub total		5283
Total combined LTP Budget (£'000s) 25/26		8366

Integrated Transport Block

- 3.5 The £3.083m Integrated Transport Block will provide match funding to deliver a programme of active travel schemes including the A259 Active Travel Corridor Scheme. In June 2024 Cabinet meeting, the A259 Active

Travel Corridor project was approved on the understanding LTP funding would need to be allocated to support its development. This year £1.2m has been invested to towards this priority scheme.

- 3.6 £415,000 will support the continued roll out of dedicated safety programmes including School Streets (Safer Streets for Kids), Safer, Better Streets and collision reduction programmes. Funding will also be dedicated to the accessibility improvement programme providing essential infrastructure to improve the accessibility of the Public Highway. £728,000 will support the continued delivery of the major transformational Valley Gardens phase 3 project.
- 3.7 This paper focuses on the proposed allocation of capital LTP funding but is aligned with the wider capital transport programme of works funded by both Council borrowing and grant funds. The wider programme includes grant funding from the Bus Service Improvement Plan (BSIP) £3.2m and £1.6m Active Travel funding as well as over £6.5m Council borrowing for street lighting and structures. The total combined programme is over £19.5m

Maintenance

- 3.8 The Council, as the Local Highway Authority, has a statutory duty under Section 41 of the Highways Act 1980 to maintain its highways. The £5.283m capital Maintenance Block funding will deliver priority planned maintenance of roads, footways and drainage facilities. This funding will also support the maintenance of highway bridges and structures street lighting and drainage improvements.
- 3.9 Over £620,000 is allocated to footways to provide essential, safety maintenance works and to improve accessibility on our dedicated footway network. Over £3.9m is allocated to roads to deliver the 2025/26 indicative Planned Maintenance Programme, as set out in Appendix 1. This programme has been developed using a data-led prioritisation approach, as recommended in the Department for Transport's 'Code of Practice for Well - Managed Highway Infrastructure'
- 3.10 This indicative programme is subject to a range of variables such as appropriate works permits, variations in actual v's planned construction costs and weather conditions.
- 3.11 Maintenance on roads has been prioritised using a two-stage assessment procedure. Stage 1 involves an annual, automated assessment to determine a number of factors including; road hierarchy, proximity to key services, road condition and predicted deterioration rates. Stage 2 is a manual assessment considering a range of deliverability aspects such as; engineer site assessments, affordability, coordination with other planned works and road space availability.
- 3.12 The Department for Transport (DfT) recognises the clear link between climate change and the increase burden on road infrastructure causing an increase in potholes. As extreme weather events and changing

temperatures become more frequent there is an ever-increasing burden on council assets. The Council receives, on average, around 200 enquires relating to potholes and general road condition each week.

- 3.13 Although we welcome the increase in capital funding for maintenance, from central government, it is not enough to resolve the maintenance burden. We estimated there is a backlog of £57m for roads and £39m for footways. To prevent further decline of these assets alone we would need an estimated annual budget of £8.45m.
- 3.14 A wider strategic approach to help tackle our maintenance backlog will be needed to help avoid further decline. This is a high priority for the City Council, and we will continue to utilise technology to develop our asset management systems, collate data and trial new and innovative surfacing techniques to reduce the burden on the Councils budgets.
- 3.15 In addition to the £5.283m capital grant fund a further £2.1m council funded revenue allocation has been provided to address immediate safety concerns on the roads. A combined maintenance approach to reactively **address** potholes in the short term to make them safe, alongside a longer term planned maintenance approach to **avoid** potholes is the most efficient use of limited resource. It costs approximately £200/m² to repair a pothole compared with £10/m² to carry out preventative maintenance that can prevent potholes from forming and extend the life of the asset by up to 15 years.
- 3.16 This £2.1m reactive maintenance funding is allocated in accordance with the Highway Reactive, Safety Maintenance and Inspection Policy, included in appendix 2. This policy sets out how the Council prioritises reactive safety maintenance. It follows a data led approach to enable the highest priority locations, those that are most likely to cause injury, to be prioritised and determines the level of urgency to respond to defects on the road.

4. Analysis and consideration of alternative options

- 4.1 Table 1 outlines how the LTP grant fund should be allocated for 2025/26. This is proposed in line with the current LTP and the emerging principles of the Strategic LTP5 document. This sets out how funding should be utilised to deliver our local transport priorities. Consideration has also been given to those commitments already made within the wider transport programme.
- 4.2 While the level of investment for maintenance is not sufficient to resolve the historic maintenance backlog. Funding is allocated to the priority areas using best practice, well-documented, data- led approach. The Council also continue to seek and find innovative ways to improve service efficiency utilising technology and developing innovative maintenance surfacing solutions.

5. Community engagement and consultation

- 5.1 The Local Transport Plan (LTP) 5 is under development and its principles have already undergone full public consultation. While the full LTP 5 is under development it will be subject to additional consultation phases in summer 2025. The full LTP 5 document sets out strategy for the management, maintenance and improvement of the transport network and identifies the priorities and projects the council will deliver. It will affect anyone who makes use of the local road network, managed by the council.
- 5.2 Before delivering transport improvement schemes the Lead Cabinet Member is fully briefed, the schemes are subject to public consultation and if necessary statutory consultation through the Traffic Regulation Order Process.

6. Financial implications

- 6.1 The council received confirmation from the Government last year of a number of sums of capital grant funding that the council receives annually. The overall level of new funding available for 2025/26 through the LTP process is an increase on what was awarded in 24/25. The usual blocks these elements were paid under have been replaced with one enhanced Maintenance Block (£5.283m) and one Integrated Transport Block (£3.083m) which will allow greater flexibility on where the funding can be applied.
- 6.2 With regards to the enhanced Maintenance Block, the DfT have announced that English local authorities will get 75% of the increase promised, but if a council does not publish a report on road maintenance, including details on pothole filling progress, the remaining 25% will be withheld. In practice this means £344,500 of the proposed budget is based on the reporting requirements being satisfied, but at this stage the reporting requirement is not a concern as it is expected this will be met.
- 6.3 The Integrated Transport Block is awaiting final confirmation from the DfT and is based on last years award for this report, however it is not expected that this will be any less than the £3.083m listed.
- 6.4 Future years' capital programmes will require cabinet approval and will be reported at future committees. Any revenue implications as a result of these schemes including financing costs from borrowing will be met from existing revenue budgets

Name of finance officer consulted: David Wilder
(25/03/2025):

Date consulted

7. Legal implications

- 7.1 The Council must ensure that its Capital Programme aligns with its strategic priorities, which is the case in this instance. There are no direct legal implications associated with approving the LTP Funding Allocations but any relevant legal implications that may arise on individual schemes will need to be considered when brought forward for implementation.

8. Risk Implications

- 8.1 This report directly supports actions set out to manage the Councils corporate risk (SR38) 'Failure to take effective action to increase our cities resilience to climate change, improve biodiversity and transition to Net Zero' and (SR40) Failure to maintain a clean and safe city.

9. Equalities implications

- 9.1 This report is aligned with the Brighton & Hove Accessible City Strategy 2023-2028. Improving accessibility of the transport network is a key aim for the Council and therefore for this programme of work. The LTP5 is subject to a strategic Equalities Impact Assessment (EQIA) and the individual programs and projects are subject to their own individual Equality Impact Assessments.

10. Sustainability implications

- 10.1 The LTP focus on measures to achieve Carbon Net Zero and therefore the measures outlined in this programme work towards reducing the impacts of transport in the environment by promoting Sustainable Transport use.

11. Health and Wellbeing Implications

- 11.1 This programme directly supports the new physical activity strategy 2024-2034 which aims to get more people travelling actively. Promoting walking and cycling as part of a healthy lifestyle.

12. Conclusion

- 12.1 The LTP funding has been allocated to help deliver the Council Priorities and aligns with the key objectives of the emerging LTP5. Allocations support a wider transport programme and therefore the recommendations set out in section 1 are sound.
- 12.2 The Highway Reactive, Safety Maintenance & Inspection Policy as set out in appendix 2 aligns with government guidance and provides a framework in which to prioritise limited funding for reactive safety maintenance.

Supporting Documentation

1. Appendices

1. 2025/26 Planned Road Maintenance Programme
2. Highway Reactive Safety Maintenance & Inspection Policy

Indicative Capital Planned Maintenance Programme - 2025-26

Programme	Location	From	To
Surface Extension – Micro-asphalt	A259 Marine Parade	Roedean Road	Rottingdean High Street
Surface Extension – Micro-asphalt	BIRCH GROVE CRESCENT [SER ROAD], Patcham and Hollingbury Ward	Parallel to Denton Drive	
Surface Extension – Micro-asphalt	BUCKINGHAM PLACE, West Hill and North Laine Ward	Trafalgar Street	Bath Street
Surface Extension – Micro-asphalt	LEAHURST COURT ROAD [PART], Preston Park Ward	Parallel to London Road	
Surface Extension – Micro-asphalt	London Road Link road, Kingsmere, Preston Park Ward	Parallel to London Road	
Surface Extension – Micro-asphalt	OLD SHOREHAM ROAD, Preston Park Ward	Lancaster Road	New England Road
Surface Extension – Micro-asphalt	OLD SHOREHAM ROAD, Westdene and Hove Park Ward	Hangleton Road	Sackville Road
Surface Extension – Micro-asphalt	SHIRLEY DRIVE, Westdene and Hove Park Ward	Woodland Road	Old Shoreham Road
Surface Extension – Micro-asphalt	UNION ROAD, Round Hill Ward	Whole Road	
Surface Extension – Micro-asphalt	Withdean Rise, Patcham and Hollingbury Ward	Parallel to London Road	
Surface Extension – Micro-asphalt	WOBURN PLACE, Coldean and Stanmer Ward	Whole Road	
Surface Extension - Reclamite	BEXHILL ROAD, Woodingdean Ward	Falmer Road	Cowley Drive
Surface Extension - Reclamite	KING GEORGE VI AVE, Hangleton and Knoll Ward	Whole Road	
Surface Extension - Reclamite	KINGS ROAD, Regency Ward	Black Lion Street	Waterloo Street
Surface Extension - Reclamite	NEW CHURCH ROAD, Westbourne and Poets Corner Ward	Boundary Road to Walsingham Road &	Pembroke Gardens to Sackville Road

Programme	Location	From	To
Machine Patching	ELM GROVE, Hanover and Elm Grove Ward	Bernard Road	Queen's Park Road
Machine Patching	ENGLISH CLOSE, Hangleton and Knoll Ward	Whole Road	
Machine Patching	FRESHFIELD ROAD RBT, Queens Park Ward		
Machine Patching	LANSDOWNE ROAD, Goldsmid Ward	Cambridge Road	York Road
Machine Patching	LOVERS WALK, Preston Park Ward	Whole Road	
Machine Patching	PRESTON DROVE, Hollingdean and Fiveways Ward	Southdown Road	Ditchling Road
Machine Patching	QUEENS PLACE [PART], West Hill and North Laine	Whole Road	
Machine Patching	STATION RD AND BOUNDARY ROAD, South Portslade Ward	A259	Seaford Road
Resurfacing	DITCHLING ROAD, Hollingdean and Fiveways Ward	Preston Drove	Grantham Road
Resurfacing	DITCHLING ROAD, Hollingdean and Fiveways Ward	Springfield Road	Viaduct Road
Resurfacing	DYKE ROAD AVENUE, Westdene and Hove Park Ward	Woodland Drive	A27
Resurfacing	DYKE ROAD, West Hill and North Laine	Clifton Road	Church Street
Resurfacing	HANGLETON ROAD, Hangleton and Knoll Ward	Stapley Road	East of Nevill Avenue
Resurfacing	STATION RD AND BOUNDARY ROAD, South Portslade Ward	New Church Road	Portland Road
Resurfacing	STATION ROAD/CLERMONT ROAD, Preston Park Ward	Both Roads	
Resurfacing	VIADUCT ROAD, Round Hill Ward	Whole Road	
Resurfacing	WATERLOO STREET, Brunswick and Adelaide Ward	Whole Road	

Note: This programme is subject to change depending on final cost and affordability, the outcome of the Local Transport Plan Programme Cabinet report, and the occurrence of any in-year road failures that need to be urgently prioritised for safety reasons during the year.

