



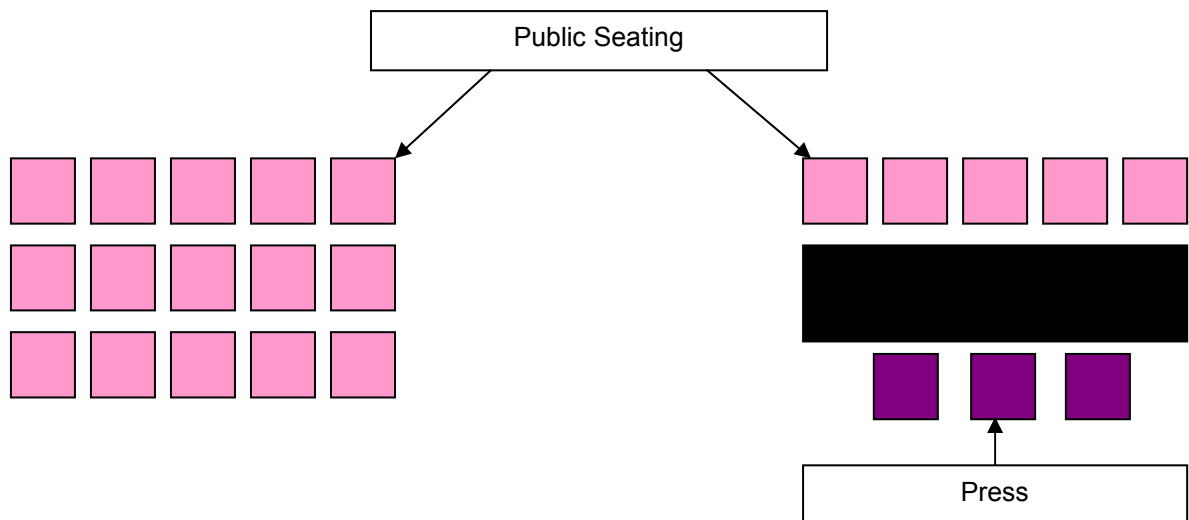
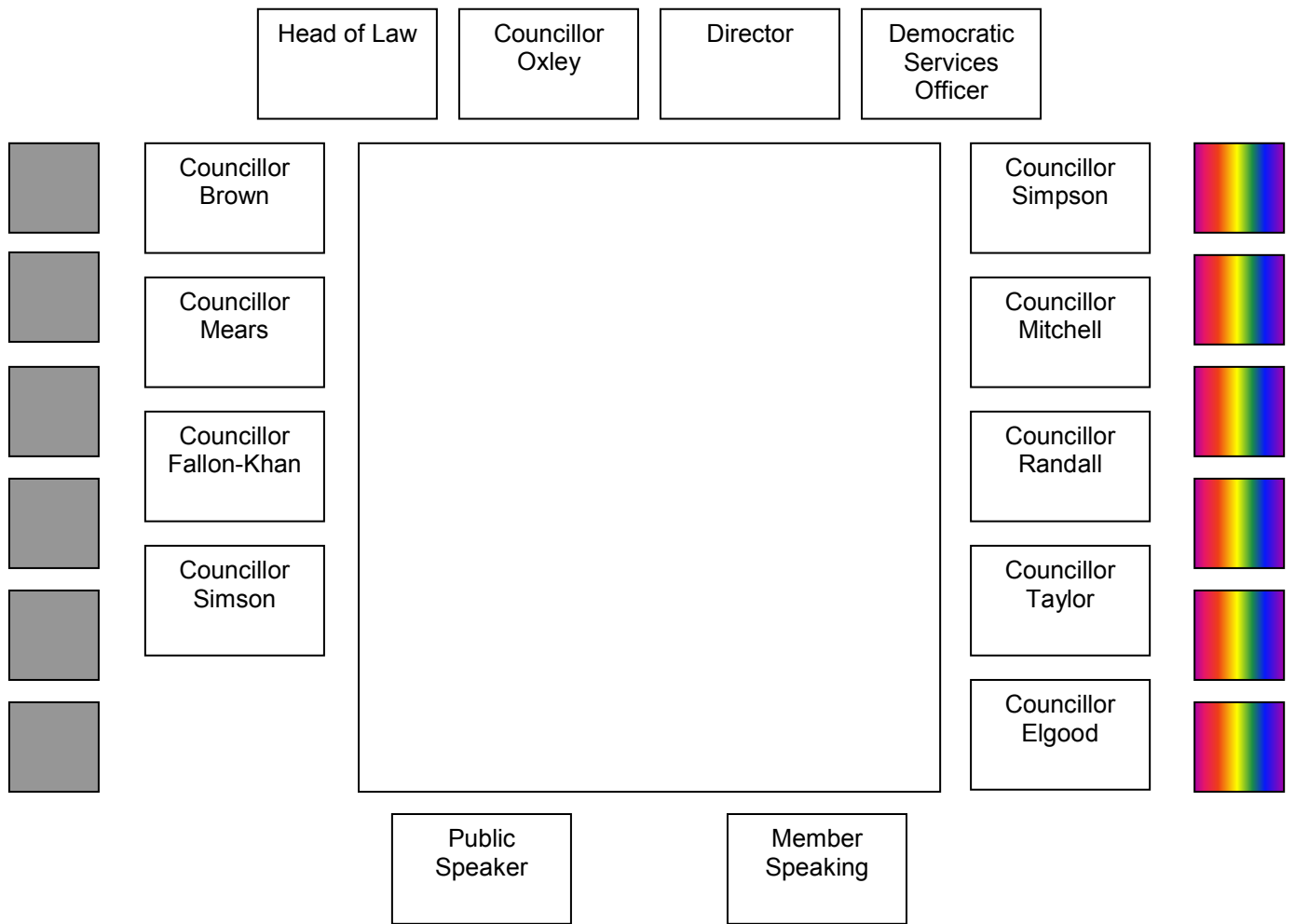
**Brighton & Hove
City Council**

Governance Committee

Title:	Governance Committee
Date:	9 March 2010
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor
Contact:	Tanya Massey Senior Democratic Services Officer 29-1227 tanya.massey@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

69. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

70. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 12 January 2009 (copy attached).

71. CHAIRMAN'S COMMUNICATIONS

72. CALLOVER

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

73. PETITIONS

No petitions received by date of publication.

74. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 2 March 2010)

No public questions received by date of publication.

GOVERNANCE COMMITTEE

75. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 2 March 2010)

No deputations received by date of publication.

76. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

No written questions, letters or Notices of Motion were submitted by Councillors for the meeting.

77. WHISTLEBLOWING - PUBLIC CONCERN AT WORK

Presentation from Public Concern at Work.

78. INTERNAL AUDIT REVIEW OF WHISTLEBLOWING ARRANGEMENTS

Report of the Director of Finance & Resources (copy to follow).

Contact Officer: Ian Withers *Tel:* 29-1323

Ward Affected: All Wards

79. DIGNITY AND RESPECT AT WORK POLICY - PROGRESS UPDATE

Verbal update from the Assistant Director for Human Resources.

Contact Officer: Charlotte Thomas *Tel:* 29-1290

Ward Affected: All Wards

80. REVIEW OF MEMBERS' ALLOWANCES

9 - 70

(a) Report of the Director of Strategy & Governance (copy attached).

(b) Annual Report of the Independent Remuneration Panel (copy attached).

Contact Officer: Mark Wall *Tel:* 29-1006

Ward Affected: All Wards

81. E-PETITIONS

71 - 80

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Elizabeth Culbert *Tel:* 29-1515

Ward Affected: All Wards

82. UPDATE ON IMPLEMENTATION OF THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009

81 - 84

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Oliver Dixon *Tel:* 29-1512

Ward Affected: All Wards

GOVERNANCE COMMITTEE

- 83. COMMUNITY AND NEIGHBOURHOOD ENGAGEMENT** **85 - 106**
Report of the Director of Strategy & Governance (copy attached).
Contact Officer: Nicky Cambridge *Tel:* 29-6827
Ward Affected: All Wards
- 84. PROPOSALS FOR TRANSFORMING MEETINGS OF FULL COUNCIL** **107 - 120**
Report of the Director of Strategy & Governance (copy attached).
Contact Officer: Abraham Ghebre-Ghiorghis *Tel:* 29-1500
Ward Affected: All Wards
- 85. PROTOCOL FOR STATISTICAL ANALYSIS DURING FUTURE WARD NAME CHANGE CONSULTATION EXERCISES** **121 - 124**
Report of the Chief Executive (copy attached).
Contact Officer: Paul Holloway *Tel:* 29-2005
Ward Affected: All Wards
- 86. DESIGNATED POLLING STATIONS FOR 2010 GENERAL ELECTION** **125 - 128**
Report of the Chief Executive (copy attached).
Contact Officer: Paul Holloway *Tel:* 29-2005
Ward Affected: All Wards
- 87. CHILDREN'S SERVICES SECTION 75 PARTNERSHIP AGREEMENTS** **129 - 142**
Report of the Director of Children's Services (copy attached).
Contact Officer: Steve Barton *Tel:* 29-6105
Ward Affected: All Wards

Part Two

Page

- 88. PART TWO MINUTES OF THE PREVIOUS MEETING** **143 - 144**
Part Two Minutes of the meeting held on 12 January 2009 (copy circulated only).
- 89. EQUAL PAY UPDATE**
[Exempt categories 3 and 4]
Verbal update from the Assistant Director for Human Resources.
- 90. PART TWO ITEMS**
To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

GOVERNANCE COMMITTEE

Draft Work Plan for the Governance Committee – 2010/2011

	Agenda Item	Lead Officer
	Meeting Tuesday 27 April 2010	
	Chairman's communications	
1	Counter Fraud Strategy - Update	Ian Withers
2	Code of Corporate Governance - Update	Ian Withers
3	Annual report on urgent decisions exempt from scrutiny	Mark Wall
4	New HR payroll system - update	Mark Green
5	Dignity and Respect at Work Policy	Charlotte Thomas/Liz Boswell
	Meeting Tuesday 6 July 2010	
	Chairman's communications	
1	Good Governance Review - progress on action plan	AGG
	Meeting Tuesday 21 September 2010	
	Chairman's communications	
1	Administrative Boundary Review – Saltdean	Oliver Dixon
	Future reports – dates to be decided	
1	Byelaws – detailed report following publication of regulations	Oliver Dixon

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Tanya Massey, (29-1227, email tanya.massey@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Monday, 1 March 2010

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

4.00PM 12 JANUARY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Fallon-Khan, Mears, Mitchell, Randall, Simson and Taylor

PART ONE

55. PROCEDURAL BUSINESS

55a Declaration of Substitutes

55a.1 There were none.

55b Declarations of Interest

55b.1 There were none.

55c Exclusion of Press and Public

55c.1 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

55c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 66 onwards.

56. MINUTES OF THE PREVIOUS MEETING

56.1 **RESOLVED** - That the minutes of the meeting held on 17 November 2009 be approved as a correct record.

57. CHAIRMAN'S COMMUNICATIONS

57.1 The Chairman reported that proposals reviewing the workings of full Council were being consulted on with all political groups and he expected the Committee to consider a report on the proposals in March.

57.2 The Chairman updated the Committee on progress made by the Civic Awareness Commission during the three months it had been in place for:

- Two successful exhibitions had been held at the Older People's Day and the Get Involved Day.
- Informative plaques had been attached to the large picture of the former Hove Town and to a painting of a former Brighton Mayor the highlight their historical significance
- A glass cabinet containing artefacts and other items of civic interest would be installed in King's House reception shortly.
- It was hoped that the message of civic awareness would be brought to more of the Council's buildings through the use of regular rotating exhibits.

The Chairman thanked all those involved in the work so far as well as those who had expressed goodwill towards the project.

58. CALLOVER

58.1 **RESOLVED** – That all the items be reserved for discussion.

59. PETITIONS

59.1 There were none.

60. PUBLIC QUESTIONS

60.1 There were none.

61. DEPUTATIONS

61.1 There were none.

62. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS

62.1 There were none.

63. COUNCIL BYELAWS

63.1 The Committee considered a report of the Director of Strategy & Governance concerning the scope of the council's byelaws and the extent to which they are enforced (for copy see minute book).

- 63.2 The Head of Law confirmed that a further report would be considered by the Committee when new regulations were published by the Government detailing which byelaws would no longer require confirmation from the Secretary of State.
- 63.3 Councillor Randall welcomed the information in the report and was pleased that the Government would be giving councils some flexibility. He reported that he had seen an increase in the number of complaints about loose dogs and that the Council needed to do more publicity around dog control orders to tackle the problem.
- 63.4 Councillor Elgood explained that he had been frustrated by the length of time it had taken for the Secretary of State to grant the new powers; issues within his ward that had remained unresolved for many years could be tackled under these proposals. He hoped that the Council would act quickly once the powers were granted.
- 63.5 The Chairman advised that he shared the frustration and hoped that Councils would obtain the desired flexibility under the new powers.
- 63.6 **RESOLVED –**
- (1) That the report be noted, including the list of current byelaws at Appendix 1; and the list of byelaws which it is proposed should no longer require confirmation by the Secretary of State, at Appendix 2.
 - (2) That officers provide the Committee with further details about the new byelaw making procedures and enforcement regime, once the relevant regulations and guidance are in force.

64. GOOD GOVERNANCE REVIEW - REPORT OF THE AUDIT COMMISSION

- 64.1 The Committee considered a report of the Director of Strategy & Governance concerning findings of the Audit Commission's review of Good Governance in Brighton & Hove and proposed actions in response to the recommendations. (for copy see minute book).
- 64.2 The Chairman explained the Audit Commission's report had been considered by the Audit Committee in December. He welcomed Simon Mathers, Audit Manager from the Audit Commission, to the meeting.
- 64.3 Councillor Elgood expressed concern about the length of time it had taken for the Good Governance report to be made available to Members; the information that went into the report was gathered at a time when the Council's new constitution was at a different stage and significant progress had been made since then.

He was disappointed that the comments in relation to whistle blowing had not been made available for the discussion on the issue that took place at the last meeting of the Committee as they would have made for a more valuable discussion.

He stated that the report contained positive and negative comments, which was to be expected; however, one of the biggest concerns was the indication of

disenfranchisement from both the public and opposition councillors, which supported the view that the Cabinet system was not the best option for the city.

He agreed that the action plan would move the Council forward and added that progress would need to be closely monitored with significant Member involvement.