Brighton and Hove City Council

Highway Reactive Safety Maintenance and Inspection Policy

Update January 2025 (awaiting approval)

Document History

Version No.	Status	Author	Date	Changes from the Previous Version
2.0	Awaiting approval	SH	29/01/25	Detailed review and update to ensure the policy accurately reflects the current risk-based approach. Includes updates to the Risk Matrix, updated Maintenance Hierarchy, feedback from the insurance team concerning historic claims, photo library of defects to provide a visual aid and other general updates to meet the Well-Managed Highways Infrastructure Code of Practice 2016 requirements.

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1. Introduction

The 'Highway Reactive Safety Maintenance and Inspection Policy' defines the Council's approach to routine and reactive highway safety maintenance on the public highway.

Safety repairs are an inevitable part of the lifecycle of carriageways, footways and cycleways. These repairs are typically restricted to defects such as potholes, uneven slabs and uneven asphalt. They do not include the areas surrounding the defect showing signs of general deterioration or risk factors that may give rise to safety defects in the future, although these may be noted and recorded for future works programmes or for future safety inspections.

Safety inspections and defect responses also include anything that might impact the immediate safety of the highway user from any source such as local road/drainage collapses, major settlement, missing gullies, MH covers & frames, defective utility services/apparatus, fallen or severely leaning signs, lighting columns & trees, fences/barriers/VRS damage due to road traffic incident, storm damage, bridges and other highway structures, etc.

This Highway Reactive Safety Maintenance and Inspection Policy sets out how the Council's approach to safety maintenance will, as far as possible, ensure the safety of highway users whilst recognising the unprecedented financial challenges faced by all Council services. It considers how the Council can balance its duty to keep its network as safe as possible for all users of the highway within available resources.

It details more specifically the risk-based approach undertaken to redefine safety maintenance activities. This risk-based approach aligns with the recommendations in the UK Code of Practice for 'Well-managed Highway Infrastructure.'

2. Overview

Brighton and Hove City Council's highway safety inspection regime, in accordance with the principles of risk management, has been developed to provide a practical and reasonable approach to the risks and potential consequences identified on the highway.

The Council has defined safety inspection standards based on this assessment of risk, utilising the best evidence available at the time to support these decisions. The inspection is a snapshot in time of the safety condition of the highway assets on the day of the inspection, reflective of what is reasonably discernible and observable on that day and in those prevailing circumstances reflective of the site settings, environment and weather factors.

At the core of Brighton and Hove City Council's Highway Safety Inspection regime is the principle that key factors, including road hierarchy, use, defect parameters and defect locations, determine the likelihood and consequences of coming in contact with that defect.

3. Safety Defects

Brighton & Hove City Council uses the term 'safety defect' or 'defect' to describe a physical problem in the highway that could potentially be hazardous to highway users. A safety defect is usually an isolated problem that normally requires a small-scale repair. Safety defects cover all highway authority assets as well as those associated with utility company assets and privately owned assets that directly affect the safety of highway users. Highway Safety Inspections are designed to identify those safety defects that impact highway user

safety within the public highway boundary or immediately abutting it and to undertake repairs, take mitigation measures or make them safe as necessary. Refer to **Appendix 5** for photo examples of potential safety defects.

The overall condition of the public highway is considered at a strategic asset management level and addressed through planned maintenance programmes. Given the scale of challenges facing local authorities, it may not be possible to carry out planned maintenance at the optimum treatment point for carriageways, footways and cycleways. Where insufficient budget prohibits the development of future works programmes to rectify the deterioration of a street's condition, the statutory obligations for network safety take precedence, and safety inspections are a vital part of meeting these obligations.

4. Safety Inspections

The Council as a Highway Authority is placed under a duty to maintain its highways by Section 41 of the Highways Act 1980. See **Appendix 1**.

Case law has confirmed that the 'highway' refers to the surface or fabric of the highway (not including signs and road markings) and that 'maintain' means to repair.

A Highway Authority may have a defence against liability claims under Section 58 of the Highways Act if it can prove that it has taken reasonable care to ensure that the highway was not dangerous. This also includes demonstrating that the cyclical safety inspections have been carried out in accordance with the set survey programme and by qualified and competent Highway Safety Inspectors. See **Appendix 1** for further details on legislative requirements.

Safety inspections are the primary means to demonstrate that the authority has taken reasonable care to keep its network as safe as possible for users.

Safety inspections are planned cyclic inspections carried out to specific frequencies dependent upon the network hierarchy of each highway. Safety inspections are specifically conducted to pro-actively identify potential dangers.

Brighton and Hove City Council also undertakes reactive safety investigations in response to reports or complaints regarding potential hazards on the highway.

5. Risk Management Principles for Safety Maintenance and Inspection

The identification and assessment of risk is a central element of the risk management strategy.

For the local highway network this involves:

- Establishing a network hierarchy based on the likelihood of risk occurring – this is predominately linked to user volume and type of users.
- Establishing frequencies for cyclic inspections, setting out investigatory levels for defects and specifying repair times/types in accordance with the network hierarchy.
- Undertaking assessment and action on site according to the agreed hierarchy and investigatory levels and reflective of a risk-based approach for the identification and response to the occurrence of local safety defects.

The stepped process for creating a risk-based approach to Highway Safety Inspections and safety maintenance is denoted in **Appendix 3**.

The Code of Practice for Well Managed Highways 2016 states that:

'There are no prescriptive or minimum standards in this Code but adoption of a risk-based approach, taking account of the advice in the Code, will enable authorities to establish and implement Principles of Risk Management Inspections.' (p.12)

Brighton and Hove City Council's Highway Safety Inspection regime has been developed in accordance with these principles of risk management to ensure an evidence-based proportional approach to maintaining safety for highway users.

The risk-based approach to safety inspections and safety maintenance is driven by the following criteria.

Safety Defect Risk Assessment

Any item or asset (as shown in Table 7) with a defect level that equals or exceeds the stated defect investigatory level adopted by the authority (as shown in **Appendix 2**) is to be assessed for potential risk.

Risk Evaluation

All safety defect risks identified through the risk-based process must be evaluated in terms of their significance, which means assessing the **probability** (likelihood) of it actually happening and the **impact** (consequence) should the risk occur. The risks are based upon the highest identified risk reflective of the defect type, location/position and usage, using the inspector's training, skill and local knowledge to define these entities.

Risk Probability

The probability of a risk occurring should also be assessed on a scale of 1 to 4 as follows:

- (1) very unlikely
- (2) unlikely
- (3) moderate
- (4) likely

The probability of an incident occurring is quantified by assessing the likelihood of highway users, passing by or over the defect, or encountering the defect or hazard. As the probability is likely to rise with increased vehicular or pedestrian flow, the network hierarchy and defect location are important considerations in the risk assessment process.

Risk Impact

The impact of a risk occurring should be assessed on a scale of 1 to 4 as follows:

- (1) insignificant - little or negligible impact
- (2) low - minor impact
- (3) medium - noticeable impact
- (4) high - major or serious impact

The impact is quantified by assessing the extent of the damage likely to arise should the risk materialise into an incident. The impact is likely to increase with the traffic speed and usage and is also reflective of the asset type.

Risk Score

The risk score is the product of the probability and impact and is in the range of 1 to 16. This factor identifies the overall seriousness of the risk and the associated response as shown below in Table 1 - Risk Matrix.

$$\text{Risk Score} = \text{Probability (Likelihood)} \times \text{Impact (Consequence)}$$

Risk Matrix

The risk matrix in Table 1 denotes the risk severity of the defect via a calculated risk defect score of 1 to 16 that demonstrates how Brighton & Hove City Council evaluates risk for its highway network.

Principles of Risk Assessment in Determining the Hierarchical Standing of a Road and Repair Response Times.			
Brighton and Hove City Council's inspection regime has been developed in accordance with the principles of risk assessment and provides a practical and reasonable approach to the risk and potential consequences identified. The identification and assessment of risk is the most important element of a risk management strategy and determines how frequently a road is inspected and the safety defect repair priority response times.			
Assessment of Risk Probability Rating The probability of an incident occurring is quantified by assessing the likelihood of highway users encountering the defect or hazard.			
Assessment of Risk Impact Rating An impact rating is quantified by assessing the extent of injury or damage likely to be caused should the risk become an incident, and as such there is a clear link to the physical characteristics of the defect/hazard.			
The probability or likelihood of coming into contact with a defect has been assessed as follows		The impact or consequence should an incident occur has been assessed as follows:	
Likely	High Traffic Volumes	High	Major/Serious Consequence
Moderate	Medium Traffic Volumes	Medium	Noticeable Consequence
Unlikely	Low Traffic Volumes	Low	Minor Consequence
Very Unlikely	Very Low Traffic Volumes	Insignificant	Insignificant

RISK ASSESSMENT MATRIX					
RISK PROBABILITY	4 Likely	4	8	12	16
	3 Moderate	3	6	9	12
	2 Unlikely	2	4	6	8
	1 Very Unlikely	1	2	3	4
		1 Insignificant	2 Low	3 Medium	4 High
		RISK IMPACT			

Table 1 – Risk Matrix

Defect Risk Score Response Category

The defect risk score/category shown in Table 2 below is a product of risk probability and risk impact and it includes a consideration of the position and locational proximity of the safety defect reflective of user trafficking.

RISK SCORE DEFECT RESPONSE CATEGORY	CAT 4 = (Very Low) Review next cycle or send to engineer for planned works.	CAT 3 = (Low) 28 days	CAT 2 = (Medium) 7 days	CAT 1 = (High) 24 hours	Safety Critical 2 hours
Safety Critical	<p>(16) – within 2 hours</p> <p>Defects requiring immediate emergency attention within 2 hours, e.g., missing manhole or gully covers in a heavily trafficked location, road or footway sinkhole or washout collapse, etc.</p> <p>Such safety-critical defects should, if safe and reasonable to do so, be ‘protected’ and/or continue to be attended to on-site by the safety inspector until the contractor safety repair team arrives within 2 hours to make safe the defect.</p>				
Cat 1 (High)	<p>(12) – 24 hours</p> <p>Defects require urgent attention because they represent a higher risk of potential hazard for highway users.</p> <p>Depending on the situation, interim make-safe action is required such as temporary repair or temporary signing /guarding.</p>				
Cat 2 (Med)	<p>(9) – 7 days</p> <p>Defects exhibiting a moderate level of urgency, denoting a medium level of risk to the highway user that requires temporary make-safe or permanent repair within a reasonably short period of time.</p>				
Cat 3 (Low)	<p>(6-8) – 28 days</p> <p>Defects that require remedial attention, however, do not represent an immediate concern or imminent hazard.</p> <p>These defects have reduced safety implications of lesser risk and significance than Category 1 and Category 2 defects.</p>				
Cat 4 (Very Low)	<p>(1-4) – No immediate action</p> <p>Minor defects meet the safety investigatory criteria but are not currently deemed to be a safety hazard.</p> <p>Often occurring over a large extent of the public highway. These defects require no immediate action, they may be repaired as part of a planned future maintenance scheme, or their condition may be monitored and reviewed at the next scheduled safety inspection.</p>				

Table 2 – Defect Risk Category

Defect Response Times

The following Table 3 denotes the time allowed for the defect safety repair response to be undertaken reflective of the risk score category.

Defect Category	Defect Response	Repair Type
Safety Critical	2 hours from time of contractor notification.	Make Safe Temporary or Permanent
Cat 1 (High)	24 hours	Make Safe Temporary or Permanent
Cat 2 (Medium)	7 days	Temporary or Permanent
Cat 3 (Low)	Within 28 days	Permanent
Cat 4 (Very Low)	No immediate action - Planned works or monitor and review at the next inspection.	Not Applicable

Table 3 – Defect Response Times

6. Safety Inspection Review

6.1 Analysis

Brighton & Hove City Council has reviewed the Safety Maintenance regime for the public highway, using a risk-based approach to define the type, level and frequency of safety inspections and safety repairs.



Activities to incorporate the Code of Practice recommendations for safety inspections included:

- Utilising the framework in the Code based on the considerations listed - establishing the factors that will determine the criteria for categorising every carriageway, cycleway and footway on the city's public highway bearing in mind any locally unique conditions.
- Developing new areas of safety inspection frequencies to match the criteria, using available staffing resources, and making any adjustments required depending on any increased workload.
- Route optimising the safety inspections and areas to reduce excessive travel and vehicle usage.
- Training the Highway Inspectors in risk assessment to make an informed decision on the likelihood of a repair being required and the appropriate response time.
- Undertaking revisions to the supporting systems.

6.2 Research and Evaluation

The following data was collated and analysed to provide a comprehensive understanding and evaluation of risk on Brighton & Hove's highway network, to determine the network hierarchy:

- Annual condition surveys of the carriageway network
- Pedestrian and traffic counts
- Asset management strategy (data includes maintenance history, repairs, claims, complaints, and accident rates)
- Bus routes: frequencies and numbers of buses
- Traffic-sensitive streets
- Resilient network and critical infrastructure (key highway infrastructure supporting the city's socio-economic functioning)
- Demographics: risk considerations relating to those parts of the highway network frequented by the young, elderly, vulnerable and disabled highway users e.g. schools, hospitals, clinics, churches, transport hubs, etc.

The NHT satisfaction survey and corporate customer feedback reports were also considered.

6.3 Considerations

The safety inspection review also considered:

- The depth, surface area, or other extent of the defect
- The location of the defect relative to access to shops, hospitals, and schools
- The location of the defect in relation to users such as in traffic lanes, wheel tracks, or pedestrian desire lines
- The level of use (functional hierarchy)
- The nature and extent of interaction with other defects.

In general, the greater the traffic flow, the higher the likelihood of a user encountering any defect. However, if the defect is positioned so that it is not likely to be trafficked, the likelihood of injury or damage is reduced. For example, the degree of risk from a pothole depends not only on its depth but also its surface area and its proximity and location relative to highway user desire lines and traffic.

7. Network Hierarchy – Safety Inspection Frequency

The Code of Practice contains guidance to assist in determining local criteria for categorising the network into a priority hierarchy, this guidance includes:

- Recommendations for a network hierarchy (priority) based on traffic composition and volume, and social/economic importance
- Considerations regarding users, such as key infrastructure locations and important locations such as access to shops, hospitals, schools, etc

Following this risk analysis and evaluation, a revised network hierarchy that relates to the safety inspection of the public highway was developed (see Tables 5 and 6) and is periodically reviewed as appropriate.

A highway may in some instances have varying frequencies of safety inspections in different locations along its length, in most cases, this is due to the established variance in traffic use.

The network hierarchy is the primary identifier for the likelihood of risk, and as such, determines the safety inspection frequency and defect repair times/types.

Safety Inspection Frequency Tolerances

Circumstances outside our control e.g. adverse weather conditions or network/site/inspector availability, may occasionally result in some highway inspections not being carried out on their due date.

The Council considers the following inspection time tolerances shown in Table 4 below to be reasonable: -

Target Insp Frequency	Tolerance
Monthly	+ 3 working days
3 monthly	+ 2 weeks (10 working days)
6 monthly	+ 3 weeks (15 working days)
Annual	+ 4 weeks (20 working days)

Table 4 – Inspection Frequency Tolerances

7.1 Carriageways

The Carriageway Hierarchy shown in Table 5 reflects the actual use of each road and its associated safety inspection criteria within the network. These are not necessarily reflected by the road's formal classification as an A, B or C road.

Maintenance Hierarchy	Road Type	Description	Inspection Frequency
M101	Strategic & Main Distributor Roads	Roads connecting to the motorway, primary routes to the city centre, dual carriageways, and national diversion routes. AADF Traffic Flow >18,000.	Monthly
M102	Main Distributor Roads	A-class roads connecting directly to M101 roads and primary routes between M101 roads or to neighbouring Authority M101 equivalent roads. AADF Traffic Flow >12,000.	Monthly
M103	Main Distributor & Secondary Distributor Roads	A, B and C class roads connecting directly to higher hierarchy roads or that form part of a predominantly A, B or C class primary route between M101 and M102 roads. Part of the 'Winter Resilient Network'. AADF Traffic Flow >8,000.	3 monthly
M104	Secondary Distributor and Link Roads	Part of the 'Resilient Network'. Part of a major public transport infrastructure or bus route connection to M101/102/103 roads or to isolated communities. Provides direct access to large public amenity facilities such as sports stadia, hypermarkets, etc. HGV route. HGV Traffic Flow >(to be notified)	3 monthly
M105	Link Roads and Local Access Roads	Roads containing recurring known accident hotspots. Roads providing direct access to schools. Feeder or arterial road serving urban residential areas. Road serving more than 40 properties. Designated as 'Traffic Sensitive'. Part of a bus route. Carries HGV's. HGV Traffic Flow >(to be notified)	6 monthly
M106	Local Access Roads	Roads with 3 or more shops or a supermarket. Provides access to medical centre/doctors surgery. Provides access to industrial units. Provides sole access to/from village or isolated community. Is not a feeder or arterial road to urban residential areas. Is not designated as being 'Traffic Sensitive'.	6 monthly

Maintenance Hierarchy	Road Type	Description	Inspection Frequency
M107	Minor Roads	Road width >3m.	12 monthly
M108	Minor Roads	Cul-de-sac with road width >3m.	12 monthly
M109	Minor Roads	Road is denoted by name as a 'Back Road' or 'Service Road'. Road width <3m. Layby (Note:- if the road is 'gated' and does not accommodate vehicular traffic, then the section should be treated as a footway).	12 monthly
M110	Minor Roads	Roads that are not paved or metalled, ie, unpaved gravel roads or tracks that can accommodate limited vehicular traffic.	12 monthly

Table 5 - Carriageway Hierarchy

Note:- refer to the carriageway hierarchy process chart for full details of the hierarchy selection criteria for M101 to M110.

7.2 Footways and Cycleways

The footway and cycleway hierarchies in Table 6 are based on actual usage, and not necessarily by the associated adjacent road classification. Footway hierarchies have been determined independently of the carriageway hierarchy, as vehicular traffic may not use busier footfall areas such as the Lanes.

Maintenance Hierarchy	Footway Type	Description	Inspection Frequency
M201	Prestige Route	Very busy areas. Often areas of high public space and streetscene contribution allowing for and attracting large footfall. 12hr Footfall > 10,000	Monthly
M202	Primary Route	Busy urban shopping and business areas considered main pedestrian routes. 12hr Footfall > 3,000	Monthly
M203	Secondary Route	Medium usage routes and priority strategic active travel routes. Includes regular pedestrian hubs. Part of Priority Strategic Active Travel Network Serves approach or access to Hospital. Serves approach or access to School.	3 monthly
M204	Link Footway	Footways provide a direct link between known busy footways and strategic active travel routes. Includes non-regular pedestrian hubs. Part of the Strategic Active Travel network. Serves approach or access to Place of Worship Serves approach or access to Park or Cemetery. Serves approach or access to Care Home. Link between M201/M202/M203 Footways.	3 monthly
M205	Local Access Footway	Footways associated with low usage with no specific destination routing. Predominantly footways that connect to link footways. Link between M204 Footways.	6 monthly
M206	Minor Footway	Little-used footways serving a limited number of properties. Includes little-used rural footways and urban cul-de-sacs.	6 monthly
M207	Highways Footpath	Rights of way that fall within the urban realm and have a hard surface. These paths are not Public Highway but are identified within the Highway Terrier as 'Highway Footpaths' and are inspected by the Highways Operations Team.	12 monthly

Table 6 - Footway Hierarchy

Cycleways are inspected on the footway frequency where:

- The cycleway is part of shared space on the footway
- The cycleway is protected and separated from the adjacent carriageway and visibility from a vehicle is obstructed e.g. cycleways segregated from the carriageway by a physical boundary such as kerbs, parking bays or build-outs

Cycleways are inspected on the carriageway frequency as part of the safety inspection where:

- The cycleway is an integral part of the carriageway and they are visible from the carriageway e.g. not segregated by a physical boundary other than white lining or intermittent bollards.

8. Assets for Highway Safety Inspection

8.1 Highway Assets and Defect Types

The Highway Safety Inspection regime relates to the public highway and it covers the following core assets on the public highway which are assessed in accordance with the safety defect investigatory levels as indicated in **Appendix 2**.

Note:- this 'Highway Reactive Safety Maintenance and Inspection Policy' document applies to hard surfaced footways and carriageways within the Public Highway as well as urban hard surfaced footpaths and twittens designated as 'Highways Footpaths' on the highway terrier. Generally however, any ancillary assets that come under the ownership and responsibility of other Council service areas such as Housing roads and footways, Parks and Cemeteries, are not covered by this policy and they are inspected and maintained through their respective service maintenance management policies and processes.

Table 7 below lists the main highway asset types and the likely types of defects encountered, however this list is not exhaustive:

Asset	Likely defect types for investigation
Carriageways and Integral Cycleways	
Bituminous roads	Significant difference in level, potholes, significant subsidence
Concrete roads	Significant difference in level (cracking, missing)
Concrete pavements	Significant difference in level (cracking, missing)
Composite roads (overlaid concrete)	Significant difference in level (concrete failure underneath)
Modular blockwork	Missing, damaged, uneven, rocking
Footways and Cycleways	
Modular paving such as brickwork	Missing, damaged, uneven, rocking
Paving slabs	Missing, damaged, uneven, rocking
Bituminous pavements	Significant difference in level, potholes, significant subsidence
Concrete pavements	Significant difference in level (cracking, missing)
Kerbs	Displaced, missing, significant difference in level
Steps	Missing or damaged steps; damaged riser
Street Furniture	
Bollards	Missing, rocking/insecure
Guardrails and handrails	Missing, rocking/insecure, sharp edges protruding
Street tree gratings/covers and edging	Significant difference in level
Street tree root network	Significant difference in level (see 'Special considerations')
Gullies, covers and other ironwork	Missing, damaged (maybe utility or privately owned)
Ironwork in verges	Displaced, damaged
Highway retaining walls 1.36 metres or less	Missing components, leaning/insecure

Table 7 - Asset and Defect Types

Note:- Carriageway surface safety defects located in the proximity of dedicated road junction crossing points, pedestrian crossings and at other designated crossing locations such as those denoted by the provision of

'tactile paving' and pedestrian dropped kerb locations shall be risk assessed and made safe as necessary, reflective of footway safety defect investigation and risk score intervention criteria. The zone of the carriageway safety defect repair will be aligned to the footway safety criteria and shall be restricted to the width of the tactile paving or to the width of the dropped kerb units (taper kerbs not included) denoting the extent of the safe crossing point, (this criteria does not apply to standard vehicular dropped crossing locations).

See **Appendix 4** for examples of this criteria.

8.2 Defect Categories

Safety Inspections identify those defects likely to create a danger or serious inconvenience to users of the network or the wider community.

Safety defects will include those that will require emergency/urgent attention (within 2hrs/24hrs) as well as those where the locations and sizes are such that longer periods of response would be acceptable.

Defects are categorised as either Safety Critical, Category 1, Category 2, Category 3 or Category 4 in terms of an appropriate priority response.