- 64.4 The Chairman stated that the comments within the report in relation to whistle blowing did not undermine the work undertaken at the previous Committee meeting and that a further report would be considered in March. He added that the Members and officers were working together to seek a way forward that staff could have confidence in.
- 64.5 Councillor Mitchell echoed Councillor Elgood's comments in relation to the delay in the report being released, particularly since the Council's priorities moving forward had already been reported to the Committee. She was disappointed that, as Chairman of the Overview & Scrutiny Commission (OSC), the comments in relation to scrutiny processes had not been shared with her earlier. She added that she agreed with the comments that senior councillors had become too involved in the day to day running of the Council and felt that this was due to a blurring of the boundaries between officers and senior councillors.
- 64.6 The Head of Law explained that the Good Governance report had not been seen by the Leader of the Council or the Chairman until the final version was published; the Chairman and Deputy Chairman of the Audit Committee, in addition to Councillor Elgood had been the first to see the report. He confirmed that there had been no Member involvement in the Council's response to the first draft of the report and that the queries made were largely in relation to background and factual information. He advised that there had been some logistical problems with the survey that informed the report and that overlapping of annual leave between Council and Audit Commission officers had resulted in a further delay. He added that the District Auditor, Helen Thompson, had apologised for the undue delay and that officers had also learnt from the process.

He advised that the findings in the report should be looked at in context; at the time when the information was gathered the executive system had only been in place for three months so relationships were still being shaped. The role of a Cabinet Member was very different from that of a committee chairman; heavier involvement was to be expected due to their direct decision-making power. In addition, the Administration was still relatively new and all of these circumstances had led to some ambiguity. While working arrangements had improved, the Council acknowledged and recognised the concerns raised and this was reflected in the action plan.

He added that he accepted that there should be Member involvement in taking the action plan forward.

- 64.7 The Audit Manager confirmed the reasons for the delay and accepted that the report would have been more valuable if released earlier. He added that the Audit Commission was satisfied that the changes requested were mostly factual and that the final report remained largely unchanged from the first draft.
- 64.8 The Chairman requested that the Committee receive a report in July updating them on the progress made against the action plan.

- 64.9 Councillor Brown highlighted errors within the Good Governance report that referred Falmer Academy as a PFI project, which was incorrect. She also contended that the number of teenage pregnancies should not have been used as an example of underperformance; this was a top priority for both the Council and the Primary Care Trust and contrary to the statement within the report, there had actually been a steady decline in the number of teenage pregnancies.
- 64.10 Councillor Randall shared the views of Councillors Elgood and Mitchell and advised that it was important for the recommendations to be implemented transparently. He moved an amendment requesting that the Good Governance report be referred on to full Council and OSC for further debate.
- 64.11 Councillor Elgood formally seconded the amendment.
- 64.12 Councillor Mears emphasised the need to consider the report in context and questioned the benefit of a further debate given that all councillors had been given the opportunity to submit their views. She stated that, despite the challenging circumstances, progress had already been made and it would not be helpful to continue looking backwards.
- 64.13 The Head of Law confirmed that the amendment was lawful, but reminded Members that a further report on progress would come to the Committee, allowing them to retain ownership of some actions while others would be considered by the Standards Committee. He explained that, in terms of accountability, it was not advisable to debate the report at Council.
- 64.14 Councillor Taylor stated that the recommendations from the Audit Committee were sensible, but that Members had not been given an adequate chance to respond. He added that the report included no reference to Member involvement in responding to the issues raised by the Audit Commission.
- 64.15 Councillor Mitchell stated that the Good Governance report was a critique of the culture of the council rather than its model of governance. She added that the Council needed to begin delivering the policies that had been prompted by the Comprehensive Performance Assessment (CPA) report and staff survey, such as the Dignity at Work policy, in order to address the issues raised in the report.
- 64.16 The Audit Manager confirmed that criticisms were not being made of the Council's new structure; it was reasonable for there to be a bedding in period and a need for refinement. The Audit Commission would consider progress made as part of the Use of Resources judgement. He also confirmed that the Audit Commission would welcome the opportunity to report back to the Committee in July.
- 64.17 Councillor Mears advised that Members would be able to utilise the Leaders' Group meetings to highlight any further constitutional concerns.
- 64.18 Councillor Elgood commented that he could see no harm in the report being debated by the full Council and that it was critical for the report to go to OSC. He stated that the full Council would be able to take ownership of the action plan if they were to debate it.

64.19 Councillor Randall added that it was important for the Council's workforce to see all Members taking the issues forward.

64.20 The Chairman put the Green amendment to the vote, which was lost.

64.21 **RESOLVED –**

- (1) That the report of the Audit Commission be noted.
- (2) That the proposed action in response to the recommendations of the Commission as set out in the action plan listed as Appendix 1 to the Commission's report be noted.

Note: Councillor Elgood wished his name recorded as having voted against the recommendations.

Councillors Mitchell, Randall, Simpson and Taylor wished their names recorded as having abstained from the vote.

65. TWELVE MONTH REVIEW OF THE CONSTITUTION

65.1 The Committee considered a report of the Director of Strategy & Governance concerning the outcome of the consultation on the twelve month review of the Constitution and proposals for amendments (for copy see minute book).

65.2 The Head of Law explained the recommendations and that, if approved, the new arrangements would be implemented following the Annual Council meeting in May.

65.3 The Chairman advised that copies of the Forward Plan would be made available in the city's libraries. He also explained that he had met with 'Eco-logically' environmental consultants in relation to the comments they had submitted; they had now been fully briefed on the various methods for interacting with the Council.

65.4 Councillor Taylor reported that he was pleased to see a deadline for executive responses to scrutiny reviews, however, he would have liked to have seen the detailed responses from the political parties and community groups. He explained that, while, he had accepted a genuine error had been made in omitting the Green Group request to increase the number of council meetings, some of their other ideas had not been registered. He advised that the Green Group would be putting amendments forward at other meetings and would not be supporting the report.

65.5 The Chairman explained that he had specifically requested the inclusion of the detailed responses to the consultation, but that it was not felt necessary to assign the comments individual respondents.

65.6 The Head of Law advised that the non-inclusion of some ideas in the proposals in the report did not preclude their consideration elsewhere.

65.7 Councillor Simson stated that recommendation five within the report showed that the Council had made significant progress with community groups for Hollingbury Community Groups to put forward such strong views. She also highlighted the newly

established Equalities Working Group, which together with the Equalities Coalition and City Inclusion Partnership made a firm base for tackling equalities issues across the council and the city. She was pleased to report that Brighton and Hove had become the first city in the country to sign up to a single Equality and Human Rights Charter.

- 65.8 Councillor Mitchell welcomed the proposals and was grateful for the inclusion of a number of ideas put forward by the Labour Group.
- 65.9 Councillor Elgood stated that he was pleased issues in relation to the Forward Plan were being addressed and that he hoped Members would continue to be involved in taking the proposals forward. Although he welcomed the Equalities Working Group, Councillor Elgood explained that he still supported the need for a city wide forum as part of the Council's constitution. He added that the report did not discuss issues around neighbourhood forums and that there was a need for more neighbourhood decision-making.
- 65.10 The Chairman advised that the comments made in relation to neighbourhood working would be addressed in a separate report to be considered by the Committee in March.
- 65.11 In response to concerns from Councillor Simpson around a lack of opportunity for community involvement and a decrease in the amount of community development across the city, Councillor Simson contended that significant effort had been made to increase community involvement and development despite cuts to funding.
- 65.12 Councillor Mears stated that this was the second review of the constitution and that all councillors had been given the opportunity to respond. She hoped that Members were pleased that their views were being considered and taken forward.
- 65.13 Councillor Randall supported Councillor Elgood's views in relation to neighbourhood working; he contended that if the Council wished to involve people in their neighbourhoods they needed to be given responsibility and spending power.
- 65.14 **RESOLVED –**
- (1) That recommendations 4, 6 and 12 in the report be noted and recommendations 3, 7 and 11 be agreed.
 - (2) That the proposals set out at paragraph 1, 2, 5, 9, 10 and 14 of the report be recommended to Cabinet.
 - (3) That the proposals for amendments to the Constitution set out at paragraphs 8 and 13 of the report be recommended to Full Council.
 - (4) That the Head of Law be authorised to make the necessary amendments to the Constitution to reflect the above proposals once approved by the relevant body.

PART TWO SUMMARY

66. PART TWO MINUTES OF THE PREVIOUS MEETING

66.1 **RESOLVED** - That the Part Two minutes of the meeting held on 17 November 2009 be approved as a correct record.

67. EQUAL PAY

67.1 The Committee considered a verbal update from the Head of Policy updating them on the latest position with regard to equal pay negotiations.

67.2 **RESOLVED** – That the update be noted.

68. PART TWO ITEMS

68.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.

68.2 **RESOLVED** – That items 66 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.45pm

Signed

Chair

Dated this

day of

Subject: Review of Members' Allowances
Date of Meeting: 9 March 2010
Report of: Director of Strategy and Governance
Contact Officer: Name: Mark Wall Tel: 29-1006
E-mail: mark.wall@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To consider the recommendations of the Independent Remuneration Panel (IRP) following its review of the Members' Allowances Scheme.
- 1.2 This is the eighth report of the Panel to the Council on the level of allowances and expenses it feels are appropriate. Once again the Panel has considered basic, special responsibility, travel and subsistence allowances and also payments to carers and co-optees.

2. RECOMMENDATIONS:

- 2.1 That the recommendations of the Independent Remuneration Panel, as set out in its report which is listed as Item No. 79(b) be recommended to Council for approval.
- 2.2 That the Chief Executive be authorised to amend the Brighton & Hove Members' Allowances Scheme to reflect the foregoing, to submit to Council for adoption, and to issue the revised scheme following council approval.
- 2.3 That the allowance payable to each of the members of the Independent Remuneration Panel be increased by the council's salary inflation of 1% for 2009 with effect from 14 May 2010, (i.e. the day after the Annual Council meeting and in line with the effective date recommended by the Panel for increases in Members' Allowances), in recognition of their time commitment and their important role.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.
- 3.2 The Panel has taken the view that in line with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the introduction of the new governance arrangements in May 2008, it would review the Members' Allowances Scheme and make recommendations to the Council on :

- (a) The level of Basic Allowance to be paid to all councillors;
- (b) The responsibilities for which Special Responsibility Allowances (SRA's) should be payable (only one Special Responsibility Allowance is payable per councillor);
- (c) The levels of SRA payable;
- (d) The payment of Travel & Subsistence Allowances and appropriate mileage and subsistence rates payable to councillors undertaking approved council duties;
- (e) The payment of a Co-optee's Allowance;
- (f) The payment of Childcare & Dependant Carer's Allowances, the level of such payments and any upper limits that should apply.

- 3.3 The Panel has received and analysed evidence from a range of local authorities, including the council's family tree identified by the Audit Commission, in order to maintain as much consistency as possible. The move to the new executive arrangements has dictated the style of the Panel's current review, which also included surveying all Members and having one to one meetings with the Group Leaders, Chairmen, Deputy Chairmen and Backbench Members.
- 3.4 The Panel has completed an 18-month review following the introduction of the new executive arrangements, and their recommendations are contained within the Annual Report for 2008/10 which is attached as Item 79(b) to this report.
- 3.5 The Panel has looked at the levels of responsibility for each and every role that is set down in the new Scheme of allowances, and has revised its formula for setting the Leader of the Council's Special Responsibility Allowance (SRA). It has then used the 'core' element of the SRA as the basis for the other Special Responsibility Allowances listed in the scheme, whilst looking at the roles of the Cabinet Members, Chairmen and Deputy Chairmen of the Regulatory Committees and Overview & Scrutiny Committees. The Panel also noted that the roles and portfolios of the Cabinet members may be changed by the Leader at any time and has sought to acknowledge that possibility without requiring further amendment to the Members' Allowances Scheme.
- 3.6 Once again the Panel has taken account of the latest regional and national earnings information in relation to any increase in allowances and has made comparisons with the council's own salary inflation rate for 2009.

4. CONSULTATION

- 4.1 The Panel has met with the Group Leaders and the majority of other Members, including post holders within the new executive arrangements and also received written feedback from those that could not attend meetings.

4.2 The recommendations of the Independent Remuneration Panel are being reported to the Governance Committee where all party groups are represented, before being submitted to Full Council on 18 March 2010.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Subject to agreement at Council on 25 February the Members' Allowances revenue budget for 2010/11 has been set at £1,054,900 assuming the current level of take up of the superannuation scheme.
- 5.2 The proposed new scheme allows for an inflationary increase of 1% to the Basic Allowance making a total of £625,212 plus on costs for the full year. This inflationary increase is in line with the Council's budget strategy assumptions.
- 5.3 The proposed new scheme contains provision for 25 SRA's, with the likelihood that a maximum of 24 could be paid in 2010/11 based on the current make-up of the council. The total payment of SRA's is estimated at £253,563 plus on costs.
- 5.4 The total estimated cost of the proposed new scheme is £1,036, 953 including superannuation and national insurance on costs at 18% based on current take up which can be accommodated within the budget for 2010/11. An estimated £18,000 would be available to fund any additional take up of the local authority pension scheme or support other members' budgets.
- 5.5 Should the current scheme be retained with no inflationary rise attributed to the Basic Allowance or the SRA's, the total cost of the allowances (assuming full take up of allowances) would reach £901,367. With the current level of superannuation and national insurance on costs at 18% on-costs included, the total cost of the scheme would amount to £1,063,613 which would result in an overspend of £8,713. In 2009/10 not all members took the full allowances leading to an underspend.
- 5.6 The Members Allowances Budget has previously resulted in an underspend because of the lower take-up in the local authority pension scheme. If there was a significant change in take up rate this would lead to a small budget pressure. This is considered to be a low risk and could if necessary be addressed within the Strategy and Governance Directorate budget.

Finance Officer Consulted: Anne Silley

Date: 16/02/10

Legal Implications:

- 5.7 The proposals in this report comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated guidance.
- 5.8 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted:

Abraham Ghebre-Ghiorghis

Date: 15/02/10

Equalities Implications:

- 5.9 The recommendations explicitly seek to encourage a wider cross-section of the community to become councillors, and reduce the financial disincentives, which deter a broader spectrum of people from serving as councillors.

Sustainability Implications:

- 5.10 None arising directly from this report

Crime & Disorder Implications:

- 5.11 None arising directly from this report.

Risk and Opportunity Management Implications:

- 5.12 None arising directly from this report.

Corporate / Citywide Implications:

- 5.13 None arising directly from this report.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents:

None

**REPORT OF THE
INDEPENDENT REMUNERATION PANEL

REVIEW OF MEMBERS' ALLOWANCES SCHEME
2008/10**

Members of the Panel:

**Simon Keane (Chair)
Samuel Barsam
Ken Childerhouse
Keith Hathaway
Jennifer Redman**

The Panel

1. COMPOSITION

- 1.1 The Independent Remuneration Panel (“the Panel”) shall consist of between three and five members appointed by the Monitoring Officer after consultation with the Chief Executive.

2. FUNCTIONS OF THE PANEL

- 2.1 The functions of the Panel shall be as set out in Regulation 21 of the Local Authorities (Members’ Allowances) (England) Regulations 2003, namely to produce a report in relation to Members of the Council, making recommendations as to:

- (a) the amount of basic allowance which should be payable to Members;
- (b) the duties in respect of which such Members should receive a special responsibility allowance and the amount of such allowance;
- (c) whether dependant carer’s allowance should be payable to Members of the council, and the amount of such allowance;
- (d) the responsibilities or duties in respect of which a travel and subsistence allowance should be available;
- (e) the responsibilities or duties in respect of which a co-optees’ allowance should be available;
- (f) whether payment of allowances may be backdated in accordance with regulation 10(6) in the event of the scheme being amended at any time;
- (g) whether adjustments to the level of allowances may be determined according to an index and, if so, which index and how long that index should apply;
- (h) which Members of an authority are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972;
- (i) treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable;
- (j) whether any allowances to Members should be withheld in the event of the member concerned being suspended or partially suspended.

- 2.2 Where the Independent Remuneration Panel exercises its functions in relation to the Parish Council within the authority's area, its functions shall be as set out in Regulation 28 of the Local Authorities (Members' Allowances) (England) Regulations 2003, namely to produce a report in relation to Members of the Parish Council making recommendations as to:
- (a) the amount of parish basic allowance which should be payable to Parish Council Members;
 - (b) whether parish basic allowance should be payable only to the chairman of the Parish Council or to all of its Members;
 - (c) whether, if parish basic allowance should be payable to both the Chairman and the other Members of any such authority, the allowance payable to the Chairman should be set at a level higher than that payable to the other Members and, if so, the higher amount so payable;
 - (d) the amount of travelling and subsistence allowance payable to Members of such authority;
 - (e) the responsibilities or duties in respect of which Members should receive parish travelling and subsistence allowance.
- 2.3 In addition to the functions under 2.1 and 2.2 above, the Panel may, if requested to do so by the Monitoring Officer, consider the expenses and allowances paid to the Mayor and Deputy Mayor under Sections 3 and 5 of the Local Government Act 1972.
- 2.4 The Panel has also, at the request of the Monitoring Officer, reviewed the level of allowances paid to non-voting co-optees who attend committee meetings, and made recommendations as to how these should be reimbursed.

3. TERM OF OFFICE OF MEMBERS OF THE PANEL

- 3.1 Members of the Panel shall be appointed for an initial term of three years. The Council may, at its discretion, extend this period. The Council or the Panel member may terminate the appointment by giving one month's notice.

4. MEETINGS

- 4.1 The Panel shall be chaired by a person appointed by the Panel members.
- 4.2 The Panel shall meet on such dates and at such times as the Panel may determine, having regard to the advice of the Monitoring Officer.
- 4.3 The quorum for meetings of the Panel shall be at least 50% of the members of the Panel.

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SECTION A

1. RECOMMENDATIONS AND PRINCIPLES

The following recommendations are put before the Full Council:

- 1.1 That a basic allowance £11,578 pa be paid to all councillors with effect from 14 May 2010 (this being the day after Annual Council), (see paragraphs 3.1–3.13 of the report);
- 1.2 That the following positions of additional responsibility be set/confirmed as percentage levels of the Leader’s “core” SRA as listed (see paragraphs 4.1-4.42 of the report and appendix 1 to the report):
- | | | | |
|-----|--|------|---------|
| (a) | Leader of the Council | 100% | £28,156 |
| (b) | Deputy Leader of the Council | 74% | £17,254 |
| (c) | Cabinet Member with portfolio | 47% | £10,883 |
| (d) | Chairman of Planning Committee | 47% | £10,883 |
| (e) | Leader of the Opposition | 45% | £13,202 |
| (f) | Chairman of Licensing Committee | 37% | £ 8,568 |
| (g) | Chairman of Governance Committee | 37% | £ 8,568 |
| (h) | Chairman of Audit Committee | 37% | £ 8,568 |
| (i) | Chairman of Overview & Scrutiny Commission | 31% | £ 7,178 |
| (j) | Chairmen of Overview & Scrutiny Committees | 31% | £ 7,178 |
| (k) | Deputy Leader of the Opposition | 31% | £ 7,178 |
| (l) | Leader/Convenor of a Minority Group | 25% | £ 8,571 |
- 1.3 That the Special Responsibility Allowances for the following positions be calculated in accordance with the number of seats held in each of the respective groups as set down in sections 4.6 to 4.15 of this report;
- (a) Leader of the Council
 - (b) Leader/Convenor of the main Opposition Group/s
 - (c) Leader/Convenor of a Minority Group with at least 10% of the seats on the council;
- 1.4 That a new allowance be payable to each of the Overview & Scrutiny Review Panel Chairmen on completion of their review, provided they are not already in receipt of a Special Responsibility Allowance in respect of another role (see paragraphs 4.33 – 4.35 of the report);
- 1.5 That it be noted the Panel is recommending a maximum of 25 Special Responsibility Allowances be paid under the Members’ Allowances Scheme but that the exact number payable will only be identifiable once any double-ups have been confirmed;
- 1.6 That with regard to 1.2 (b) above, there be a maximum of two Deputy Leaders within the Scheme;

- 1.7 That with regard to 1.2 (a)–(c) above, there be a maximum of 10 Members within the Cabinet;
- 1.8 That with regard to 1.2 (h)-(i) above, there be a maximum of 6 overview and scrutiny chairmen including the chairman of the Commission;
- 1.9 That a Co-optees' Allowance of £4,356 be paid to the Independent Chairman of the Standards Committee (see paragraphs 8.1 – 8.4 of the report);
- 1.10 That a Co-optees' Allowance of £553 be paid to the Independent Deputy Chairman of the Standards Committee should one be appointed (see paragraphs 8.5 – 8.7 of the report);
- 1.11 That the table set out in Appendix 1 which lists all the positions of special responsibility be noted but that individual portfolios be changed at the discretion of either the Leader of the Council or Full Council, as appropriate;
- 1.12 That the Members' Allowances Scheme allows portfolios to change without further amendment to it;
- 1.13 That an index be applied to the Basic Allowance equivalent to the council's salary inflation and that this be implemented on the day after Annual Council for each of the municipal years, with further review in 2012/13;
- 1.14 That the Travel Allowance remains in line with Inland Revenue Advisory Rates and any amendments made to them and that the council adopts the Driving at Work policy in respect of councillors' motor mileage claims (see paragraphs 5.1 – 5.5 of the report);
- 1.15 That the Subsistence Allowance remains unaltered and no alcohol costs be reimbursed as laid down in the Members' Allowances Scheme (see paragraphs 5.6 and 5.7 of the report);
- 1.16 That care costs for approved duties be paid to councillors rather than carers, that the hourly rate for cared-for children rise to £7.00, with the rate for dependant care to remain at £7.50 per hour and that the upper age limit for cared-for children remain at "under 14".
- 1.17 That a clear and concise care package be drawn up by officers of what is claimable under the scheme (see paragraphs 6.1 – 6.10 of the report);
- 1.18 That levels of remuneration for non-committee co-optees should continue to be the same as those in the Members' Allowances Scheme (see paragraph 89.1 of the report);
- 1.19 That Motor mileage and subsistence shall only be claimable when attending approved duties outside the city boundaries (see paragraphs 10.3 and 10.6 of the report);

- 1.20 That the Mayor's and Deputy Mayor's Allowances continue to increase at the council's salary inflation rate in 2010/11 and beyond (see paragraph 10.7 of the report);
- 1.21 That all eligible councillors be entitled to join the Local Government Pension Scheme in respect of both the Basic and any Special Responsibility Allowances that may be paid (see paragraph 10.10 of the report);
- 1.22 That the council stop payments to councillors who have been suspended or partially suspended from their duties where they have breached the Code of Conduct (see paragraph 10.11 of the report);
- 1.23 That in order to assist with future reviews, consideration be given to adopting job profiles for the role of a councillor and the various positions identified for a special responsibility allowance; and
- 1.24 That it be noted in making our recommendations we have been able to find some savings and to bring the total cost of the Members' Allowances Scheme within budget.

Principles for the Members' Allowances Scheme

- 1.25 The Panel considers that a set of principles is a logical and clear way of expressing its views and this provides a sound framework for the Members' Allowances Scheme. We have therefore agreed the following set of principles and we consider that these should form the basis of any scheme adopted by the council:

The Council's Objectives:

- Provide appropriate support for people from all walks of life, enabling those with a wide range of skills and from different backgrounds to serve as councillors without financial disadvantage.
- Recognise the changing roles of elected members in their community councillor roles as well as in meetings, to ensure that changes to the democratic process are reflected and supported where possible.
- Incorporate into any scheme a voluntary service element which reflects the nature of the role and recognises the concept of civic duty.
- Recognise the significance of co-opted members in the operation of the authority.
- Provide role profiles for each of the positions set down in the Members' Allowances Scheme to support the recruitment and retention of councillors, to reinforce the aims of the council and to assist in future Independent Remuneration Panel reviews.
- Provide a sustainable travel scheme which encourages the use of bicycles and public transport throughout the city.
- Expect receipts/tickets to be attached to all claims submitted by both councillors and co-opted members to entitle the applicant to reimbursement.

- Approve a scheme which is open and transparent, which is available for public scrutiny and which meets audit requirements.
- Demonstrate value for money.

Expectations:

Councillors should:

- Recognise that there is a voluntary aspect to the role;
- Be able to join the Local Government Pension Scheme in respect of the basic allowance and also any special responsibility allowance to which they are entitled or may become entitled (provided they are lawfully eligible in terms of age);
- Accept that where they are taking on significant additional responsibilities, these will require a full or near full-time commitment and that this may be detrimental to career activity;
- Consider maintaining a reasonable work/life balance when undertaking their council duties;
- Submit claims for travel or subsistence, child or dependant care within two months of attending an approved duty – any claims received outside that time limit to be paid at the discretion of the Monitoring Officer in exceptional circumstances only;
- Submit accurate claims in accordance with the Members' Allowances Scheme;
- Provide all appropriate documentation requested of them such as driving licence, birth certificate, insurance etc.

Performance and Support:

- Effective support to be available to every councillor to assist them in their various roles, this to include provision for child and dependant care where appropriate, administration and business support;
- The loan of council equipment to enable councillors to undertake their duties;
- Allowances should be withheld where a councillor is suspended or partially suspended from responsibilities or duties;
- The Members' Allowances Scheme and any payments made from it should be published and made generally available to the public as well as being placed on the council's website.

The Independent Remuneration Panel

- The Panel to undertake further reviews of any of the principles outlined above and to amend them as appropriate when drawing up the Scheme.

SECTION B

2. THE CONTEXT FOR THE REVIEW

The role of the Independent Remuneration Panel

- 2.1 In reviewing its Members' Allowances Scheme, the Council is required to obtain the advice of its Independent Remuneration Panel, and to have regard to the Panel's recommendations.
- 2.2 Whilst the 2007-8 review focused within a very tight timescale on the new governance arrangements which were to be introduced on 15 May 2008, this latest review has been conducted over an 18-month period, providing the opportunity to look more extensively at each of the allowances and expenses within the Members' Allowances Scheme. This means that the Panel has been able to consider whether the significant transitional changes anticipated have taken place within the authority, thereby affecting individual councillors and the council as a whole. The Panel relied largely on evidence gathered from other local authorities for its recommendations in 2008 but it now has strong evidence from within the council as well as external comparison on which to base each of the recommendations in its latest Annual Report.
- 2.3 Throughout the review period the Panel has been mindful of major external issues and how they impact on any recommendations made. Although not strictly a requirement under its terms of reference, the Panel likes to ensure that it works within the prescribed budget when undertaking each review. However, this year it has balanced the financial constraints of the authority at a time of global recession with the need to provide a reasonable level of allowance for all councillors – one which the Panel anticipates will enable them to carry out their duties without discrimination or favour.
- 2.4 In addition, the Panel acknowledges public condemnation over the MPs' expenses throughout 2009 and feels it essential that it gets the right message across in terms of the allowances and expenses paid by Brighton & Hove City Council. The Panel remains firmly of the view that all the allowances and expenses and any methodology applied must be open, transparent and accountable. The Panel would like also to draw attention to the fact that there are no monetary payments made to councillors and co-opted members other than those stipulated in the Members' Allowances Scheme.
- 2.5 Within the parameters of our remit we are fully in tune with relevant issues, we share information and good practice with other panels and any recommendations we make are sound. On 6 May 2009 we invited independent remuneration panel chairmen and officers from other local authorities in the region to a networking event at Hove Town Hall with the intention of launching a new group for the South-East of England in 2010. We are pleased to report that we attracted a number of key speakers on the day including the author of the Councillors' Commission Report, Alan Pike and former Argus journalist Adam Trimmingham.

- 2.6 In September 2009 one of our Panel Members attended an annual networking group in Chelmsford aimed primarily at county councils in the region, but with whom we have a close link, and an officer attended the south-west of England networking group for panel chairmen and officers to observe their set-up and to forge firm links with them. For the future this will mean that we have access to comprehensive statistics, detailed analysis and a wealth and breadth of knowledge across the south.
- 2.7 On 25 March Brighton & Hove will host the launch event for the South-East of England Networking Groups for Independent Remuneration Panel Chairmen and Officers and it should be an interesting and thought-provoking day to which the Chair of the Councillors' Commission and other external stakeholders will be invited.

The 2008-10 Review

- 2.8 Between November 2008 and February 2010 the Panel has undertaken a detailed review of the scheme of allowances and in order to be as consistent as possible with previous reviews, has considered evidence from a range of other local authorities, the majority of which have been used for this purpose since 2005.
- 2.9 In addition to the information obtained from a range of London Boroughs, Unitary Authorities, Counties and Metropolitans, the Panel have considered levels of payments at all other 14 councils named in the Audit Commission Family Tree. We have also sought advice and guidance from a number of nationally recognised public bodies and experts. Each of these sources is set down in Appendix 3 to this report.
- 2.10 Faced with the prospect of setting allowances for completely new positions of responsibility in 2007-08, the Panel studied job profiles and individual portfolios from other local authorities in respect of the Leader of the Council and each Cabinet Member in order to achieve a better understanding of the new roles and how they would fit into the proposed new structure. These profiles have helped to form the basis of the 2008-10 review.
- 2.11 The Panel has been meeting approximately once a month since November 2008 when it set its work programme for the duration of the review. Although the meeting planned for July 2009 was cancelled because of the pending by-election in Goldsmid ward, further meetings have taken place in the autumn. Work has been varied, research undertaken and information and evidence gathered from many different sources. The detailed programme is shown at Appendix 6 to this report.
- 2.12 The Panel circulated an electronic survey to all councillors in December 2008 and we have gathered an enormous amount of information from it. We are particularly grateful to 36 councillors for responding to the survey providing us with so much detail as this has been with a starting point for the many

individual question and answer sessions we have run with councillors throughout the review.