Safety Critical:- Defects that require immediate emergency attention within 2 hours, e.g., missing manhole or gully covers in a heavily trafficked location, road or footway sinkhole or washout collapse, exposed live electrical wiring, etc. Such safety-critical defects should, if safe and reasonable to do so, be attended to on-site by the safety inspector until the contractor safety repair team arrives within 2 hours to make-safe the defect.

Category 1:- Defects that require urgent attention within 24 hours because they represent a higher risk of potential hazard for users. Depending on the situation, interim make-safe action may be required such as temporary repair or temporary signing /guarding.

Category 2:- Defects exhibiting a moderate level of urgency, denoting a medium level of risk to the highway user necessitating temporary make-safe or permanent repair within a reasonably short period of time.

Category 3:- Defects that require safety attention however they do not represent an immediate concern or imminent hazard. These defects have reduced safety implications of lesser significance than Category 1 and Category 2 defects.

Category 4:- Minor defects that meet the investigatory criteria but are not currently deemed to be a safety hazard. They may occur over a large extent of the public highway. These defects require no immediate action, they may be repaired as part of a planned future maintenance scheme or their condition may be monitored and reviewed at the next scheduled safety inspection.

8.3 Repair or Replacement

Repair or replacement will be like-for-like unless circumstances require a more durable or flexible material, or if there is insufficient budget in which case safety considerations will override aesthetic considerations, e.g., the local repair of a flag/modular paved footway with temporary bituminous material. Consideration will also

be given to the need to declutter the Highway to improve accessibility and reduce carbon. In all cases, a risk-based approach will be applied, and only safety-critical street furniture will be replaced as standard.

8.4 Special Considerations

a) Footway Vehicle over-run and Repeated Damage

Where footway damage is consequential of vehicle over-run, giving rise to a defined risk-based safety defect, a suitable localised safety repair will be implemented to mitigate the local risk. Where persistent and widespread damage is occurring on paved footways due to vehicles parking or overrunning, the flags will be removed and replaced with bituminous material in conjunction with a planned scheme of works once defect investigatory levels have been exceeded.

b) Utilities

Broken footway paving may be replaced with a full-width asphalt reinstatement if deemed suitable, this is subject to approval from the Service Manager.

c) Street Trees

These are the trees planted in pavements, highways or roadside verges along the city's streets. They help to filter traffic pollution, provide habitats for bird and insect wildlife, help with drainage of surface water, provide shade and improve the visual amenity of the street scene.

Brighton & Hove has a unique population of Elm trees. These were originally planted in large numbers by the Victorians and Edwardians due to their suitability to maritime conditions, their resistance to salt winds and tolerance of the thin alkaline chalk soil typical of much of this area. Brighton & Hove's Elms were granted full 'National Collection' status in 1998 by the National Council for the Conservation of Parks & Gardens.

However, due to the thin topsoil and chalk base, a street tree's root network will often grow close to the surface to obtain as much moisture as possible. This means that areas around street trees may have uneven surfaces.

Brighton & Hove City Council seeks to preserve street trees wherever possible and therefore take a pragmatic approach to maintenance around street trees. *(See also Tree Management Operational Policy)*

A reduced defect investigatory and defect repair level may be applied around a highway network affected by street tree root damage to provide a safe walking surface.

This approach is supported by the **Highways Code of Practice: (p.83 and p.95)**

B.4.4.4 "Although ensuring the safety of footways for users will be a priority, in some cases the presence of roadside trees may complicate the provision of footway surface regularity. The radical treatment or complete tree removal necessary to ensure surface regularity may not be possible or desirable and reduced levels of surface regularity may be a more acceptable outcome."

B.5.4.6 "Extensive root growth from larger trees can cause significant damage to the surface of footways, particularly in urban areas. A risk assessment should therefore be undertaken with specialist arboricultural advice on the most appropriate course of action, if possible to avoid harm to the tree. In these circumstances,

it may be difficult for authorities to reconcile their responsibilities for surface regularity, with wider environmental considerations and a reduced level of regularity may be acceptable”.

Where flagged paving, blocks or flexible footway surfaces are pushed up due to tree roots, thereby creating an abrupt level difference that meets or exceeds the investigatory level of 50mm, they will be identified for repair to remove or reduce the severity of the abrupt-level difference. In the case of flagged paving and blocks, the raised surface may be replaced locally with a flexible surface material to create a ramp and to minimise the abrupt-level difference. The footway surface material and any associated displaced kerbing units will be laid or repaired to minimise the hazard to highway users, however, this is unlikely to present an even surface. This practice helps to reduce the occurrence of the tree being damaged by frequent root trimming.

d) Verges

Verges are not provided as areas for walking, driving or cycling. The function of a verge in urban areas is to assist with surface water drainage, to provide segregation between vehicular and pedestrian traffic, and to enhance the visual amenity of an area. There is no requirement to maintain a verge to the same safety standard as that of a footway, carriageway or cycleway.

Verges damaged by parking or vehicle overrun will be identified for safety repair and/or protection only if vehicle overrun causes a significant portion of the adjacent carriageway or footway to be continuously slippery from debris or undermines the structure of the adjacent carriageway or footway (see also Operational Policy - Grass Verge Parking and Vehicle Overrun).

e) Kerbing

The function of a kerb is to provide a retaining structure for the carriageway and footway/verge and to channel surface water into highway drainage. Kerbs are therefore designed to give structural support to the trafficked surfaces of the highway rather than for walking or driving upon.

Kerbing that is raised, sunken or dislodged such as to constitute a major abrupt-level difference will be repaired or replaced. However, investigatory and defect repair levels may not be applied to the same degree around street tree root locations.

Kerbing that has minimal upstand from the carriageway or has small cracks, chips or flaws will not be repaired or replaced.

Defective kerbs at road junction crossing points and pedestrian crossings and at other designated crossing locations such as tactile paving shall be risk assessed and made safe by repair or replacement as necessary, reflective of footway defect investigation and intervention criteria.

f) Builders' Damage

Any safety defects on the highway arising as a consequence of third-party building operations will be recorded and immediately notified to the builder for urgent safety repair within the specified timescales for defect categories. Should an appropriate and timely safety repair not be undertaken/completed by the builder within

the designated defect repair time, the Council may undertake the repair themselves and recharge the repair cost to the builder. The ongoing building works will be monitored jointly by the Highway Enforcement Team and Permit Admin Team, and where appropriate, costs will be recovered for damage repairs caused by third parties.

9. Investigatory Levels

Any item with a defect level that corresponds to or exceeds the investigatory levels set by Brighton & Hove City Council as shown in **Appendix 2**, is to be risk assessed and the appropriate safety defect repair undertaken within the designated defect response times.

An investigatory level is a measure that determines when a highway defect should be classified as a safety defect and therefore subject to a further dynamic risk assessment reflective of locational user risk to determine its repair criteria and timings.

For example, it is not the case that any defect that is greater than 20mm in a footway/cycleway or 40mm in a carriageway is an imminent safety hazard to highway users. Other factors need to be considered such as the location of the defect and the likelihood of adverse impact. The purpose of investigatory levels is to trigger a dynamic risk assessment which may or may not result in a safety repair depending on the level of risk determined reflective of defect/site characteristics.

BHCC's investigatory levels are therefore based on the size and nature of the defect, and on its positional location within the highway reflective of the extent and nature of highway user trafficking, e.g. traffic lanes, wheel tracks, pedestrian crossings (see Table 1 – Risk Matrix and **Appendix 2**).

10. Other Council Assets

There is a duty of user safety and care for all assets, land or premises owned and managed by the Council. The level of user care is determined and actioned by the relevant responsible service area within Brighton & Hove City Council in order to promote user safety and to ensure the implementation of timely and appropriate defect response actions.

Ancillary assets owned and managed by other Council service areas such as street lighting, highway structures, vehicle restraint systems and skid resistance levels have separate specialist inspection and response regimes governed by the responsible service area that are not covered under this 'Highway Reactive Safety Maintenance and Inspection Policy'. Likewise, street trees are pruned and maintained by the Council's City Parks section and the Parking and Traffic Management Teams maintain road studs, signs, lines and street name plates.

However, during the course of the highway safety inspections, should a Council 'non-highways' safety defect be observed by the inspector, this shall be recorded and passed on to the relevant Council service area for appropriate and timely action. In addition, should a 'Safety Critical' defect be identified, such as the collapse of a highway structure, severely leaning or fallen lamp column, fallen tree, etc, this will demand immediate defect mitigation measures to be instigated by the inspector until the relevant service contractor safety

maintenance team attend site within 2 hours to conduct further make safe protection measures or emergency safety repair works.

11. Defects not under the ownership of the Council

During an inspection, asset defects may be identified that are not under the ownership or responsibility of the Council to repair but they may impact highway user safety. The highway safety inspector shall therefore ensure that the party responsible for asset ownership and its repair is immediately contacted and advised of the defect and are provided with maintenance criteria and timescales regarding the repair. If the defect is causing an immediate and urgent safety hazard to the public highway, the Council may take interim action to temporarily make-safe the defect and/or protect the highway, and the Council will seek to recharge the cost of this action to the third-party asset owner.

a) Private Forecourts

These may include forecourts that are not physically separated from the public highway, such as shop frontages. The Council would not usually take corrective maintenance action on defects located in these private areas as this is a matter for the landowners who may either define the forecourt as private space or invite the public to use the forecourt with an accompanying duty of care residing with the landowner. However, if the defect is deemed to be a significant safety hazard that could impact highway user safety, Brighton and Hove City Council as a responsible local authority, may contact the landowner and advise them of the need to make-safe the defect on the grounds of public safety and in mitigation of potential legal claims and challenge they may receive in the event of damage or injury incident.

b) Statutory Undertakers

Some defects may be due to the activities of the utility service providers or by a failure of their apparatus which are governed by the requirements of the New Roads and Street Works Act 1991.

Where an inspector identifies a defective reinstatement belonging to a Statutory Undertaker, this is reported to BHCC's Permit team who will pass this information to the relevant utility with a recommended response time in order that the appropriate repair is carried out.

If the defect results in a major settlement or a collapse of the highway, then this shall be treated as a 'Safety Critical' defect and it shall be coned-off or otherwise protected until either the Utility Company or the Council's safety repair team arrive to make it safe or conduct a safety repair. The Council will seek to recharge the cost of any such works to the utility service provider.

c) Unknown Parties

Any defect identified and located within the highway where the owner is unknown shall be recorded and investigations shall then be undertaken to try and locate the responsible party.

If the defect is identified as 'Safety Critical' impacting the immediate safety of the highway user, it shall be coned off or otherwise protected until the Council's safety repair team arrives to make it safe or conduct a safety repair. Likewise, in the absence of the known asset owner, a Category 1 or 2 defect impacting the safety

of the highway user shall be safety repaired by the Council within the designated defect response time and steps shall then be taken to try and identify and contact the asset owner to recharge them the cost of the repair.

d) Unadopted Streets

Unadopted private streets are not maintainable at the public expense and are therefore not inspected or repaired as part of the highway safety inspection and maintenance regime under this policy.

Also, refer to section 10 above 'Other Council Assets'.

12. Asset Management

Brighton & Hove City Council's safety maintenance regime is part of the wider highway asset management approach for the maintenance of the highway network.

The 'Code of Practice for Well-Managed Highway Infrastructure 2016' emphasises that Highway Authorities should adopt a formal process for assessing and responding to risk through both planned and reactive maintenance for all highway assets.

Brighton & Hove City Council's Highway Asset Management Policy and Strategy sets out how planned maintenance is determined for the city's highway network. When determining the balance between structural, preventative and reactive maintenance, the principle that "prevention is better than cure" is adopted. However, this is subject to available funding and in the current financial climate for local authorities, it is not possible to prevent deterioration in the condition of all streets on the highway network.