- 2.13 In total the Panel has met with 35 of the councillors from each of the groups on the authority and we have invited all 54 to speak with us and to make their views known. Those who have been unable to do so have been encouraged to let us have their comments in writing and any that we have received have been given our full consideration. We have met also with the Independent Chairman of the Standards Committee whose position qualifies for a Co-optees' Allowance and we are grateful to each of them for their time and input into the review process.
- 2.14 In February 2009 the Panel spoke with the Leader of the Council to learn about her new role and any powers conferred on it by central government, recognising that there was an increase in power resulting from these changes. The Panel felt that changes which affected the Leader also re-shaped the way all councillors were required to work and recognised that this was a pivotal position on which all the other Special Responsibility Allowances were based.
- 2.15 It is vital therefore that this key position is given an appropriate level of remuneration.
- 2.16 Discussions took place in March 2009 with the two Deputy Leaders, one with and one without portfolio, as well as the remaining members of the Cabinet. These, together with individual survey responses, provided Panel members with key information on the roles and responsibilities of each portfolio holder. The Panel recognised the significance of correctly evaluating these positions of additional responsibility, all of which have been introduced under the new governance arrangements.
- 2.17 Although not a new function, the Panel has recognised that some changes in the overview & scrutiny function have taken place since May 2008. The introduction of the new Overview & Scrutiny Commission, which co-ordinates the work of the other five overview and scrutiny committees, has additional specific responsibility for resources, performance, partnerships and central services. The Panel met with chairmen and deputies from each of these six committees in April and June 2009 and spoke also with relevant lead officers about this work area.
- 2.18 The regulatory committees of the council have undergone little if any change during the current review period. However, we met with the chairmen and deputies from each of these committees to gain clearer information on their individual roles. The Panel was keen to learn what additional responsibilities they held and how these varied from the ordinary members of the committee in terms of both time and tasks. We met each of them in either June or September.
- 2.19 In December 2009 the Panel met the Leaders and Deputies from the main Opposition and Minority Groups, not all of whom currently receive a Special Responsibility Allowance. We know that the change in political balance on

the council as a direct result of the July by-election meant that the second and third Groups hold the same number of seats. Whilst the Panel understood that the Labour Group is the main Opposition in the current municipal year, it felt that the Scheme should be better placed to recognise changes in political balance in the future. The Panel also wished to revisit the restriction on the payment of an allowance to a Minority Group Leader to see if there was any justification for change and therefore it met with the Leader of the Liberal Democrat Group to listen and consider any points that he wished to raise.

- 2.20 Full Council on 24 April 2008 approved an SRA for two of the six councillor representatives on the Arts Commission to demonstrate the importance of art and culture within the city. This allowance became payable from the day after Annual Council. As part of the current review the Panel has considered the appropriateness of these payments and what role if any these councillors hold in terms of partnership working and cultural success. We were anxious to learn of the specific duties allocated to each and how they differed from the remaining four councillor representatives.
- 2.21 The Panel has listened to councillors' views on many issues throughout the review period and the October 2009 meeting involved us in discussions with individual councillors in respect of the basic allowance. At that meeting and elsewhere in our review we looked back at the December 2008 survey results as well as at the current levels of basic allowance paid in other local authorities across the country.
- 2.22 We would like to put on record that we are aware of the hard work that all councillors do in their wards, dealing with community matters, supporting their constituents and representing them at meetings, as well as attending many other duties such as Local Action Team meetings, Community Association meetings and many more besides. We recognise that this work takes a considerable amount of time and that it is undertaken in addition to the raft of approved duties which are in the council's official timetable, relevant training programmes or schedules.
- 2.23 We were concerned to learn of the financial difficulty that some councillors or their councillor colleagues were experiencing in undertaking their council duties. Although in times of economic crisis the Panel recognises that it is difficult to justify increasing allowances and there will be little public support for such a move, for some councillors this is the only recompense they receive for an average of 28 hours per week spent on council business, much of which is carried out in the evenings and at weekends and which has to fit around paid employment and family life.
- 2.24 The Child & Dependants' Carers' Allowance is another part of the Scheme that the Panel has considered in great detail. We have read the Councillors' Commission Report which was published in December 2007 which states that *"firmer guidance should be provided on the minimum package of support that each councillor should expect to receive"* and we feel strongly that one of the best ways to support councillors is by providing a robust care package which clearly sets out all the options open to them. We are mindful that parent

councillors should not be disadvantaged in any way, nor should those with responsibilities for caring for elderly relatives. The Panel met with a number of councillors to discuss these important issues in November 2009 and our findings are set out in detail at section 6 of this report.

- 2.25 In terms of Travel Allowance the Panel recommended in 2003 that the council's scheme should match each of the vehicle advisory rates set down by the Inland Revenue and that any increase/decrease the Inland Revenue applied, be similarly mirrored by the city council. This is a policy adopted by a number of other local authorities and we remain of the view that this is a clear, simple and reasonable approach. We see no merit in changing this part of the scheme.
- 2.26 At the close of our last review and also as part of this, we have had drawn to our attention the fact that a small number of councillors are unhappy that the scheme prevents them from claiming motor mileage for travel within the city. We recognise that the changing role of the councillor means that many of the duties attended are held away from the Town Halls and other civic buildings and this can mean councillors having to travel fairly extensively from one part of the city to another without recompense. We have listened to each of the comments that have been put to us but we remain of the view that this part of the scheme should not change, preferring instead to support a more sustainable approach to travel when making our recommendations to the council. We consider it reasonable that these costs should be taken from the basic allowance.

Methodology

- 2.27 We have considered the following in order to arrive at our recommendations:
- √ detailed information and analysis gleaned directly from councillors' responses to our electronic survey;
 - √ first-hand qualitative information obtained from face-to-face discussions with 35 councillors;
 - √ the latest information on allowances paid by other authorities on a local, regional and national basis;
 - √ attendance at IRP Networking meetings in the south of England;
 - √ guidance from approved national bodies (eg the Local Government Association), experts in Members' Allowances and good practice;
 - √ the formula approved and used since 2003 to set levels of remuneration and other statistical evidence;
 - √ the introduction of an alternative methodology for calculating the Leaders' Allowances;
 - √ the council's salary inflation rate for 2010/11.

Public Service Principle

- 2.28 The Panel notes that the concept of public service and civic duty continues to be upheld by many councillors despite the time commitment involved and increasing demands placed upon them. We accept that this concept should

remain and consider that a proportion of any time spent should continue to be regarded as voluntary. In the past we have recommended that the public service principle should be calculated at 40%. In other words, councillors give 40% of their time on a voluntary basis and although we recognise this is a significant contribution, we feel that it is set at an appropriate level. The Panel therefore, is not recommending any change to the voluntary contribution at the current time.

- 2.29 Whilst supporting this ethos, we believe that the council should provide a package of financial support which is reasonable, that it goes some way towards addressing the disincentives from serving in local politics, and that it does not disadvantage people from all walks of life who wish to enter the political arena in this way.
- 2.30 We are aware that the Government is keen to increase the number of people wishing to serve as councillors and we are mindful that locally the next elections will take place in May 2011. On the back of that we hope that the Government will give further consideration to encouraging employers to enable staff to take time off for council duties without penalty.
- 2.31 Maintaining a work/life balance has been a difficulty for many councillors over the past few years and we are aware that council and council related duties continue to have a significant impact on their personal lives. We urge the council to find ways of ensuring that all councillors give proper consideration to maintaining a work/life balance which we believe will help to encourage a wider cross-section of the community to serve on the council in the future.

Public Expenditure

- 2.32 The Panel has undertaken one of its most extensive reviews at a time of great financial constraint and we have therefore made recommendations which we feel reflect the seriousness of the current economic climate within which we must work, yet which also give appropriate recognition and reward. It is hoped that the views we have expressed in this report demonstrate our belief that the changing roles and responsibilities of all councillors mean there is a real need to “balance the books”. We are keen to ensure that where workloads and responsibilities are clearly defined, appropriate recognition and support is provided.
- 2.33 Mindful that we wish to remain within budget we have sought to provide much needed support to those in backbench positions who feel they struggle to cope with the financial burden and in particular to those with caring needs. These are perhaps the most radical recommendations we have put forward to date, but we feel that they are fully justifiable and that they reflect the work of the authority under its new modernised governance arrangements.
- 2.34 We note that the council has set the Members’ Allowances budget at £1,054,900 for 2010/11 and working within that figure, we regard it imperative that any recommendations we make as an independent panel are sound. We are pleased to report therefore that each of the changes we are proposing are

both transparent and accountable, that they remain in line with other local, national and regional authorities used for comparison and that they also remain within the prescribed budget.

SECTION C

3. THE BASIC ALLOWANCE

Councillors' roles

- 3.1 The Panel notes that all councillors have wide-ranging roles and responsibilities both within the council and outside. In addition to their approved duties, many councillors serve as representatives of the council on outside bodies; they are often also school governors, members of Local Action Teams and are active in charitable organisations and associations. In addition, they may be invited to attend a variety of other events in their capacity as a councillor. Additional time is also spent by many councillors in ward surgeries, as well as dealing with emails, correspondence, telephone calls and face-to-face meetings with constituents. The Panel acknowledges the hard work that councillors do in this respect.

Factors affecting workload

- 3.2 This is the first review of workloads under the new governance arrangements and we are aware that councillors are now experiencing a number of different challenges. Partnership working and engagement are becoming increasingly important and these factors are dramatically re-shaping the way all councillors work. We note that there are problems in balancing conflicting demands on time, workloads for backbench councillors are increasing, whilst many find it difficult to be properly involved in the decision-making process. We are aware that this has been another year of change and we recognise the following as being of particular significance –
- (a) The new governance arrangements have brought with them a need for all councillors to take on new roles and we recognise that this has been a challenging process. It has had an impact on the Administration and Opposition Groups alike. In addition, following the July 2009 by-election, the Green Group gained a seat and it now holds the same number of seats as the Labour Opposition. This has meant additional challenges in terms of political balance, affecting all councillors in what was already a period of re-focusing and re-grouping.
 - (b) Following the by-election seven wards remain “split” politically and there continues to be duplication of some work because of the political differences and lack of communication. Where there is joint working additional time is spent on liaising with councillors from other groups to negotiate an approach to ward issues.

- (c) Planning Committee and Licensing Panels both continue to meet frequently and often involve lengthy deliberation. The workloads of both are substantial. A willingness to serve on Planning or to attend an ad hoc Licensing Panel continues also to be affected by the time commitment required. These are often considered to be onerous duties and the Panel recognises that they continue to require careful monitoring.

Time Commitment

- 3.3 The Panel remains of the view that time commitment must be a primary consideration in the development of an appropriate level of basic allowance. From the responses we have received to our latest survey and also from discussions subsequently held with councillors, it is clear that the number of hours worked by councillors in their backbench roles has continued at approximately 28 hours per week. In some cases time commitment is even greater depending largely on the roles undertaken by individual councillors and the constraints of employment. What is apparent is that it is the way in which councillors are spending their time that has changed more than the amount of time involved.

Setting an appropriate level of Basic Allowance

- 3.4 In April 2008 the Panel recommended to Full Council an increase to the basic allowance equivalent to the rate of salary inflation and stated that subject to any changes in the overall structure of the council which might affect the public service commitment, it would not anticipate the need for a comprehensive review to follow.
- 3.5 In Spring 2009, mid-way through the wider 2008-10 review, the Panel applied an inflationary increase for the 2009/10 municipal year and undertook to review the changing roles of councillors as it sought to identify whether there was a need for further change.
- 3.6 Since May the Panel has spoken to many different councillors, both those who were newly elected in 2007 and those who have been councillors for much longer. Although we gathered concise information on this matter from our earlier survey results, we have built up that picture over the past few months and checked and rechecked that what we have learnt still stands. We are acutely aware that the basic allowance is an important part of the overall scheme and that this payment is the only allowance to which many of the councillors are entitled. We now have strong evidence on which to base our recommendations.
- 3.7 Whilst being mindful of the current economic constraints, the Panel recommends that a salary inflationary increase of 1% be applied to the basic allowance for 2010/11. We feel that on balance this provides the best possible financial support at the current time, particularly for backbench councillors. We understand several councillors have given up well-paid jobs,

taken career breaks or sought part-time paid employment in order to continue with their council duties over the past few years and we wish to go some way towards redressing the balance, whilst retaining the public service ethos mentioned above.

- 3.8 In previous years we have emphasised the importance of retaining transparency in our methodology for recommending the level of the basic allowance and we wish to continue applying the formula identified by the Institute of Local Government Studies at the University of Birmingham (INLOGOV). This formula takes into account the number of hours worked, the local hourly rate of pay and incorporates a percentage which recognises the public service ethic. This is expressed as follows:

Number of hours/ days worked x rate for the job minus a public service element

- 3.9 As we wish to ensure that our proposals continue to be realistic in terms of national employment statistics, we have also checked that the level of basic allowance proposed will be in line with hourly rates of pay for male full-time employees in the Brighton & Hove unitary authority area and we are pleased to report that our recommendations remain consistent with this methodology – the new basic allowance falls between the median and mean salaries for these male employees.
- 3.10 We are strongly of the view that the INLOGOV formula should be retained and feel that this provides a clear and demonstrable methodology for calculating the basic allowance.
- 3.11 In reaching this conclusion we have taken into account the evidence we have received of the levels of basic allowance paid by other local authorities, as well as other members of the council's audit family tree over the past few years and we are of the view that Brighton & Hove remains in an appropriate position in relation to its peers. In addition, we note that many authorities are applying an index to their basic allowances for a maximum of four years and the Regulations permit this and recognise it as good practice.
- 3.12 We therefore recommend a basic allowance of £11,578pa. This should take effect from 14 May 2010, the day after the Annual Council Meeting, subject to the approval of Full Council (see recommendation 1.1).
- 3.13 We further recommend that an index be applied to this allowance and that a salary inflationary increase be added on the day after Annual Council each year for up to a maximum of four years (as permitted by the Members' Allowances Regulations), subject to further Panel reviews being conducted should they be deemed necessary at any time beforehand. In any event, the Panel will continue to meet from time to time to ensure that the allowances remain at an appropriate level and that they mirror the democratic structure of the council (see recommendation 1.13).

SECTION D

4. SPECIAL RESPONSIBILITY ALLOWANCES

Positions of additional responsibility

- 4.1 The Panel recognises that in addition to the community councillor role, some councillors undertake extra duties and responsibilities for which it is appropriate to pay SRA's. We are aware the guidance governing the payment of these allowances recommends that not more than half the councillors in an authority should be in receipt of an SRA (27 in the case of Brighton & Hove). We are also mindful of the fact that the current and some previous Brighton & Hove schemes have exceeded that guidance. Following a difficult period in which it has been impossible to keep the number of qualifying posts to recommended levels, our latest proposals bring the scheme in line with best practice.
- 4.2 After careful consideration we recommend that a maximum of 25 SRA's be payable, a number that falls within the scope of the guidance but which we feel fully reflects and supports the modern governance arrangements which are in place at Brighton & Hove. At this time we do not see the need for any additional posts to be included within the Members' Allowances Scheme nor do we support any moves to take the payment of the allowances over budget.

Additional Duties

- 4.3 It remains our prime concern to arrive at recommendations that can be justified and although we have regularly reviewed our use of the INLOGOV methodology for setting allowances in the past, we have decided this time that whilst we are happy to retain the methodology for the basic allowance, we wish to adopt a different approach for SRA's.

New methodology

- 4.4 The new methodology we recommend the council to adopt and the reasoning behind it does not change the fact that the position of the Leader of the Council is still considered to represent 100% and it is from this base that appropriate percentages are determined for the Deputy Leader/s, Cabinet Members, Committee and Review Panel Chairmen. However, we recommend that a different approach be applied when calculating the Leader's Allowance, that of the Leader/Convenor of the main Opposition and also the Leader/Convenor of Minority Group/s (see recommendation 1.2).
- 4.5 The Panel is aware that since the July 2009 by-election the changed political balance has resulted in two political groups holding the same number of seats on the council but their leaders are rewarded very differently. Although we understand that in the current municipal year the council recognises one to be the main Opposition and therefore the current payments are justifiable, we feel that this imbalance in terms of allowances paid should be addressed for the future; whilst acknowledging that the council has the ability to recognise

the position of the Leader of the Opposition. We are also aware that any changes we recommend must be flexible enough to work just as well should the political balance change yet again at any given time. This rationale is the basis for our new recommendations.

Leader of the Council

- 4.6 The Panel has learnt of the responsibilities undertaken under the new governance arrangements, given the complexity, size and budget of the council and acknowledges that in this position the Leader of the Council is required to represent not only the authority but the city as a whole. Duties are often conferred on the Leader by Central Government, responsibility has therefore increased. Having met with Councillor Mary Mears as part of this review we acknowledge that this is an important and strategic role requiring her to direct policy and set corporate priorities. The Leader also plays an important part in the Cabinet, guiding its work, appointing, suspending or removing Cabinet Members as necessary and determining the arrangements for the discharge of the executive arrangements.
- 4.7 We consider that the Leader of the Council should receive an SRA for the significant role and extra responsibilities of leading a large city council equivalent to two times the basic allowance, i.e. £23,156pa.
- 4.8 In addition to this, the Panel believes the role of the Leader of a Group should be recognised and that this additional element should be based on the basic allowance divided by the total number of councillors and multiplied by the number of Members within the Leader's Group.
- 4.9 As the Leader of the majority group, the Leader of the Council would be in receipt of an additional £5,350 bringing their total allowance to £28,506. It is recommended that this methodology be applied to all Group Leaders.
- 4.10 We therefore suggest that the Leader's SRA, based on the current number of seats held by the Administration should be calculated as follows:
- $$£23,156 + (£214 \times 25 = £5,350) = \mathbf{£28,506}$$
- 4.11 We recommend therefore that a Leader's Allowance of £28,506 be paid to the Leader of the Council provided the Group continues to hold 25 seats on the council (see recommendation 1.2(a)). That sum to be recalculated should the number of seats held within the administration group differ in any way. We are mindful of the fact that this represents a drop in the level of allowance paid to the Leader but we feel that this change of methodology fits better with the new governance arrangements whilst retaining parity with payments in other local authorities. The Panel prefers instead to inflate the Basic Allowance which is payable to all councillors and which makes up the majority of the Leaders' SRA (see recommendation 1.1 and Appendix 1).

Group Leaders/Convenors

- 4.12 The Panel wished to reflect the 100% level of the Leader of the Council's SRA in determining the level of SRA to be paid to the Leader of the Opposition and Group Leaders/Convenors. It is therefore proposed to base the percentage level of the Leader of the Opposition and Group Leaders/Convenors on the fixed part of the Leader of the Council's allowance i.e. £23,156.
- 4.13 The calculation would be as follows:

Basic SRA	= £23,156
Percentage applied	= %
£11,578 divided by the total number of councillors (54)	= £ 214
£214 x the number of councillors in each Group	=

Leader of the Opposition	= (£23,156 x 45%) + (214 x 13) = £13,202
Labour	= (£23,156 x 25%) + (214 x 13) = £ 8,571
Green	= (£23,156 x 25%) + (214 x 13) = £ 8,571

- 4.14 In respect of the current political balance, the methodology has been calculated as shown above but the same ruling would apply whatever the number of seats held by each of the Groups, provided they held a minimum of 10% of the seats on the council. The figures would simply need adjusting to reflect any change in numbers.
- 4.15 The Panel feels fully justified in recommending this new methodology for the calculation of the Leader of the Council's, Leader of the Opposition and Leaders/Convenors of Groups SRA's. The inclusion of the element based on the number of Members in a Group can be applied across all the Groups represented on the council who have 10% or more of the seats. This provides equity and allows for any changes in Group sizes during the term of office.

Calculating the other SRA's as a percentage of the Leader's

- 4.16 However, we recognise that there is an unstable element to this approach if it is adopted for the other SRA's in the scheme. It would be inappropriate to raise and lower individual special responsibility allowances purely on the number of seats held by the Administration and we therefore recommend that percentages be applied to the 'core' part of the Leader of the Council's allowance only, this being equivalent to 2 x *the basic allowance* (see recommendation 1.3 (b) and (c) and Appendix 1).

Deputy Leader/s of the Council

- 4.17 When the Panel began the current review in 2008, there were two positions of Deputy Leader, one with and one without portfolio. However, since May 2009 the position of Deputy Leader without portfolio no longer exists, having been replaced by a second portfolio holder and as a result we have concentrated our discussions and research on the portfolio positions only.

- 4.18 In the early part of the review the Panel met with Councillor Vanessa Brown, the then Deputy Leader of the Council, and learnt that she had responsibility for chairing Cabinet Meetings in the absence of the Leader. It was recognised that the position would be subject to the same conditions of appointment and dismissal as any other Cabinet Member but that it carried with it additional responsibility for a significant individual portfolio. The Panel recommends that this important position should be rewarded appropriately and that this allowance should be set at 74% of the Leader's Allowance provided the new methodology is applied to this calculation (see recommendation 1.2 (b) and Appendix 1).

Cabinet Members with portfolio

- 4.19 The Panel met with a number of Cabinet Members to learn first-hand of their responsibilities and workloads in terms of their individual portfolios. Whilst we recognise that there are some differences in quantities of work required of the posts, as well as in levels of responsibility held, we feel that to set the SRA's at varying levels would be divisive and we feel strongly that these should continue to be afforded the same level of financial recognition. We note that the new governance arrangements have resulted in considerable changes for all councillors and that these have made large workloads more difficult to complete but we understand that there has been considerable progress made in terms of cross-party liaison.
- 4.20 We note these improvements and recommend that the level of allowance for Cabinet Members with portfolio should be 47% of the Leader's Allowance. Bearing in mind the different portfolios, we wish to retain the right to revisit individual responsibilities should there be a need in the future (see recommendation 1.2 (c) and Appendix 1).

Chairmen of Regulatory Committees

- 4.21 The Panel met with the chairmen of each of the regulatory committees – Planning, Licensing (dual role), Audit and Governance as part of the current review. We learnt about the ongoing work of each of the committees, the onerous nature of Planning Committee and Ad Hoc Licensing Panels, both of which meet frequently and often for considerable amounts of time. We learnt also of the changing role of the Governance Committee which has responsibility for the affairs and effectiveness of the council as well as monitoring the constitution. Lastly we learnt of the Audit Committee, where it is the chairman's responsibility to sign off the Annual Statement of Accounts and to ensure effective financial arrangements are in place within the council.
- 4.22 We are mindful that these are busy committees and we wish to retain the right to re-review the workloads, particularly in respect of the Planning Committee and Licensing Panels should these become significantly greater than at present. We recommend that the following percentages of the Leader's Allowance should be applied for each of the regulatory committee chairmen:

Chairman of Planning Committee	47% of the Leader's Allowance
Chairman of Licensing (dual role)	37%
Chairman of Audit Committee	37%
Chairman of Governance Committee	37%

(See recommendation 1.2 (d) and (f-h) and Appendix 1).

Chairmen of Overview & Scrutiny Committees

- 4.23 In its last review the Panel understood that there would be a move to more effective overview and scrutiny under the new governance arrangements. The importance of this function was emphasised to us and we were advised that the number of overview and scrutiny committees would be increased to support this change. Since then we have met with Chairmen and Deputies from many of these new committees as well as with the Chairman of the Overview & Scrutiny Commission which has taken on a co-ordinating role. We are of the view that the effectiveness of these committees sits outside our remit but we wish to suggest that special responsibility allowances for each of these positions should be set at one level. We consider that the Chairmen of each of the Overview & Scrutiny Committees should receive an SRA equivalent to 31% of the Leader's Allowance (see recommendation 1.2 (h) and (i) and Appendix 1).

Deputy Chairmen of Regulatory Committees

- 4.24 We were pleased to meet with each of the four Deputy Chairmen in their respective roles on the regulatory committees. We were particularly keen to learn of their individual roles and responsibilities and to establish whether they held any significant position, whether any role profile had been allocated to them and what duties they undertook which were of greater importance than the ordinary members of their committees. We spoke not only to them but also to their Chairmen about this issue.
- 4.25 We recognise that each has a responsibility for covering for the Chairman if they are absent or they declare an interest in an agenda item at the meeting and do not therefore take a part in the discussion or voting. However, we failed to see that there were any significant additional duties allocated to each of them.
- 4.26 In order to reach this conclusion we have also looked for comparison at other local authorities used in our sample (see Appendix 2 to the report) and we find that there is little if any justification for these payments to be made.
- 4.27 This is an area which has been of some concern to us over a period of time and we have decided that it is no longer appropriate for Special Responsibility Allowances to be allocated to these positions. We recommend that with effect from 14 May 2010 no SRA's be paid to the Deputy Chairmen of the Regulatory Committees.

Deputy Chairman of the Overview & Scrutiny Commission and Deputy Chairmen of Overview & Scrutiny Committees

- 4.28 As part of the wider review of the Overview and Scrutiny function the Panel met with several of the Deputy Chairmen of the Overview and Scrutiny Committees. As with the Deputy Chairmen of the Regulatory Committees we were keen to establish an understanding of their individual roles and responsibilities.
- 4.29 In regard to the Deputy Chairman of the Overview & Scrutiny Commission, the Panel were mindful of the role of the Commission and its co-ordinating function. Having looked at the work of the Commission and taking into account the relationship between the Chairman, Deputy Chairman and its members, the Panel did not feel that the position of Deputy Chairman merited an SRA in itself.
- 4.30 Again, in taking in to consideration the comments of the Deputy Chairmen of the other Overview & Scrutiny Committees and making comparisons with other authorities (see Appendix 2 to the report) we could find little if any justification in making such payments to the Deputy Chairmen of these committees.
- 4.31 The Panel have not taken this view lightly and sought to review their conclusions. However, having reconsidered the information gleaned from meetings with the Deputy Chairmen and in making comparisons with other authorities, the Panel remained of the opinion that the Deputy Chairmen did not warrant the payment of an SRA.
- 4.32 We therefore recommend that with effect from 14 May 2010 no SRA's be paid to the Deputy Chairmen of the Overview & Scrutiny Committees and have therefore not included them in the proposed new scheme of allowances (see Appendix 1).

Proposed new SRA's for Chairmen of Overview & Scrutiny Review Panels

- 4.33 We have noted throughout our review that the council has set up a number of ad hoc review panels to consider matters such as studentification and road safety. We know that there have been several others. Whilst we can see little justification for the payment of an allowance to a deputy chairman of an overview and scrutiny committee who does not have a clearly defined role, we would like to suggest that a more positive, proactive and forward-thinking approach would be to give recognition to the chairmen who have responsibility for leading each of these ad hoc reviews.
- 4.34 We have been led to believe that there would be up to 12 such reviews each municipal year, and we are strongly of the view that the council should recognise the significance of this work. As such, we are of the view that up to 12 Review Panel Chairmen should each be paid £500 per review, at the

conclusion of the review period provided they are not already in receipt of another SRA.

- 4.35 Equally we would suggest that Panel Chairmen undertaking more than one review throughout the year should be able to make a second claim for this allowance provided they are not already in receipt of an SRA for another position; with a maximum of 3 claims each municipal year (see recommendation 1.4).

Other Special Responsibility Allowances

- 4.36 We have already made our feelings known in respect of the SRA's to be allocated to the Leaders of the Opposition and Minority Groups (see paragraphs 4.4 – 4.5 on pages 20 and 21 of our report) but we have set out below our recommendations in relation to the remaining SRA's.

Deputy Leader/s of the Opposition

- 4.37 The Panel met with the Deputy Leaders of the Opposition in December 2009 to learn first-hand of their individual remits. We were particularly keen to learn of their personal responsibilities and whether any duties had been specifically handed to them which were over and above those of the ordinary group members. Whilst recognising that each was in a position to cover for their Group Leader in her absence, there were no clear role profiles allocated to them and no significant duties which they could clearly define and which we could identify.
- 4.38 We met also with the two Deputy Convenors of the Green Group who hold the same number of seats on the council as the main Opposition and asked them the same question. Again we were looking for evidence of a clear and accountable level of responsibility but we found none. In both cases the Deputy Leaders/Deputy Convenors carried out dedicated duties but we are not convinced that either qualifies for an additional allowance.
- 4.39 In taking into account the lack of clarity around the role of a Deputy Leader/Convenor of the Opposition, the Panel have noted that there would be an opportunity to provide delegated responsibilities and duties to a post holder. It is therefore felt that the position should be recognised within the scheme and that it be set at 31% of the Leader's allowance, making it £7,178. However, in so doing, the Panel can only justify one such post within the scheme and would urge the council to consider introducing proper role profiles for both the Leader and Deputy Leader of the Opposition (see recommendation 1.23).