The safety inspection regime forms a key aspect of the Authority's approach to managing liabilities and risks, and well-managed safety maintenance has become increasingly important where timely resurfacing and reconstruction of the public highway is not possible reflective of financial and resource constraints.

13. Inspector Qualifications and Training

All permanent and temporary highway inspectors will be provided with and shall undertake training as necessary.

Qualifications

All permanent highway inspectors are expected to become qualified to the recommended standards as per the prevailing national Highway Maintenance guidance documents, this qualification shall, where possible, be undertaken within 12 months of appointment.

Prior to qualification, temporary highway inspectors or trainee inspectors shall work under the guidance of qualified inspector(s) to gain the knowledge, skills and on the job experience to prepare then to seek formal inspection qualifications.

When required, further training will be undertaken to ensure that the recognised highway inspectors qualification is correctly maintained and renewed as required.

14. Conclusion

Brighton & Hove City Council's 'Highway Reactive Safety Maintenance and Inspection Policy' has been developed in accordance with the Code of Practice for Well-Managed Highway Infrastructure and is based on analysis and evaluation of all the available information in order to define a risk-based approach to potential safety issues.

To maintain a safe and serviceable highway network operating within maintenance budgets, the 'Highway Safety Inspection & Maintenance Policy' provides a cost-effective means of addressing immediate safety risks on the highway network by prioritising higher-risk sites until such a time that deterioration in the condition of the road network can be addressed.

This 'Highway Reactive Safety Maintenance and Inspection Policy' shall be reviewed every 2 years.

Appendix 1 – Legislative Requirements

Statutory Duty – Highways Act 1980

Section 41:

The Council as a Highway Authority is placed under a duty to maintain its highways by Section 41 of the Highways Act 1980: “...*the highway authority for a highway maintainable at the public expense is under a duty... to maintain the highway.*”

The Section 41 duty cannot be delegated whether by outsourcing or otherwise. The duty refers to the repair of the fabric or structure of the highway including existing drainage.

Section 58:

Section 58 of the Highways Act 1980 grants a ‘special defence against a highway authority for damages for non-repair of the highway’ if it can demonstrate that it has taken reasonable care to ensure that the highway was not dangerous to traffic and having regard to:

- The character of the highway and the traffic that was reasonably expected to use it;
- The standard of maintenance appropriate for a highway of that character and used by such traffic;
- The state of repair in which a reasonable person would have expected to find the highway;
- Whether the Authority knew or could reasonably have been expected to know that the condition of the highway was likely to cause danger to users;
- Whether warning notices were displayed when immediate repair could not reasonably be expected

In addition, the highway authority should demonstrate it has correctly followed its safety inspection criteria and inspection frequencies.

Relevant Case Law

There is extensive case law relating to highway claims, regarding the standard or condition (state of repair) and what constitutes a breach of Section 41. Much of the case law has been concerned with tripping claims on the footway.

Although guidance can be taken from previously decided cases, the courts have repeatedly stated that highway claims are fact-sensitive, and each case will be decided on its own facts. It is for the Court to make its own independent assessment of dangerousness, based on all the available information, however, judges are frequently referred to guidance from cited highway claims cases and the Code of Practice is a reference document for courts and coroners’ investigations.

Appendix 2 – Safety Defect Risk Investigation Levels

Carriageway Safety Defect Investigatory Levels			Defect Risk Score Defect Category Defect Response Times
Surface Defects	Abrupt difference in level	40mm to 75mm deep (≥300mm x 300mm wide)	Via safety inspector dynamic risk assessment. See Table 1 - ‘Risk Matrix’.
		>75mm+ deep	
Carriageway Ironwork	Pitching/rocking difference in level	50mm to 75mm deep	
		>75mm+ deep	
	Missing Ironwork	Standard size gully	
		Super gully	
Manhole			
Utility apparatus safety defects meeting the investigatory level:- Take appropriate interim safety action and raise a Section 81 Defect Report			
Carriageway investigation levels will apply to cycleways that are an integral part of the carriageway and where they are visible from the carriageway e.g. not segregated by a physical boundary other than white lining or intermittent bollards.			
Footway investigation levels will apply to the carriageway at pedestrian crossing points/refuges as defined in Section 8 and Appendix 4.			

Footway Safety Defect Investigatory Levels			Defect Risk Score Defect Category Defect Response Times
Surface Defects	Abrupt difference in level	20mm to 40mm deep (≥100mm x 100mm wide)	Via safety inspector dynamic risk assessment. See Table 1 - 'Risk Matrix'.
		>40mm deep	
	Tree Roots - abrupt difference in level	≥50mm	
Guard rails & safety bollards	Missing/Damaged	Stable/not obstructing the footway	
		Significantly obstructing the footway	
		Unstable	
Kerb Defects	Vertical Step	20mm to 75mm	
		>75mm	
	Displaced	>100mm	
Footway Ironwork (including drainage channels and grids)	Pitching/rocking difference in level	30mm to 50mm deep	
		>50mm deep	
	Missing Ironwork	Standard size gully	
		Super gully	
		Manhole	
Utility apparatus safety defects meeting the investigatory level:- Take appropriate interim safety action and raise a Section 81 Defect Report			
Footway investigation levels will apply to cycleways that are part of a shared space on the footway or where they are physically separated from the carriageway by continuous kerbs, parking bays or buildouts.			
Footway investigation levels will apply to the carriageway at pedestrian crossing points/refuges as defined in Section 8 and Appendix 4.			

Appendix 3 – Process for developing a risk-based approach to safety inspections and maintenance.

1. Determine the carriageway, footway and cycleway maintenance hierarchies for each highway part.
2. Set the safety inspection frequencies for each hierarchy reflective of a risk-based approach to service delivery and public safety.
3. Set the safety inspection tolerances, e.g.
Monthly (+3 days), 3 Monthly (+2 weeks), 6 Monthly (+3 weeks), 12 Monthly (+4 weeks)
4. Set the safety defect investigatory levels for the carriageway, footway and cycle track.
5. Define the 4x4 'Risk Matrix' for risk probability and risk impact that form the dynamic risk assessment, generating risk scores in the range 1 to 16.
6. From the risk matrix, define the 'risk score' safety defect category, e.g.,
Safety Critical (risk score 16), Cat 1 (High - risk score 12), Cat 2 (Med - risk score 9), Cat 3 (Low - risk score 6+8), Cat 4 (Very Low - risk score 1 to 4)
7. Set the safety defect category repair response times, e.g.
Safety Critical (Emergency/Immediate-2 hrs), Cat 1 (Urgent-24 hrs), Cat 2 (7 days), Cat 3 (28 days),
Cat 4 (No immediate action - planned works or monitor and review at the next safety inspection).

Note:- The annual highway safety inspection programme and staff resource needs have been calculated based on network length, annual inspection frequencies (ref hierarchy), estimated outputs (walked/driven) and estimated non-productive/downtime reflective of staff absences, leave, public holidays, inclement weather delays, etc. This provides a measure of the staff inspection resources required to support and conduct the annual safety inspections for Brighton and Hove City Council reflective of network hierarchy and inspection frequency.

Appendix 4 - Photo examples of designated pedestrian crossing locations/tactile paving.



Dropped kerb at junction crossing point



Dropped kerb at junction crossing point with tactile paving



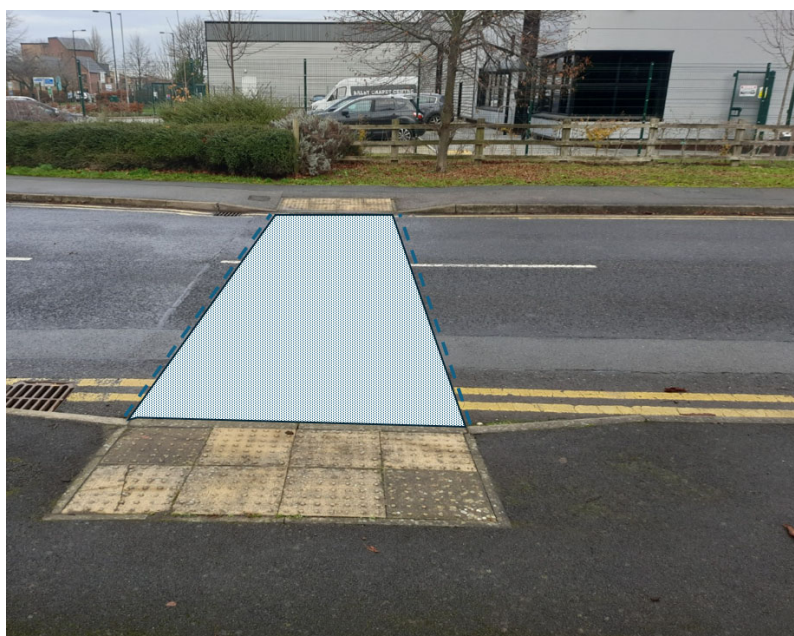
Beacon crossing with tactile paving



Signal crossing with tactile paving








Designated tactile crossing point – adjacent to road junction



Designated tactile crossing point – remote from road junction

The shaded locations shown in the above photo sketches denote typical designated road crossing points with carriageway areas that shall be risk assessed and made safe reflective of footway safety defect investigation and risk score intervention criteria.

Appendix 5 - Photo examples of highway safety defects.

 <p>Carriageway Pothole</p>	 <p>Pothole/Erosion around Utility Cover</p>
 <p>Carriageway Edge Erosion</p>	 <p>Footway Edge Erosion</p>
 <p>Vehicle Over-ride Damage - Footway</p>	 <p>Blocked Gully (potential for standing water/flooding)</p>
 <p>Local Road Collapse</p>	 <p>Road Edge Void</p>



Displaced Kerbs



Displaced Kerbs



Missing Utility Cover



Missing Utility Cover



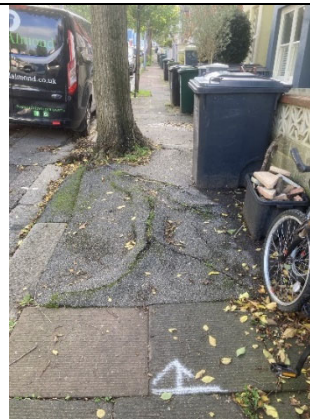
Broken Cover



Cracked Cover



Tree Root Damage



Tree Root Damage

 <p>Leaning Tree</p>	 <p>Fallen Tree Branch</p>
 <p>Uneven/Unstable Flags/abrupt-level difference</p>	 <p>Uneven Flags/abrupt-level difference</p>
 <p>Missing Paving Block</p>	 <p>Paving Block Abrupt-level Difference</p>
 <p>Footway Gap side of Drainage Channel</p>	 <p>Mud on the road</p>



Damaged Bollard and
Displaced Block Paving



Damaged Bollard
(overhanging Tactile Paved Crossing)



Damaged Pedestrian Barrier
(at ped crossing location)



Damaged Fence
(pole projecting into the highway)



Exposed Wiring





Exposed Wiring



Corroded Column



Leaning Signal Pole

 <p>Damages Fence and Steps</p>	 <p>Collapsed Stone Retaining Wall</p>
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The photographs above are intended to show typical examples of highway related safety defects, these are not considered to be an exhaustive list of safety defects. They will be subjected to a risk-based assessment via the safety inspection 'Risk Matrix' process to determine their risk probability/impact score and action status, reflective of size, location, usage, trafficking, environment, etc.

Brighton & Hove City Council

Cabinet

Agenda Item 194

Subject: Brighton Marina to River Adur Flood and Coastal Erosion Risk Management (FCERM) scheme – Project Update and Phase Two Procurement Strategy

Date of meeting: Thursday, 24 April 2025

Report of: Cabinet Member for Transport, Parking and Public Realm

Lead Officer: Name: Corporate Director- Operations

Contact Officer: Name: Steven Parker

Tel: 077160 48723

Email: steven.parker@brighton-hove.gov.uk

Ward(s) affected: (All Wards);

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000 and is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

- 1.1 Brighton & Hove's Council Plan outlines our mission to develop a flourishing and inclusive local economy in a city that is accessible and has a sustainable environment we can all be proud of. The seafront and beaches are a core part of this mission with a commitment to both protect and manage our unique coastal environment through innovation and investment.
- 1.2 The Brighton Marina to River Adur - Flood and Coastal Erosion Risk Management (FCERM) Scheme (the Scheme) - is core to realising our aims and is necessary to protect our beaches and foreshore from erosion, and the city from floods and associated damage.
- 1.3 Following the completion of Phase 1 the purpose of this report is to seek cabinet approval and delegated authority to deliver Brighton & Hove's Phase 2 commitment which consists of work within its boundary.
- 1.4 This approval would include an increase in the capital contribution from £6.515m to £11m and the release of the unapproved budget sums outlined in Part 2. This increased sum is due to additional shingle replenishment / recharge required to stabilise the beach bays and inflationary cost over the last 5 years.

2. Recommendations

- 2.1 Cabinet agrees to increase the capital contribution for the BHCC Phase 2 works from £6.515m to £11m for the Brighton Marina to River Adur Flood and Coastal Erosion Risk Management (FCERM) Scheme.
- 2.2 Cabinet agrees to release the unapproved sums - allocated to the Scheme for the purposes of BHCC Phase 2 works and contained within the forward capital plan - to approved status. These sums are stated in Part 2
- 2.3 Cabinet agrees to authorise an open procurement process to select a suitable and competent supplier to carry out the BHCC Phase 2 construction works within the BHCC area.
- 2.4 Cabinet delegates authority to the Corporate Director City Operations to take all steps necessary to award a suitable construction contract to the preferred bidder and enter into the contract and any associated warranties / documents.
- 2.5 Cabinet delegates authority to the Corporate Director City Operations to take all steps necessary to act as Lead Authority in project managing the Scheme on behalf of the stakeholders and the Environment Agency. This includes providing a loan to Shoreham Port Authority for the value of the works within their area of circa £2.5m. This forms part of the overall budget of £11m as stated in 2.1 above.

3. Context and background information

- 3.1 Brighton and Hove City Council has both responsibility and powers under the Coast Protection Act 1949 and Flood and Water Management Act 2010 - which created Lead Local Flood Authorities (LLFA); a status held by BHCC.
- 3.2 Within the Flood and Water Management Act 2010 the Environment Agency was required to develop a national flood and coastal erosion risk management strategy (FCERM) for England; updated 2020. Feeding into this strategy was both the LLFA's and Regional Management Authority's (RMA's) which Brighton & Hove City Council hold within its unitary authority status.
- 3.3 The Brighton Marina to River Adur project is an FCERM Scheme, designed to improve, enhance and create better defence solutions along the low-level lying stretch of coastline between the two points of Brighton Marina and the mouth of the River Adur.
- 3.4 Brighton and Hove City Council are the Lead Authority for the Scheme, and there are three key stakeholders / partners who are;
 - Brighton & Hove City Council
 - Adur & Worthing Councils
 - Shoreham Port Authority

- 3.5 Each partner is responsible for financing their capital contribution and is independent in this regard. No financial responsibility to deliver work outside each partners boundaries exist.
- 3.6 The Scheme partnership was created to share resources and deliver better value for money across this low lying vulnerable coastal stretch as well as seeking grant in aid via the FCERM opportunity.
- 3.7 The Scheme will provide extended shingle beaches, improvements to existing defence structures and additional rock revetements to better protect our crucial assets from the impact of storms and erosion that occurs over time and is likely to increase due to global warming.
- 3.8 The Scheme has two phases – 1 and 2 - and Phase 1 has already delivered a fully costed detailed design and specification, planning and licensing and biodiversity net gain once works are completed. In addition, construction work near the Lagoon at Hove Deep Sea Anglers and part of Southwick beach were included within the first phase.
- 3.9 The works specific to Brighton and Hove City Council in Phase 2 are located at Kings Esplanade and Southwick Beach (BHCC Phase 2). The main cost of these works is Kings Esplanade where the old groynes are being taken out, new extended ones built, and a replenishment of shingle pumped onto the shore to stabilise the beach bays in this area.
- 3.10 The Scheme was approved (comprising Phases 1 and 2) by the Environment, Transport and Sustainability Committee in June 2019 and then submitted to the Environment Agency for their approval. Delegated approval was given by the Environment, Transport & Sustainability Committee to enter into a Memorandum of Understanding and collaborative agreement with both Adur District Council and Shoreham Port Authority for the combined submission to the Environment Agency of the Brighton Marina to River Adur Outline Business Case (OBC). The Committee was also updated in June 2020 and July 2020 when authority to enter into agreements and award contracts were approved and delegated.
- 3.11 The OBC was approved by the Environment Agency (EA) on 26 November 2020 with a grant in aid (GIA) contribution of £12,085,444 and an agreed total scheme value of £35.526m. BHCC were approved as the lead authority both managing the Scheme outcomes and providing resources and oversight where necessary. These costs are recoverable and viewed as legitimate project expenditure.
- 3.12 In 2021 – at the request of the Environment, Transport and Sustainability Committee – the Procurement Advisory Board (PAB) reported and recommended to divide the scheme into two phases, use the EA framework to award two contracts and, to enter into all necessary agreements to procure and deliver Phase 1.
- 3.13 In 2021 a further £2m of funding was provided by the EA to accelerate Phase 1 of the Scheme so that physical works could start in 2022 within

BHCC areas. This work was completed as part of the Phase 1 delivery in early 2024 and was awarded via the EA's construction delivery framework. Delegated authority was passed to the then Director of Services to carry out all necessary decisions in-line with all previous approvals and updates.

- 3.14 In February 2025 the Scheme achieved completion of Phase 1 and is now moving into Phase 2. It is important that Phase 2 is a continuation so the team can deliver consistency, clarity and value in line with FCERM requirements and within the GIA timeline of year end 2027/28: 6 years from approval.
- 3.15 As this report is released BHCC is in discussions with the EA for additional grant in aid funding as well as other potential sources that help and assist works that feed into the FCERM strategy. This includes recent request for BHCC to apply for grant monies available in the financial year 2025/26.
- 3.16 The required works within BHCC are in two key areas. These are;
- Kings Esplanade (New Groyne Field)
 - Southwick Beach, Hove (rebuilding of depleted sea defences).
- 3.17 The process to deliver these two areas to meet our commitment is an open tender process through the shared InTend portal to achieve maximum value for money. This process has already begun in respect of preparing the Tender Package which is expected to be released at the end of April 2025.
- 3.18 At the current time the programme to begin works at Kings Esplanade is late September 2025 so the works can be completed around May 2026. At Southwick beach the work will be started during 2026 with completion by April 2027. It may be possible to start the work earlier if the loan agreement with Shoreham Port Authority is signed and in place.
- 3.19 As Phase 1 comes to an end the EA require the Lead Authority (BHCC) to update on the future works programme for each area and also provide any request for additional funding based on revised design cost and inflationary uplifts. This update is provided by way of a revised Outline Business Case (OBC).
- 3.20 This revised OBC will be submitted in April 2025 and includes a request for additional funding. Discussions with the EA have taken place during the revision process and the Scheme is viewed favourably having completed Phase 1.
- 3.21 In summary, the OBC update shows the overall Scheme value has increased from £35.526m to £41.5m and the updated grant in aid claim is for an additional £5m over the current allocation.
- 3.22 In respect of Kings Esplanade, the Brighton & Hove Sea front and its iconic beaches act as both a catalyst for visitors and residents as well as providing the first line of defence against flooding and erosion. The shingle helps reduce the wave energy through absorption and dissipation, but the shingle

also shifts and moves along the shoreline creating seasonal and tidal levels within the foreshore. Overtime shingle can be lost requiring intervention in a process known as recharge or replenishment and cost millions of pounds for even the smallest operation.

- 3.23 Groynes are designed to trap shingle and sediment preventing the action of longshore drift (the movement and loss of shingle) and have the effect of stabilising the beach which can last indefinitely if maintained. We have seen successful developments along many sections of Brighton & Hove Sea front that are located beyond the original sea wall and benefit from both foot fall and destination activities and leisure.
- 3.24 In the last 100 years the beach has dramatically widened in areas like Madeira Drive / Terrace where the shingle is now sitting around 3 to 4 meters higher due to intervention and the marina development.
- 3.25 Phase 2 of the Scheme covers nearly all the Southwick beach front as well as the Kings Esplanade in Hove. As the lead authority managing the Scheme on behalf of the stakeholders BHCC will endeavour to work with both Adur and Worthing and Shoreham Port Authority to help them meet their commitments.
- 3.26 In this regard a £2.5m loan facility to Shoreham Port Authority for the area within our boundary but on their land has formed part of the overall strategy for delivering the Scheme. The terms of the loan will be agreed under delegated authority by the Corporate Director of City Operations

4. Analysis and consideration of alternative options

- 4.1 BHCC Phase 2 requires specialist services across design, management and delivery. These services are not currently available within the council. The consequences of not carrying out improvements and enhancements to both the beaches and other defences would mean parts of the city would suffer erosion, storm damage and asset failure particularly along Hove's newly developed areas.
- 4.2 In addition, as lead authority our obligations to manage the Scheme and report back to the Environment Agency would fall away if we were to now not move forward; affectively stopping at the completion of Phase 1. This would likely harm any future government funding applications on coastal and other flood defence schemes, weaken our ability to be a trusted partner and have implications around the current investment (GIA) already spent.
- 4.3 Phase 1 construction work was procured using the Environment Agency Construction Delivery Framework (CDF) which is a single supplier framework. This was agreed as part of the accelerated works package.
- 4.4 Phase 2 work will be procured via an open tender format utilising the In-Tend portal to advertise the tender and in-house procurement services within BHCC.

- 4.5 The tender package will be completed and ready for issue by the end of April 2025. If there is no loan agreement in place with Shoreham Port Authority then that section of work would not start until discussions with both stakeholders and the Environment Agency to resolve the funding.
- 4.6 Other options are that Shoreham Port Authority raise the money privately however this goes against the general consensus since 2021 and would potentially cause conflict around delivery and management costs.

5. Community engagement and consultation

- 5.1 The wider Scheme and proposals to the Kings Esplanade beaches have been extensively promoted both internally and externally to all stakeholders over the last 5 years including press releases, internal presentations to councillors and wider directorates.
- 5.2 In recent times a Public Engagement session was held at the King Alfred Leisure centre where both attendance and feedback were positive and in favour of the Scheme. This involved residents, business owners, educational facilities and Councillors meeting the Project Team publicly including open engagement about the Scheme, the detailed design and outline program.
- 5.3 As the Scheme progresses, communication and engagement with the community, including our valued partners and businesses who are part of our seafront community, will continue with discussions on how to minimise the disruption as the scheme reaches delivery. In addition, we have openly engaged with Schools and intend to offer opportunities for both participation and engagement with the construction process. This will include the opportunity for schools to make and help attach biodiversity systems to the new groynes to help encourage sea creatures growth and prosperity along the intertidal zone.
- 5.4 In addition, and following a planning review an application for consent was submitted on 11th October 2024 (BH2024/02513) for the Kings Esplanade groyne replacement. All consultee and public comments are in support of the scheme.

6. Financial implications

- 6.1 Total costs for the wider Scheme have risen by £5.974m from £35.526m to £41.5m, this is a result of increased costs in addition a larger volume of materials required to complete the project than originally estimated. The main report outlines that the project has already had grant funding approved of £14.085m and it is anticipated that there will be further grant available of £5.414m which covers much of the increase in costs, with a minor impact on other partners involved in the project.
- 6.2 The increase in grant has not been approved yet and so represents a risk to the Scheme. Should the claim be refused this risk would be carried by the partners and then these will be additional costs the partners will share and BHCC share may be met from borrowing, or risk the project not proceeding.