Leaders/Convenors of Minority Groups

- 4.40 The Panel invited the Leader of the smallest Minority Group on the council to meet with them to discuss the roles and responsibilities of his position. Councillor Paul Elgood met with us and expressed his concern that an allowance for this position was no longer payable and explained that he did

not understand the rationale for the decision to withdraw the payment at an earlier review.

- 4.41 He explained that with only two members to cover the committees, his workload was extensive but the Panel were unconvinced of the need to make further changes to the scheme. We remain of the view therefore that there is insufficient evidence to support a payment to a Group Leader with less than 10% of the seats on the council and statistical evidence from many other local authorities supports this view.
- 4.42 We recommend that an SRA be paid to a minority group leader with a minimum of 10% of the seats on the council based on the new methodology outlined in sections 4.4 to 4.12 of this report, ie. *basic allowance + £214 x the number of councillors in the group in 2010/11.*
- 4.43 Across the range of local authorities we have used for comparison, eight require a group to hold a minimum number of seats on the council for the group leader to qualify for a special responsibility allowance and of these eight; five are unitary authorities – Brighton & Hove being one of them (see recommendations 1.2 (l) and 1.3).

Representatives on the Arts Commission

- 4.44 From our work on the Panel we know that there are six representatives on the Arts Commission and two of them are entitled to an SRA following a decision by the Council. In this review we have searched for justification that payment of this allowance should continue to be given to just two of the six representatives and whilst we acknowledge that the council wishes to recognise the importance of the Commission's work on engagement with other partners, we no longer see foundation in continuing with this allowance.
- 4.45 We understand that the Commission meets four times per year and members may attend additional events such as shows and exhibitions etc if they wish. We recognise that these extra functions often provide networking opportunities and they are a means by which councillors can promote the work of the Commission to a wider audience. They are therefore a valuable resource in terms of partnership working.
- 4.46 The Panel has invited each of the six councillor representatives on this body to comment on their individual roles and responsibilities and we have discussed the responses we have received at some length.
- 4.47 Whilst we recognise the promotion of arts and culture throughout the city and welcome moves towards closer partnership arrangements, we can see no justification for the payment of an SRA for a position on this non-decision-making body and which is not distributed equally across the six council representatives. Again therefore, in the absence of clearly defined roles and responsibilities the Panel recommends that these payments be withdrawn from the Members' Allowances Scheme.

In summary

- 4.48 The recommendations we have outlined above are more radical than in our previous reviews but we have undertaken this full 18-month review in the greatest of detail and our discussions and deliberations have not been taken lightly.
- 4.49 We feel that these changes clearly reflect the new council structure and our recommendations streamline the Members' Allowances Scheme bringing in a more modern approach. We have been mindful of the public interest in MP's expenses and their general interest in councillors' allowances and in recommending the revised scheme, believe it provides an open and transparent methodology for those positions that hold additional responsibility within the Leader and Cabinet model of governance.
- 4.50 The recommended introduction of the SRA's for Review Panel Chairmen should be viewed as a positive approach and one which recognises clearly defined roles. Equally the percentages applied to the SRA's for committee chairmen reflect their importance within defined work areas. We recommend that the council provides clear evidence of individual councillor roles and responsibilities which will help in the recruitment and retention of councillors as well as in the review process (see recommendation 1.23).
- 4.51 We see the change in governance arrangements at Brighton & Hove as a valuable opportunity to go back to basics and undertake our first full and fundamental review of the scheme since a statutory panel was appointed in 2002. Previously our hands have been tied by a number of constraints, but at this unique time we have been able to take full advantage of the move from a committee system to a Cabinet and Leader model, and the extent of this much fuller review is set out in detail throughout our 2008-10 Annual Report.

SECTION E

5. TRAVEL AND SUBSISTENCE ALLOWANCE

Background information and General Principles

- 5.1 Independent Remuneration Panels have direct responsibility for making recommendations in relation to travel and subsistence and in turn, local authorities are permitted under the 2003 Regulations to set their own Travel and Subsistence Allowances.

Travel Rates

- 5.2 The Panel constantly looks for examples of good practice, at nationally recognised bodies and to experts to support any of its views. In this instance

we have followed the Inland Revenue advisory flat rates of 40p per mile for cars, 24p for motorcycles, irrespective of engine size and 20p for bicycles when setting an appropriate level of reimbursement for travel. We acknowledge that anything above these rates would incur tax liability and we remain of the view that Brighton & Hove should continue to mirror Inland Revenue advisory rates and any amendments made to them in the future.

- 5.3 In terms of the scheme, where car use is deemed appropriate, we continue to encourage car sharing and the use of bicycles alongside public transport as environmentally sound means of travel. We also actively support car sharing and recommend that Inland Revenue advisory rates of 5p per passenger per mile (for a maximum of four passengers per vehicle) be claimable when travelling on approved duties.
- 5.4 A small number of councillors have drawn to our attention their concerns over the earlier withdrawal of car mileage payments within the city boundaries. This they say has caused a degree of hardship when travelling to several meetings at different venues on the same day and when public transport or cycling could be ruled out due to insufficient time. We have listened to these concerns and acknowledge that there may be some difficulty for a number of councillors but we consider it important that a more sustainable approach be retained and we are of the view that any costs incurred for such travel should be paid for from the basic allowance.
- 5.5 For the first time this year we have had brought to our attention the council's Driving at Work Policy and we recommend that councillors should be brought in line with staff and thereby comply with any of the policy's requirements. This means that councillors will be required to prove they hold a valid driving licence, have an appropriate business motor insurance policy and MOT certificate (where applicable) if they use their vehicles for council business. We understand that this matter will be put before the Governance Committee at their meeting on 9 March and we hope that it will receive the committee's full support (see recommendation 1.14).

Subsistence Rates

- 5.6 The Panel is happy that the current allowances for subsistence remain reasonable and we recommend that the following maximum rates be retained:

£6.50	Breakfast
£8.50	Lunch
£3.50	Tea
£15.00	Dinner

We feel also that the rules on reimbursement for meals purchased on trains should remain and that the overnight rate of £114 in London and £100 per night elsewhere for conference attendances are appropriate.

- 5.7 The Panel remains of the view that it is not appropriate or reasonable for the cost of alcohol purchased by councillors whilst on approved duties to be borne

by the taxpayer and therefore stresses that this should be stipulated in the Members' Allowances Scheme (see recommendation 1.15).

6. CHILDCARE & DEPENDANTS' CARERS' ALLOWANCE

Background information and General Principles

- 6.1 We are acutely aware from concerns expressed to us by councillors that the current child and dependant care allowance does not provide effective support and that councillors find this part of the scheme over-bureaucratic and unmanageable. We are keen to provide appropriate support to councillors to enable them to undertake their duties and recognise there is a genuine need to revise this area of the scheme. We know that there are parent councillors who are using the Basic Allowance to pay for their caring costs rather than the Childcare & Dependants' Carers' Allowance because of these concerns and we wish to resolve as many of these issues as possible now.
- 6.2 With this in mind we have requested detailed information and statistical evidence of the cost of child care both within Brighton & Hove and also nationally. Councillors have spoken to us at length about their concerns at the high cost of child care provision and they have explained to us that the modernisation agenda has meant that councillors now spend 75% of their time on duties which are deemed to be not approved by the council and for which there is currently no recompense.
- 6.3 The Local Government Regulations (England) 2003 are very restrictive in terms of what they recognise as an approved duty when making care claims, however the Councillors' Commission Report, published in December 2007, goes some way towards addressing these issues by recognising the need for an effective care package. That is the message we are trying to drive forward as we seek to improve the care package on offer to Brighton & Hove councillors.

The way forward

- 6.4 We have looked at each of the concerns that have been raised with us in relation to care support and we have attached at Appendix 3 a list we have obtained from the council's Children's Services directorate of the average cost of child care provision in the city. However, we would like to point out that whilst these figures reflect caring costs for children who are regularly looked after, we do recognise that the ad hoc nature of a councillor's work may mean that care provision such as this is not necessarily feasible.
- 6.5 We acknowledge that it may be more practical for councillors to use family and friends to provide them with this type of care and we support this approach provided the family member does not live in the same household. Alternatively, the At Home Childcare scheme is a new facility in which the council acts as "agent" between the carer and the parent/s. We understand that this scheme can be a good option for parents who need flexible childcare.

The scheme is home-based and provides support for parents with more than one child as well as those with children who have special needs. Carers are vetted by the council and given appropriate training. A summary is set out in Appendix 4 to this report.

- 6.6 We are keen to emphasise that whilst we do not insist that only registered childminders be used because we recognise there may be impracticalities of doing so for ad hoc caring, the onus is on parent councillors to ensure appropriate carers are employed by them. We understand from legal advisers that there is no liability on the part of the authority should inappropriate carers be used, whoever meets those caring costs.
- 6.7 We are aware that some councillors wish the council to introduce an annual lump sum taxable allowance to meet their caring expenditure. They feel that this would be a more flexible approach and it would enable them to meet their costs whatever arrangements were in place. However, as in all other parts of the scheme, the Panel continues to press for payments to be claims-based because we feel that this is the only open and accountable option. Mindful again of national interest, we recommend that only care claims accompanied by receipts for attendance at approved duties be reimbursed, thus giving a clear message to the electorate that there is a robust audit trail of expenditure on this and all other parts of the budget.
- 6.8 Tax liability is another issue. The council made a conscious decision to pay the carer rather than the councillor when the scheme was set up a number of years ago. This was devised so that any responsibility for the payment of tax was passed to the carer. This arrangement has continued ever since. The Panel understands that as an authority Brighton & Hove stands alone in making payments in this way and also recognises that this is not necessarily the most practical solution as it brings with it other problems.
- 6.9 The Panel has sought clarification from the Inland Revenue on salary sacrifice schemes such as childcare vouchers. We have learnt that these cannot be made available to councillors as such schemes can only be offered to *employees* by their employer. Councillors do not fit into that category. However, eligibility for Working Tax Credit and Child Tax Credit is something that individual councillors and their partners will need to discuss direct with the Inland Revenue as personal circumstances will vary.

Child & Dependants' Carers' Allowances

- 6.10 We recommend therefore that care costs for approved duties should be paid to the *councillor*, provided they complete and submit the relevant form and attach their receipt. We continue to set the annual cap at £1,000pa for all child and dependant care but we propose that the maximum hourly rate should be raised to £7.00 in respect of children receiving "baby-sitting" care and retained at £7.50 for dependant adults and children with severe disabilities/special needs. No payments should be made which are over and above actual cost. We recommend also that the upper age limit for cared-for children should remain at "under 14" (see recommendation 1.16).

7. APPROVED DUTIES

- 7.1 We are keen to address another concern, that expressed by a number of backbench councillors who are spending a large proportion of their time attending non-approved duties and we have asked for details of the sort of duties that are being undertaken but for which no support is given. We realise from our many discussions with councillors throughout a number of reviews that this is where there is the biggest change in terms of roles and responsibilities. The list identified by them is extensive and whilst budgets and financial constraints severely restrict any major move in this direction, we do feel that some recognition should be given of the greater burden councillors are facing in order to complete their work.
- 7.2 We are also keen to support a move towards the better retention and support of as wide a cross-section of the community as possible if they wish to stand and remain as elected members. These facts must, however, be balanced with the voluntary element of the scheme and we feel it is not unreasonable that an element of the caring costs should continue to be met from the basic allowance.
- 7.3 The Panel recommends that the approved duties identified in Appendix 5 to this report be agreed and that child, dependant care, travel and subsistence all be claimable provided any additional requirements set down elsewhere in the report are met. This means that car/motorcycle travel and subsistence are only claimable outside the authority's area.

8. CO-OPTEEES' ALLOWANCES

Independent Chairman of Standards Committee

- 8.1 A Co-optees' Allowance for the position of Independent Chairman of the Standards Committee was first set by the council in May 2006 following a Panel review. The level of SRA set at the time was £4,220 per annum and this allowance was evaluated again in 2007-8 and increased by salary inflation to £4,313.
- 8.2 We were pleased to welcome Dr Wilkinson the Independent Chairman to meet with us again in June this year and to learn of the changes to his role. We understand that these have come about partly because the make-up of the council has changed and partly because of the changing standards regime. We note that there is a new duty on the committee to promote and raise standards across the council. We note also that this is a unique position which requires the post-holder to keep very strong working relationships and to play a crucial role in ensuring there is an effective and transparent standards system in place within the authority.

- 8.3 We recognise that the move to modern governance has brought with it an inevitable number of complaints made by councillors about each other and it is hoped that as the new system beds in and becomes more effective, these numbers will dwindle. We understand also that the Chairman has a role to play in ensuring there is effective training and support provided to each of the political Groups and we recognise that this will be a considerable help in terms of overall stability.
- 8.4 As in past reviews, we have looked for comparison at the levels of allowances paid in other local authorities and we are happy that Brighton & Hove sits amongst its peers in terms of the level of allowance paid to the Independent Chairman of Standards Committee. We recommend therefore that a 1% inflationary increase be applied to this Co-optees' Allowance. This will bring the allowance to £4,356 for 2010/11, which is the same as the percentage increase applied to the basic allowance (see recommendation 1.9).

Independent Deputy Chairman of Standards Committee

- 8.5 Section 187 of the Local Government & Public Involvement in Health Act 2007 came into force on 1 April 2008 and this stated that Standards Committees should be chaired by a person who is not a member or an officer of the council.
- 8.6 We are aware that no one has been allocated the position of Deputy Chairman of Standards for the current municipal year and in the absence of the Chairman, one of the other Independent Members takes on that function because it is no longer permissible for a councillor to undertake that role.
- 8.7 Whilst we recognise that there is currently no call for such an allowance, we are mindful that should the council appoint an Independent Deputy Chairman to its Standards Committee, the Panel would wish to recommend an appropriate level of allowance. The Panel recommends therefore that a 1% inflationary increase be applied to this Co-optees' Allowance, bringing it to £553 for 2010/11 (see recommendation 1.10).