6.3 Further financial implications are contained in Part 2

Finance Officer consulted: Craig Garoghan

Date: 07/04/25

7. Legal implications

7.1 The Council has the power to take forward the arrangements contemplated by this report pursuant to section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by these decisions. The exercise of the delegated authority by the Corporate Director City Services to provide a loan facility to the Shoreham Port Authority will be subject to the necessary due diligence as well the agreement of terms in compliance with the Subsidy Control Act 2022.

7.2 In proceeding with the procurement contemplated by this report, the Council is required to comply with the Procurement Act 2023 in relation to the procurement and award of contracts above the relevant financial threshold for works. The Council's Contract Standing Orders will also apply.

Lawyer consulted: Siobhan Fry:

Date:10/04/2025

8. Risk implications

8.1 The risk implications of not supporting the requested decisions include the potential loss of further GIA funding as well as an overall increase in project costs.

8.2 Erosion and flooding would be inevitable at some point in the near future should the scheme be cancelled and not go ahead.

8.3 The King Alfred Leisure centre sits directly behind the potential new groyne field and extended shingle beaches. If the King Alfred development precedes the Scheme there is likely to be no opportunity to carry out the works until the main build is completed.

8.4 This would mean mothballing the BHCC element of the Scheme until it could be restarted. This again may reduce or cancel any outside funding from the EA and would increase costs.

8.5 The current timeline is to issue the Tender Package by the end of April 2025 in order to have the works shovel ready to meet a start date of September / October 2025. A delay to the issuing of the Tender may cause further delay and financial implications further down the line.

9. Equalities implications

- 9.1 Equality Analysis has been carried out through a project screening process to give due consideration to equality, diversity and inclusion. This was submitted as part of the OBC and the Council's diversity team has been consulted.
- 9.2 Establishing relevance was determined around restrictions to any particular group (protected and others) in regard to the sea defence activities within the scheme.
- 9.3 Due to the nature of the improvements and the fact no new amenities are being constructed (replacement and repair only) the overall implications are neutral.

10. Sustainability implications

- 10.1 The project has both net zero and biodiversity at its heart in respect of contributing to the wellbeing of the city.
- 10.2 Energy: where possible reduced emissions will be created using biofuels where no alternative to hydrocarbons exists. Consumption will be reduced wherever possible and clean energy use will be encouraged across the Scheme utilizing a mix of clean energy options.
- 10.3 Travel & Transport: the team are committed to keeping activities local to reduce travel and transport requirements and to also encourage shared services where possible.
- 10.4 Sustainable procurement: we are encouraging through our key qualification questions the need for suppliers to provide evidence and examples of their commitment to operating in a culturally sustainable manner as a business.
- 10.5 Sustainable economy: the Scheme has and continues to encourage local participation by suppliers. Many of the team live locally.
- 10.6 Health Safety and Wellbeing: the suppliers and future suppliers have and are required to demonstrate environmental credentials, their commitment to operating in a proactive manner and their legislative responsibilities.
- 10.7 Construction Environmental Management Plan (CEMP): all our suppliers and delivery partners both contribute and work to assist each other in ensuring clarity and best practice.
- 10.8 Biodiversity and nature conservation: the beach and the designs delivered are to be constructed allowing for an increase in biodiversity net gain, protection of existing non-invasive species and encouragement of new colonies within a designated set aside area. This will help establish a connection of flora and fauna with existing established areas all along the seafront.

11. Health and Wellbeing Implications:

- 11.1 The Beach and the structures built for sea defence have the added benefit of offering opportunity for wellbeing. This includes physical and mental and is shared across all groups helping to reduce inequality.
- 11.2 The promenade, beach access and facilities built on the defence structures include education and skills, healthy places for communities, transport links and shared spaces bringing together people and communities.
- 11.3 The outcome for the wider beaches and sea front forming the Scheme will in better sea defence and increased wellbeing for millions of residents and visitors per year.

Other Implications

12. Procurement implications

- 12.1 The procurement strategy was set out and agreed in 2020 and further updated through the approval process. The Scheme was split into two phases 1 and 2.
- 12.2 Procurement of BHCC element of Phase 2 is via open tender and there are no issues or concerns regarding this route.

13. Crime & disorder implications:

13.1 The BHCC sea front is managed and overseen by the Seafront Office Team. They provide users, visitors, traders and property owners with points of contact, patrols and regular updates to local business. The works to be carried out are not creating new facilities or changes to existing useable space and therefore there is no impact in respect of crime and disorder.

14. Conclusion

- 14.1 The Brighton Marina to River Adur Scheme forms part of the wider strategy to make sure the land, buildings, infrastructure, business and residents are protected against erosion and flooding. In future years sea levels will rise, and storms will become more frequent, increasing risk damage and disturbance to the sea front.
- 14.2 The approved FCERM Scheme has successfully completed phase 1 and BHCC Phase 2 is now ready to be started. The approvals sought are in line with the historic approvals, wider strategy objectives and the funding provided by the Environment Agency.

Supporting Information:

Appendices:

None

Background Documents

- BMRA Strategy Appraisal
- Procurement Strategy
- EA FCERM Approval
- EA Acceleration Approval
- EA Use of Accelerated Approval
- Procurement Advisory Board Report 2021
- EA Grant Memorandum
- Partners Memorandum of Understanding
- Brighton & Hove photos of change (Maderia)

Brighton & Hove City Council

Cabinet

Agenda Item 195

Subject: Transfer of Adult Social Care Learning Disability Services

Date of meeting: Thursday, 24 April 2025

Report of: Cabinet Member for Adult Social Care, Public Health and Service Transformation

Lead Officer: Name: Corporate Director for Homes & Adult Social Care

Contact Officer: Name: Lou Aish, Commissioning Manager

Email: Lou.Aish@brighton-hove.gov.uk

Ward(s) affected: Regency, Preston Park, Hollingdean, Wish

Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000 and is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

1.1 It is essential that social care services for adults are good quality and represent good value for money. The Council still has a relatively high proportion of directly provided 'in-house' services and the direction of travel is to reduce the number whilst ensuring these services are only transferred to very good external providers. This report seeks approval to conduct a procurement exercise to appoint suitably experienced and qualified provider/s to take over four Council run services for people learning disabilities some of whom are also autistic. The aim is to ensure both cost-effectiveness and high quality care.

1.2 The proposal aligns with the Council Plan's goals of:

Outcome 2 Creating a fair and inclusive city: it is important that the people who are affected by this proposal continue to thrive in the communities that they have been living in and with this proposal they will be able to remain in the accommodation specified below (clauses 3.5 and/or 3.6) which was originally provided by the Council, but under a new service provider.

Outcome 3 A healthy city where people thrive: potential providers will have to evidence how they promote health and wellbeing, reduce health inequalities and support people to live independent and fulfilling lives, both at the tender stage and throughout the life of the contract.

Outcome 4 A responsive council that listens to its communities: officers are engaging, where possible, with the people currently supported by these services and with their representatives and the staff that support them and their feedback is being used to identify what is important to them in a future provider/s.

2. Recommendations

Cabinet delegates authority to the Corporate Director for Homes & Adult Social Care, in consultation with the Cabinet Member for Adult Social Care, Public Health and Service Transformation, to:

- 2.1 Take all necessary steps to procure and award contract/s for the provision of residential and supported living services for adults with learning disabilities and autism;
- 2.2 Take all necessary steps to award repair and maintenance leases for the 4 buildings described in 3.5 and 3.6;
- 2.3 Agree the anticipated maximum value of the contract/s of £31m, subject to final confirmation of pension contributions; and
- 2.4 Agree to initial five (5) year terms for the contracts and leases, with the option to extend for a period or periods of up to five (5) additional years, subject to paragraph 2.2.
- 2.5 Cabinet delegates authority to the Corporate Director for Homes & Adult Social Care, in consultation with the Cabinet Member for Adult Social Care, Public Health and Service Transformation, to grant the optional extension of the contract/s referred to in 2.1.1 and the leases in 2.2.2, subject to satisfactory performance of the provider/s.

3. Context and background information

- 3.1 Under the Care Act 2014, local authorities have a statutory duty to ensure the availability of a diverse and high quality care market that provides choice to individuals requiring support. In Brighton & Hove we have a large pool of charities and care organisations that provide excellent support to people with learning disabilities and who are also autistic.
- 3.2 Adult social care services provided by organisations external to the Council and not directly provided make up about 92% of the local care market. The remaining 8% is provided by the Council, the 2nd highest proportion of in-house provision in the south east. It is evident from benchmarking information that our in-house Adult Social Care provision is considerably higher than our comparators in both unit cost (£4,291 compared to £2,049 in the independent sector) and spend per capita (£34 compared to £10 SE average).
- 3.3 When considering which services the Council should provide directly, the Council must also assess:

- The current and future needs of the people within the services;
 - The value for money and quality of the in-house services;
 - The local external market and its ability and expertise to meet these needs; and
 - The benefits to recommissioning services, both to the people needing the services and the staff. These benefits may include access to more specialist expertise and best practice, progression for service users and staff, innovation and greater use of telecare/telehealth and capacity to build and develop new services.
- 3.4 On 27th February 2025, Budget Council approved the recommissioning of four Council run learning disability services to ensure that the Council remains a provider only where it is the most suitable and cost-effective solution. This report therefore seeks approval to undertake a procurement exercise to appoint suitably qualified and experienced provider/s to outsource the services to.
- 3.5 The services comprise of three small residential care homes and a supporting living service. The three residential care homes include:
- Preston Drove which supports five people, with sixteen staff;
 - Leicester Villas which supports three people (there is currently one void), with eight staff; and
 - Windlesham Road which supports five people, with sixteen staff.
- 3.6 The supported living service at Burwash Lodge, consists of two blocks of accommodation. There are six people living in the first block and three people living in the second block (with one void flat). One person in the second block is not currently living there and will be not returning to their flat which will mean there will be an additional void in due course. Currently seven staff support all clients at Burwash Lodge. The Council has another supported living service (Ferndale Road) that now only has one resident who will move to one of the flats at Burwash Lodge and be part of the bigger service.
- 3.7 The buildings from which the services are currently delivered are owned by the Council and the three residential homes have NHS covenants attached which means they must be used for social care purposes. As part of the procurement potential providers will be expected to lease the properties from the Council and repair and maintain them to a high standard. The leases will need to be co-terminus with the contracts, meaning the lease terms will need to end at the same time as the contract terms. As there is a shortage of adult social care accommodation in the City the properties are being retained by the Council.
- 3.8 The needs of the people who use these services are paramount so only very experienced and suitably qualified providers will be considered as part of the procurement. A similar exercise was undertaken in 2017 and 5 supported living services were successfully transferred to the charity, Grace Eyre Foundation. The residential services were not outsourced at the time as the bids received did not meet the quality expectations.

- 3.9 There are some areas in which the services could benefit from a transfer to the external market. This includes better access to the use of technology such as digital care records, the ability of external organisations to invest in the upkeep/development of buildings and increased staff progression options.
- 3.10 With regard to the quality of external provision 85% of services in the city are rated as 'good' or 'outstanding' by the Care Quality Commission (CQC) with currently no 'inadequate' services. Adult Social Care already has well established contractual and quality assurance process in place which are used to oversee and monitor the providers currently commissioned. We have clear contractual agreements with performance metrics and regular monitoring mechanisms. Regular audits and user feedback are used to ensure that services meet the required standard.
- 3.11 Potential savings of £0.400m have been identified from a full review and re-provision of directly provided Learning Disability services. The 2025/26 revenue budget for the in-house Learning Disability services overall is £5.908m (excluding corporate overheads) and the average unit cost for a person in the 4 services being considered in this report was £2,483 per week in 2023/24. It is expected that there will be efficiencies from the maximization of income streams and other efficiencies including the consolidation of Ferndale Road with Burwash Lodge.
- 3.12 If authority is granted, it is anticipated that a tender will be issued in July, and contracts awarded in October with the new service/s commencing in February 2026.
- 3.13 Providers will need to demonstrate quality in a number of key areas that include mobilisation, service delivery, staffing and organisational management, alongside commitment to social value and sustainability. The contract will include ongoing performance management via Key Performance Indicators (KPIs) and outcome monitoring.

4. Analysis and consideration of alternative options

- 4.1 An alternative option would be to close the services and find alternative provision for each of the people supported. This option has not been recommended as it would be very disruptive to the people supported, many of whom have lived in these services for a long time, and there is a shortage of suitable accommodation with support locally for them to move to.
- 4.2 Another option is to do nothing and retain the services in-house but for all of the reasons set out above in this report this does not provide the most suitable or cost effective solution.

5. Community engagement and consultation

- 5.1 **Engagement with people who live in the services.** Whilst the needs of the individuals living in the services varies, a significant number of individuals as a result of the level of their learning disability would find it difficult to understand the proposal and its current abstract nature. Where it is deemed

that individuals do have capacity to understand the proposal, and where it is felt that talking with them about this will not adversely affect their wellbeing, engagement will take place. This will be tailored to meet individuals' needs to ensure it accessible and meets their preferred communication methods. Where possible we will seek to undertake this engagement with an independent advocacy service provider in the city.

- 5.2 **Engagement with the families and carers** of the people who live in the services has taken place via meetings and they have also received written responses to their questions. Families were particularly interested in the potential future providers, how they would be sourced, what it means for the current staff and how quality would be ensured. They also asked about the ongoing future care and support for their loved ones and have been given reassurance that when services transfer to another provider the Council still has a statutory duty of to ensure people's individual needs are met via social care reviews, feedback from the individuals and their families and carers and the other measures set out in 3.10 above.
- 5.3 Some families are keen to be involved in the evaluation and selection of the new provider/s and they have been asked to identify any particular requirements that they would expect of a potential provider and a small number of family members will develop and evaluate a question for bidders.
- 5.4 **Engagement with staff in the services** affected by this proposal has taken place and staff were particularly concerned about continuity of care for the people they support, the future of their jobs, protection of their terms and conditions, security for temporary staff working in the services. Staff were reassured that Transfer of Undertakings (Protection of Employment) regulations (TUPE) will apply and staff would transfer with their current pay, pension benefits and terms and conditions.
- 5.5 There is also the opportunity for staff to contribute to the service specification and quality expectations of the new provider. Staff have been keen to know that people using the service will still receive the same levels of support and have access to day opportunities. This will be included in the service specification and all people currently in receipt of support are having their needs reviewed and prospective bidders will be asked to evidence how they will meet these needs.
- 5.6 Formal consultation in line with the statutory requirements will take place with staff affected once the contract is awarded. The contract will include clauses on TUPE and pension arrangements as well as expectations around staff training, development, supervision, health and safety and wellbeing.
- 5.7 A Trade Union representative will be invited to ask a question about bidders' recognition of unions and how they consult and engage with unions and / or the workforce to ensure best practice in terms of employee relations.
- 5.8 **Engagement with providers of services to people with learning disabilities** has taken place to ascertain how much interest there is in the services and what information providers need to be able to bid. Feedback

from the market is that providers are interested in all four services however some asked about the Council's future direction of travel and views on Care Quality Commission (CQC) registration. They asked about whether the three group homes that are registered with CQC as residential care homes have to remain registered as such or if there is the opportunity to change the registration to supported living. If the successful provider/s assess that a change of registration from residential to supported living provides the best outcomes for individuals this would be supported by the Council.

6. Financial implications

- 6.1 The review of directly provided Learning Disability accommodation services is expected to deliver savings across the Council's medium term financial plan from a reduction in ongoing revenue costs associated with these services. A full-year savings target of £0.400m for 2025/26 was agreed at Budget council, leaving a net budget for in-house Learning Disability services of £5.908m for 2025/26 (excluding corporate overheads). There is a risk that this review will only deliver part-year savings for 2025/26 and alternative in-year efficiencies will need to be identified.
- 6.2 The unit costs for the current in-house services are high on average compared to care procured through the independent sector, as outlined in paragraph 3.11.
- 6.3 Consideration will need to be given to issues such as TUPE of staff, including pension entitlements and possible redundancy costs.
- 6.4 If the proposals are not approved, then alternative savings measures would need to be identified for the medium-term financial plan.

Name of finance officer consulted: Sophie Warburton

Date consulted: 24/03/2025

7. Legal implications

The Council is required to comply with the Procurement Act 2023 in relation to the procurement and award of contracts above the relevant financial thresholds for services, supplies and works. The Council's contract standing orders will also apply.

Name of lawyer consulted: Manjinder Nagra Date consulted: 26/03/2025

8. Risk implications

- 8.1 There is a risk that the voices of the people currently in receipt of these services are not heard. The engagement methods set out in section 5 will ensure that the views of the people currently in the services feeds into the specification and selection of the prospective provider/s.
- 8.2 There is a risk that there is not sufficient interest from the market or that the bids received are not of sufficient quality. To mitigate against this engagement

has taken place with providers and as set out in paragraph 5.5, and a range of providers have expressed an interest in bidding.

- 8.3 There is also a risk that recommissioning may not achieve the expected savings. Alternative savings measures would need to be identified for the medium-term financial plan if this is the case.
- 8.4 To mitigate against any risks of a reduction in quality once outsourced, the services will be required to submit quarterly and annual performance indicators and be monitored against the expectations in the service specification and terms and conditions.

9. Equalities implications

- 9.1 An Equalities Impact Assessment (EIA) has been completed to assess any potential disproportionate impact and the severity of the impact of this proposal on the people receiving support in these services. The EIA has identified that a larger proportion of people in the service are over 50 years old (71% or fifteen people) and there are a higher proportion of women than men with a number of women of menopause or peri-menopause age. Everyone has a learning disability and eight people also are autistic. The majority of people are white British with only one person from an other black background.
- 9.2 Mitigations will focus on ensuring within the tender process that any potential provider must evidence their skills and experience in supporting people with learning disabilities who are also autistic, but also evidence that they can support people in their older age and are proactive in supporting women through the menopause. Whilst the majority of people are white British, providers will need to evidence how they support people from different ethnic backgrounds. This will be addressed through the bid evaluation process and the contract and specification that is put in place. Ongoing mitigations will also be addressed through key performance indicators and equalities monitoring data completed by the new provider.
- 9.3 An Equalities Impact Assessment has also been completed to assess any potential disproportionate impact and the severity of the impact of the proposal on affected staff working in the services. The EIA has identified the dominant demographic of staff affected by the restructure is white (59.2%). BME representation is 25.93% overall but drops significantly in Middle grades (15.38%) and Upper grades (0%). While white British staff are overrepresented at senior levels (100% in Upper grades). Gender is relatively even (51.55% Female, 48.45% Male), though there are notable differences across grades. Women are overrepresented in Middle and Upper grades (66.67% in both) compared to Lower grades (48.09%). Changes affecting senior positions would disproportionately impact women, with a higher proportion being white British. A significant concentration of staff are in the 45-59 age range (48.45% combined), with particularly high representation in the Upper grades for ages 55-59 (66.67%) and 40-44 (33.33%). It could disproportionately impact the older workers. Whilst there has been no cumulative or complex impact identified relating to intersectional

characteristics this could have more complex impacts, and additional support may be required.

- 9.4 Mitigations to address the potential impact on staff will be through a range of measures that include: clear consultation information with individual meetings for staff and opportunities to ask questions, support from managers, trade union and HR. There may also be the need for additional bespoke support where this is necessary including where English is an additional language as well as support around mental health, financial and redeployment (if appropriate). Additional advice will be sought from the Business Disability Forum and Equality, Diversity & Inclusion Team as required.

10. Sustainability implications

- 10.1 As part of the tender, bidders will be assessed and scored on their proposals regarding transport, including Active Travel and their approach to managing/minimizing waste, including Personal Protective Equipment (PPE), and they will be asked for their Carbon Reduction Plan.
- 10.2 Bidders will also be evaluated on how they will ensure a sustainable workforce and asked to demonstrate how they ensure staff are supported in their roles and how the organisation retains staff, including their approach to ongoing training and staff development.

11. Health and Wellbeing Implications:

- 11.1 The proposal promotes health and wellbeing and reduces health inequalities by specifying that any potential provider must
- ensure that people access health and preventative services such as health screening and health checks;
 - develop Hospital Passports and Health Action Plans and
 - ensure registration with a GP and dentist; and
 - support people to have a healthy diet and engage in regular physical activity.
- 11.2 Also within the specification potential providers must ensure, when developing an Individual's support plan, that the person's health and wellbeing is included and that general health and wellbeing needs around smoking, diet, physical activity, alcohol use, loneliness, sexual health and mental health form part of the support planning, as addressing these lifestyle factors can support improvements in other areas of an Individual's life

Other Implications

12. Procurement implications

- 12.1 This project was listed in the Annual Procurement Forward Plan approved by Cabinet in February 2025. The project was marked as *Option 4: For the project not to proceed to market until it has come to Cabinet with a full report* (this report).

- 12.2 The procurement will be run as a Competitive Flexible Procedure under the Procurement Act 2023, with an initial assessment of bidders against “conditions of participation” to ensure only suitable organisations proceed to full evaluation.
- 12.3 The procurement will run as two lots - one lot for the three residential services and a second lot for the supported living service.
- 12.4 Bids will be evaluated based on Price and Quality. Quality evaluation criteria will include areas such as Mobilisation, Service Delivery, Staffing and Organisational Management, Social Value and Sustainability.
- 12.5 The tender will also include a question relating to trade union recognition and managing employee relations.

13. Social value and community wealth building considerations

- 13.1 Social value benefits will form part of the evaluation of bids for the contract/s in line with the council’s Social Value Framework, providing 10% of the total quality score.
- 13.2 At all stages of the commissioning process the Council will work in line with The Social Value Act 2012 and consider the economic, social, and environmental improvements from which the local area can benefit. Providers will need to demonstrate how they will achieve or exceed the requirements specified by the Council.
- 13.3 Providers will be asked to provide evidence of how the service will maximise social value and impact on local priorities and meet the following outcomes:
- Support prevention campaigns by amplifying education and publicity campaigns (e.g. support staff/residents/service users to stop smoking/increase their physical activity/access money advice/achieve a healthy weight).
 - Initiatives to support older, disabled and vulnerable people by creating community networks
 - Volunteering with local community projects

14. Crime and disorder implications

- 14.1 There are no crime and disorder implications.

15. Conclusion

- 15.1 The key reasons for the decision to transfer the Adult Social Care Learning Disability Services is rooted in the need to ensure value for money and high quality care for people with learning disabilities who may also be autistic. The direction of travel is to reduce the amount of in-house provision and by recommissioning these services, the Council aims to gain from the expertise and innovation of external providers. The procurement process will ensure

that only experienced and qualified providers are considered, maintaining the quality of care and support for the individuals involved.

- 15.2 This proposal is recommended as it offers a sustainable solution that addresses the current and future needs of the people within the services while ensuring value for money. The proposed procurement exercise will involve a competitive process to find suitably experienced and qualified providers who can lease and maintain the properties, thereby retaining the adult social care accommodation in the city. The transfer is expected to deliver savings across the Council's medium-term financial plan, with a target of £0.400m for 2025/267. Furthermore, the engagement with families, carers, and staff has been thorough, addressing concerns about continuity of care, future jobs, and quality of services.

Supporting Information:

None

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