9. NON-COMMITTEE CO-OPTEEES

- 9.1 In terms of travel and subsistence, child and dependent care, the Panel advised the council in its last report that levels of remuneration for non-committee co-optees should continue to be the same as those in the Members' Allowances Scheme. We note that officers are currently updating the full list of bodies, working groups etc. which fall within this category but remain of the view that despite any such name changes which may be made, the principle remains the same. We would encourage as much uniformity as possible in this respect whilst acknowledging that those departments which make direct payments retain the authority to reimburse at individual rates should they consider them more appropriate to their departmental needs (see recommendation 1.18).

SECTION F

10. OTHER ISSUES

Sustainable travel options

- 10.1 The Panel would like to place on record its continued support for the council's sustainable transport agenda and we wish to actively support cycling and the use of public transport. We remain in line with a growing number of local authorities who are supporting the move towards more sustainable travel.
- 10.2 In September 2008 we first welcomed the introduction of the new tax-free "Cycle to Work Scheme" for both staff and councillors and we are pleased to report councillor usage of this scheme in 2009/10. We understand that this is a 12-months' tax-free bike loan and that following the period of pay-back, cycle mileage is claimable. The Panel supports the council's wishes to encourage greater use of bikes within the city and is pleased that there is evidence of take-up in this area of the scheme. We note also that the original tax-free bike loan scheme is still in existence entitling councillors to take a lump sum tax-free loan to buy a bike.
- 10.3 Although we have listened to the concerns of councillors who use cars to cross the city, we continue to support the policy whereby only cycling or public transport is claimable within the Brighton & Hove boundaries. We are pleased to report that the Members' Allowances Scheme offers councillors the choice between an Annual Saver Ticket for bus travel and cycle mileage within the city. In order to make this sustainable agenda as flexible as possible, the scheme also supports a combination of ticketed bus travel and the reimbursement of cycle mileage for approved duties (see recommendation 1.19).
- 10.4 The Panel remains conscious also of the need to provide for exceptional circumstances and we continue to recommend that the use of taxis/personal transport be permitted by former Mayors undertaking mayoral duties on behalf of the Mayor, or indeed of the Mayor or Deputy should the mayoral car not be available for any reason.
- 10.5 In addition, in exceptional circumstances and/or where disability or injury applies councillors' use of private transport/taxis is at the discretion of the Monitoring Officer.

Subsistence Allowance

- 10.6 As part of our 2007-8 review we recommended that no subsistence should be claimable by councillors within the Brighton and Hove boundaries. This is consistent with the approach adopted in respect of motor travel. We see no evidence of any need to change this part of the scheme and recommend that this continues to be covered by the basic allowance. However, once again we would suggest that should exceptional circumstances apply, an individual

case should be considered by the Monitoring Officer (see recommendation 1.19).

Mayor's and Deputy Mayor's Allowances

- 10.7 We undertook a full review of these allowances in 2005 and although they do not form part of the Members' Allowances Scheme per se, we continue to keep a watchful eye on their appropriateness. We recommend that the level of allowances for both the Mayor and the Deputy Mayor continue to be increased at the council's salary inflation rate in 2010/11, thereby keeping them in line with the basic allowance. These allowances shall equate to £12,448 and £3,484 respectively (see recommendation 1.20).
- 10.8 The Panel's recommendations for the Members' Allowances Scheme and also the mayoralty in 2010/11 and beyond are sharper and more focused and as part of our more rigorous approach we consider that the payment of allowances to the Mayor and Deputy be made subject to the post-holders undertaking their full duties throughout their term of office.
- 10.9 We know from our previous review that should the Mayor or Deputy be unavailable for any reason, duties may be undertaken by any one of the Former Mayors and we continue to support that arrangement. However we are once again mindful of the budget pressures that could result should reliance on Former Mayors increase in any way and we propose that this level of cover be kept under review. Should either the Mayor or Deputy Mayor be incapacitated for a significant period of time, it is hoped that consideration would be given to their allowance being used to offset the cost of using the Former Mayors to cover any engagements during their period of absence.

Pensions

- 10.10 The Panel has been fully supportive of councillors being given the widest possible opportunities to join the Local Government Pension Scheme (LGPS) since our first recommendations on this matter were made in 2003. We note that to date 33 councillors have joined the scheme. We continue to support this important part of the scheme and remain of the view that all eligible councillors who wish to do so, should be entitled to join the LGPS and that both the basic allowance and any special responsibility allowance to which individual councillors may be entitled should be pensionable (see recommendation 1.21).

Withholding of allowances

- 10.11 The 2003 Regulations allow councils to stop payments to councillors who have been suspended or partially suspended from their duties where they have breached the Code of Conduct. We consider this is entirely appropriate and recommend that the provision contained in the Members' Allowances Scheme remains unchanged (see recommendation 1.22).

Parish Council

10.12 As in previous years, we have consulted with Rottingdean Parish Council on the subject of a Parish Allowance. Once again we have been informed that parish councillors have unanimously agreed that they would not be seeking Parish Council allowances in the 2010/11 municipal year.

SECTION G

11. WORK PROGRAMME

11.1 As outlined elsewhere in this report the Panel has carried out an extensive review of each of the allowances set down in the Scheme (see Appendix 6 also). This has taken place over an 18-month period during which the council has undergone considerable change. We are of the opinion that there is likely to be greater stability within the council's democratic process over the coming twelve months and beyond and we feel that each of our recommendations places the authority in a strong and stable position.

11.2 With regard to any future work, the Panel will be meeting again in April 2010 to any discuss any responses to the Annual Report and we envisage that in the absence of any structural changes to the decision-making process that would require our consideration, we would not undertake a detailed review until 2012/13. Instead we recommend that the appropriate salary inflation be applied to each of the allowances at the start of each new municipal year. However we wish to continue meeting at least once a year to ensure that the scheme remains viable and to finalise our Annual Report to the Full Council.

SECTION H

12. CONCLUSION

12.1 Whilst the purpose of this in-depth review has been to focus on all our work areas, we have paid additional attention to those sections of the scheme that have been identified as of particular significance. These include the following:

- The level of the Basic Allowance – support for the community councillor role;
- The methodology for the Special Responsibility Allowance paid to Leaders/Convenors of Groups;
- The Child Care and Dependants' Carers' Allowance;
- Motor mileage within the city.

12.2 We have listened to any views that have been put to us and we are confident that the package we are now recommending is one which encompasses the changing role of the authority. We realise that in such difficult economic circumstances there is little room for flexibility and no justification for large

payments but we feel that what we are recommending does provide wider support for those with caring needs and some much needed support for councillors carrying out their community councillor roles.

- 12.3 The Panel recognises that there has been little guidance on the modernisation of local government in terms of Members' Allowances to date but we have taken on board the Councillors' Commission Report of 2007, evidence from other local authorities, including the Audit Commission's family tree, and the views of individual councillors in our efforts to provide a Members' Allowances Scheme that can operate in a fast-changing environment.
- 12.4 We note that following our last report a number of councillors chose not to take the salary inflationary increase on their basic allowance. Whilst we fully respect that personal decision, we feel it is important to account for the overall budgetary implications of the cost to the Members' Allowances Scheme, so that this can be accounted for within the council's budget setting process.
- 12.5 The Panel also notes that its recommendations for the level of Special Responsibility Allowances result in a small decrease for the individual post holders on this occasion. The net result is borne from the recommendation to use the level of basic allowance as the primary factor in setting the Leader of the Council's 'core' SRA and the fact that the current Administration does not hold a majority of seats on the council.
- 12.6 We would also draw attention to the shortfall in resource provision for the cost of the basic and special responsibility allowances which is currently met by the under-spend in pension contributions. Whilst it goes beyond our remit to review the budgetary allocations, we feel that such a situation does need to be addressed as any take-up in the pension scheme following the 2011 elections could result in a budgetary pressure.

SECTION I

13. FINANCIAL INFORMATION

- 13.1 The Members' Allowances budget for 2010/11 is £1,054,900. Although outside the Panel's remit we have shown the cost of the new recommendations and compared them with the current scheme plus a 1% salary inflationary increase and no inflationary increase. The costs of the schemes are set out in the table at paragraph 13.5.
- 13.2 We are pleased to report that the recommendations outlined in the right-hand column of the table below, based on the current level of pension take-up, bring the scheme within the overall Members' Allowances budget of £1,054,900.

13.3 We note that in relation to the Members Allowances budget for 2010/11:

- (i) That the retention of the current scheme with a 1% inflationary increase would amount to £1,074,309 which would result in a budgetary shortfall and potential overspend of £19,409 based on current national insurance contributions and pension take-up rates;
- (ii) That the retention of the current scheme with a 1% inflationary increase applied to the Basic Allowance only would amount to £1,070,940 which would result in a budgetary shortfall and potential overspend of £16,040 based on current national insurance contributions and pension take-up rates;
- (iii) That the retention of the current scheme with no inflationary increase applied to the SRA's and Basic Allowance would amount to £1,063,613 which would result in a budgetary shortfall and potential overspend of £8,713 based on current national insurance contributions and pension take-up rates; and
- (iv) That the approval of the new scheme as recommended by the Panel would amount to £1,036,953 which would result in a budgetary saving of £17,947 based on current national insurance contributions and pension take-up rates.

13.4 We are also mindful that disregarding an inflationary budgetary provision for the Basic Allowance would only add pressure to future budgets as was previously the case in 2002 when it appeared that significant increases to the allowances were being recommended but in reality there had been no increase to the level of allowances for 3 years.

13.5 The table below (referred to in 13.1 above), details the cost of the current scheme in the first column and compares this with the Panel's proposed scheme in column two on the basis of:

- (a) a 1% inflationary increase applied to both the Basic Allowance and the SRA's with full pension costs and current pension costs;
- (b) a 1% inflationary increase applied to the Basic Allowance only with the SRA's remaining at their current level and current pension costs;
- (c) no inflationary increase applied to either the Basic Allowance or the SRA's and the current pension costs;

Note: The Panel's proposed scheme includes a 1% inflationary increase to the Basic Allowance only and assumes that the current arrangements of having a recognised Leader of the Opposition would continue and therefore only one Minority Group Leader's allowance would be claimed.

2010/11 Members' Allowances Budget = £1,054,900

(a)

Cost of current Members' Allowances Scheme with effect from 14 May 2010 Inclusive of 1% salary inflation		Cost of recommended Members' Allowances Scheme from 14 May 2010	
Basic Allowance: 54 x £11,578 =	£625,212	Basic Allowance: 54 x £11,578 =	£625,212
Special Responsibility Allowances: If all 36 are paid:	£285,193	Special Responsibility Allowances: If 24 of 25 are paid:	£253,563
Total Basic + 36 SRA's On-costs based on full pensions take-up TOTAL	£910,405 £233,062 £1,143,467	Total Basic + 24 SRA's On costs based on full Pensions take-up TOTAL	£878,775 £224,966 £1,103,741
2010/11 Budget	£1,054,900	2010/11 Budget	£1,054,900
Shortfall of	£ 88,567	Shortfall of	£ 48,841
Total	£1,143,467	Total	£1,103,741
Total Basic + 36 SRA's On costs based on current pensions take-up TOTAL	£910,405 £163,872 £1,074,277	Total Basic + 24 SRA's On costs based on current pensions take-up TOTAL	£878,775 £158,178 £1,036,953
2010/11 Budget	£1,054,900	2010/11 Budget	£1,054,900
Shortfall of	£ 19,377	Saving of	£ 17,947
Total	£1,074,277	Total	£1,036,953

(b)

Cost of current Members' Allowances Scheme with effect from 14 May 2010 Inclusive of 1% salary inflation to the Basic Allowance only	Cost of recommended Members' Allowances Scheme from 14 May 2010
Basic Allowance: 54 x £11,578 = £625,212	Basic Allowance: 54 x £11,578 = £625,212
Special Responsibility Allowances: If all 36 are paid: £282,365	Special Responsibility Allowances: If 24 of 25 are paid: £253,563
Total Basic + 36 SRA's £907,577 On costs based on current pensions take-up £163,363 TOTAL £1,070,940	Total Basic + 24 SRA's £878,775 On costs based on current pensions take-up £158,178 TOTAL £1,036,953
2010/11 Budget £1,054,900 Shortfall of £ 16,040 Total £1,070,940	2010/11 Budget £1,054,900 Saving of £ 17,947 Total £1,036,953

(c)

Cost of current Members' Allowances Scheme with effect from 14 May 2010 without an inflationary increase	Cost of recommended Members' Allowances Scheme from 14 May 2010
Basic Allowance: 54 x £11,463 = £619,002	Basic Allowance: 54 x £11,578 = £625,212
Special Responsibility Allowances: If all 36 are paid: £282,365	Special Responsibility Allowances: If 24 of 25 are paid: £253,563
Total Basic + 36 SRA's £901,367 On costs based on current pensions take-up £162,246 TOTAL £1,063,613	Total Basic + 24 SRA's £878,775 On costs based on current pensions take-up £158,178 TOTAL £1,036,953
2010/11 Budget £1,054,900 Shortfall of £ 8,713 Total £1,063,613	2010/11 Budget £1,054,900 Saving of £ 17,947 Total £1,036,953

APPENDIX I

RECOMMENDED LEVELS OF SPECIAL RESPONSIBILITY ALLOWANCES

	Post	%	Recommended level of SRA £	Current Level of SRA £
1	Leader of the Council*	100%	28,506*	28,758
2-3	Deputy Leader(s)	74%	17,135	17,254
4-10	Cabinet Member with portfolio	47%	10,883	10,927
	Chairmen of Regulatory Committees			
11	Planning	47%	10,883	10,927
12	Licensing Committee (dual role)	37%	8,568	8,626
13	Governance	37%	8,568	8,626
14	Audit	37%	8,568	8,626
	Chairmen of Overview & Scrutiny Committees			
15	Overview & Scrutiny Commission	31%	7,178	7,188
16	Adult Social Care & Housing OSC	31%	7,178	7,188
17	Children & Young People OSC	31%	7,178	7,188
18	Culture, Tourism & Enterprise OSC	31%	7,178	7,188
19	Environment & Community Safety OSC	31%	7,178	7,188
20	Health OSC	31%	7,178	7,188
21	Overview & Scrutiny Review Panel Chairmen (up to a maximum of 12)		500	n/a
	Other SRA's			
22	Leader / Convenor of the Opposition*	45%	13,202*	13,803
23	Deputy Leader of the Opposition	31%	7,178	7,188
24-25	Leader / Convenor of a Minority Group with a minimum of 10% of the seats on the Council*	25%	8,571*	7,188

Note on the recommended SRA's:

- * The Special Responsibility Allowances allocated to the Leader of the Council, Leader of the Opposition and Minority Group Leaders with a minimum of 10% of the seats on the council are set in accordance with the numbers of seats held in the political groups and these will be amended to reflect any change in number.

Total SRA's for OSC and Regulatory Committees 2009/10

	OSC Chair	Deputy OSC Chair	Regulatory Chair	Deputy Regulatory Chair	Total
Metropolitan Authorities					
Birmingham	9		3		12
Liverpool	6		3		9
Manchester	6		2		8
Newcastle	8	8	4	4	24
Sunderland	7	7	2		16
Brighton & Hove	6	6	4	4	20
Unitary Authorities					
Bath & NE Somerset	5		2		7
Bristol	7		5		12 ^{*1}
Cardiff	5		2	1	8
Isle of Wight	5		3		8
Nottingham	5	7	3		15 ^{*2}
Portsmouth	6		3		9
Southampton	4		2		6
Brighton & Hove	6	6	4	4	20
London Boroughs					
Camden	5		3		8
Croydon	5	1	2		8
Hammersmith & Fulham	6		3		9
Lambeth	6		2	1	9
Merton	5		2		7
Richmond Upon Thames	4		2	1	7
Southwark	6		3		9
Wandsworth	8	8	2	1	19
Westminster	6		3		9
Brighton & Hove	6	6	4	4	20
County Councils					
East Sussex	6		1		7
Hampshire	5	5	1	1	12
Kent	9		1		10
Surrey	8	8	2	2	20
West Sussex	6		2		8
Brighton & Hove	6	6	4	4	20

^{*1} 3 Planning committees so 3 chairman

^{*2} 2 OSC have 2 deputies

Comparison of SRA's paid by Unitary Authorities 2009/10

	Political Group	Leader	Deputy Leader	Leader of Opposition	Deputy Leader of Opposition	Minority Group Leader	Deputy Minority GL	Cabinet Member	OSC Chair	Deputy OSC Chair	Audit	Deputy Audit	Licensing	Deputy Licensing	Planning	Deputy Planning	Governance	Deputy Governance	Total
Unitary Authorities																			
Bath & NE Somerset	Conservative	1						7	2				1		1				12
31 Con 26 LD 5 Lab 3 Ind	Labour			1					2										3
	Liberal Democrat		1						1										2
Bristol	Conservative			1					3				1		1				6
36 LD 17 Con 16 Lab 1 Green	Labour					1			1						1				3
	Liberal Democrat	1	1					6	3		1				1				13
Cardiff	Liberal Democrat	1						7	2				1	1	1				13
35 LD 17 Con 13 Lab 7 PC 3 Other	Conservative			1					1								1		2
	Labour					1			1										2
	PC		1					2	1										5
Isle of Wight	Conservative	1	1					5	4		1		1		1				14
24 Con 7 Ind 5 LD 1 Lab 3 Other	Independent								1										1
	Liberal Democrat			1															1
Nottingham	Labour	1	1					8	5	4	1		1		1				22
42 Lab 7 Con 6 LD	Conservative			1	1						1								3
	Liberal Democrat					1	1				2								4
Portsmouth	Liberal Democrat	1	1					8	2		1		1		1				15
19 LD 19 Con 2 Lab 2 Other	Conservative			1					3										4
	Labour					1			1										2
Southampton	Conservative	1	1					8	2				1		1				14
26 Con 14 Lab 8 LD	Labour			1					2										3
	Liberal Democrat																		0
Brighton & Hove	Conservative	1	2					8	2	3			1		1	1	1		20
25 Con 13 Lab 13 Green 2 LD 1 Ind	Labour			1	2	1			3	2	1			1					11
	Green								1	1									2
	Liberal Democrat											1							1

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Comparison of SRA's paid by Metropolitan Authorities 2009/10

	Political Group	Leader	Deputy Leader	Leader of Opposition	Deputy Leader of Opposition	Minority Group Leader	Deputy Minority GL	Cabinet Member	OSC Chair	Deputy OSC Chair	Audit	Deputy Audit	Licensing	Deputy Licensing	Planning	Deputy Planning	Governance	Deputy Governance	Total	
Metropolitan Authorities																				
Birmingham	Conservative	1						5	7						1					14
49 Con 36 Lab 32 LD 3 Respect	Labour			1	1															2
	Liberal Democrat		1				1	2	2		1		1							8
Liverpool	Labour			1					2											3
45 LD 39 Lab 3 Liberal 2 Green 1 Ind	Liberal Democrat	1	2					8	4		1		1		1					18
Manchester	Labour	1	2					7	4				1		1					16
61 Lab 34 LD 1 Con	Liberal Democrat			1	1				2											4
Newcastle	Labour			1	1				6	7		1		1		1			1	19
49 LD 29 Lab	Liberal Democrat	1	1					7	2		1		1		1		1			14
	Independent									1										1
Sunderland	Conservative			1	1					2										4
48 Lab 22 Con 1 LD 4 Ind	Labour	1	1					8	7	4			1		1					23
	Independent					1	1			1										3
Brighton & Hove	Conservative	1	2					8	2	3			1		1	1	1			20
25 Con 13 Lab 13 Green 2 LD 1 Ind	Labour			1	2	1			3	2	1			1					1	11
	Green								1	1										2
	Liberal Democrat											1								1

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Comparison of SRA's paid by London Boroughs 2009/10

	Political Group	Leader	Deputy Leader	Leader of Opposition	Deputy Leader of Opposition	Minority Group Leader	Deputy Minority GL	Cabinet Member	OSC Chair	Deputy OSC Chair	Audit	Deputy Audit	Licensing	Deputy Licensing	Planning	Deputy Planning	Governance	Deputy Governance	Total
London Boroughs																			
Camden	Liberal Democrat	1						6	2		1								10
24 LD 15 Lab 12 Con 3	Labour			1					1										2
	Conservative		1					4	2				1		1				9
	Green					1													1
Croydon	Conservative	1	1					8	4	1			1		1				17
42 Con 26 Lab 2 Ind	Labour			1	1				1										3
Hammersmith & Fulham	Conservative	1	1					6	6		1		1		1				17
33 Con 13 Lab	Labour			1	1														2
Lambeth	Labour	1	1					7	5				1		1	1			17
37 Lab 18 LD 7 Con 1 Green	Liberal Democrat			1															1
	Conservative					1		1	1										3
Merton	Conservative	1	1					7	2				1		1				13
29 Con 27 Lab 3 Merton Park Residents 1 Ind	Labour			1					2										3
	Merton Park Residents								1										
Richmond Upon Thames	Liberal Democrat	1	1					7	3						1	1			14
35 LD 19 Con	Conservative			1	1				1		1								4
Southwark	Labour			1	1				3										5
29 Lab 27 LD 6 Con 1 Green	Liberal Democrat	1						7	2		1		1		1				13
	Conservative		1					1	1										3
Wandsworth	Conservative	1	1					7	8	8			1		1	1			28
51 Con 9 Lab	Labour			1															1
Westminster	Conservative	1	1					8	6		1		1		1				19
49 Con 11 Lab	Labour			1	1														2
Brighton & Hove	Conservative	1	2					8	2	3			1		1	1	1		20
25 Con 13 Lab 13 Green 2 LD 1 Ind	Labour			1	2	1			3	2	1		1					1	11
	Green								1	1									2
	Liberal											1							1

Comparison of SRA's paid by County Councils 2009/10

	Political Group	Leader	Deputy Leader	Leader of Opposition	Deputy Leader of Opposition	Minority Group Leader	Deputy Minority GL	Cabinet Member	OSC Chair	Deputy OSC Chair	Audit	Deputy Audit	Licensing	Deputy Licensing	Planning	Deputy Planning	Governance	Deputy Governance	Total
County Councils																			
East Sussex	Conservative	1	1					7	5										14
29 Con 13 LD 4 Lab 2 Ind Democrats	Liberal Democrat			1					1										2
	Labour					1									1				2
Hampshire	Conservative	1	1					8	5	5							1	1	22
51 Con 25 LD 1 Lab 1 Community Campaign	Liberal Democrat			1															1
Kent	Conservative	1	1					9	9		1								21
74 Con 7 LD 2 Lab 1 Other	Liberal Democrat			1	1														2
Surrey	Conservative	1	1					8	8	6		1			1				26
56 Con 13 LD 9 Resident Asc. 1 Lab 1 Ind	Liberal Democrat									1						1			2
	Residents' Association									1	1								2
West Sussex	Conservative	1	1					8	5						1		1		17
48 Con 21 LD 2 Lab	Liberal Democrat			1					1										2
	Labour					1													1
Brighton & Hove	Conservative	1	2					7	2	3			1		1	1	1		19
25 Con 13 Lab 13 Green 2 LD 1 Ind	Labour			1	2	1			3	2	1			1				1	11
	Green								1	1									2
	Liberal Democrat											1							1

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Brighton & Hove City Council's Audit Commission Family Tree

Blackpool Borough Council
Bournemouth Borough Council
Brighton & Hove City Council
Bristol City Council
Calderdale Borough Council
Isle of Wight County Council
Newcastle-upon-Tyne

North Tyneside Borough Council
Plymouth City Council
Portsmouth City Council
Sefton Borough Council
Southampton City Council
Southend Borough Council
Torbay Borough Council
York City Council

Other Local Authorities used for comparison

Metropolitan Authorities:

Birmingham
Liverpool
Manchester
Newcastle
Sunderland

County Councils:

East Sussex
Hampshire
Kent
Surrey
West Sussex

Unitary Authorities:

Bath & NE Somerset
Bristol
Cardiff
Isle of Wight
Nottingham
Portsmouth
Southampton

London Boroughs:

Camden
Croydon
Hammersmith & Fulham
Lambeth
Merton
Richmond upon Thames
Southwark
Wandsworth
Westminster

Other sources

Councillors' Commission Report (published in December 2007)
Driving at Work Act
Family Information Service
Inland Revenue
Institute of Local Government Studies at Birmingham University (INLOGOV)
Local Authorities (Members' Allowances) (England) Regulations 2003
Local Government Association (LGA)
Local Government Information Unit (LGIU)
London Councils
Networking Groups in south of England
South East Employers

Average hourly cost of childcare provision in Brighton and Hove/South-East

1. Childminders in the south-east:

Under 2	£3.46
Over 2's	£3.54

2. Nurseries in Brighton and Hove:

For children up to 5 years	£3.68
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(the most expensive day care provider (nursery) in the city charges £53 per day (8.00am – 6.00pm) – an hourly rate of £5.30.)

3. Creches in Brighton and Hove:

There are three mobile crèches in the city and their charges are in the region of £10 per hour.

4. After School and Holiday Childcare in Brighton and Hove

After school provision	
Average cost per session (usually 3 hours)	£8.44

Holiday playschemes	
Average daily cost	£19.96

The new At Home Childcare Service

This new service seeks to match Ofsted registered childcarers with families looking for childcare in their own home. The service is flexible and available during the daytime, in the evenings and at weekends to meet individual needs.

All the childcarers are registered with Ofsted and go through a range of training and checks including:

- Criminal Records Bureau check
- Paediatric First Aid
- A minimum level two childcare qualification or equivalent
- Safeguarding training
- Risk assessment and lone working training
- Interview and reference check

APPENDIX 5

Schedule of Approved duties for the payment of Travel & Subsistence Child & Dependants' Carers' Allowances

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Childcare & Dependants' Carers' Allowances.

1. Attendance at :
 - (a) The council, cabinet, cabinet member meetings or any of its committees and sub-committees.
 - (b) The bodies to which the council makes appointments or nominations at either Annual Council or Governance Committee including any committee or sub-committee of such a body.
 - (c) The following meetings, the holding of which is authorised by the council, its cabinet or cabinet member meetings or any of its committees or sub-committees, or by any joint committee (or sub-committee thereof) of the council and any other authority, provided that it is a meeting to which councillors of at least two political groups of the council have been invited:
 - i) Meetings of the council's formally established consultative fora and partnerships, Area Housing Panels, scrutiny review panels and select committees.
 - ii) Meetings with outside bodies in pursuit of economic development objectives which have been authorised by the council, its cabinet, cabinet member meetings or any of its committees or sub-committees.
 - iii) Councillors' tours of the authority's area which have been authorised by the council, its cabinet, cabinet member meetings or any of its committees or sub-committees including official Planning site visits.
 - iv) Internal training sessions organised and facilitated by officers of the council for the induction of councillors or for the better performance of their duties and responsibilities or to enable better understanding of the council's functions.
2. The following meetings of associations of authorities of which this authority is a member:

The Local Government Association and its committees

3. Any other duty, or class of duty approved by cabinet, cabinet member meetings or any committee, or officer of the council acting under delegated powers, such duty or class of duty to be for the purposes of or in connection with the discharge of the functions of the council, its cabinet, cabinet member meetings or its committees or sub-committees.

APPENDIX 6

**Independent Remuneration Panel
Work Programme 2008-10**

Date	Meeting/Event	Action/Information
7 November 2008 9.30am morning-only session 1 st meeting	Panel meet to <ul style="list-style-type: none"> • appoint Chair • receive feedback from SE Regional Meeting • consider work programme and the format of the 2008/10 review 	Panel members to attend
November/December 2008 SURVEY	Officers prepare electronic survey for <ul style="list-style-type: none"> • circulation to all councillors before the Christmas break 	Panel members to comment and agree proposed questionnaire prior to circulation
12 January 2009 Survey responses	Deadline for survey responses	Officers to collate information received
16 January 2009 9.30am King's House morning-only session 2 nd meeting	Panel meet to <ul style="list-style-type: none"> • receive initial survey results and discuss ideas/requirements • discuss draft work programme set by officers 	Panel members to attend
6 February 2009 9.30am King's House morning-only session 3 rd meeting	Panel consider <ul style="list-style-type: none"> • further survey results • draft information report to Governance Committee/Council Panel meet <ul style="list-style-type: none"> • Leader of the Council 	Panel members to attend plus 1 councillor 10.00 – 10.30am
10 March 2009 report to Governance Committee	Panel submits information report to Governance Committee	For information only/Chair to attend (?)
19 March 2009 report to Full Council	Panel submits information report to Full Council	For information only/Chair to attend (?)

27 March 2009 9.15am all-day session King's House 4 th meeting	Panel meet with <ul style="list-style-type: none"> • Deputy Leaders with/out portfolio • Individual Cabinet Members Panel receive evidence of the levels of SRAs paid by other authorities	Panel members to attend plus 9 councillors
17 April 2009 9.30am all-day session King's House 5 th meeting	Panel meet with <ul style="list-style-type: none"> • O&S Chairmen and their Deputies Panel to receive <ul style="list-style-type: none"> • Evidence of the levels of allowances paid to O&S Chairmen and their Deputies in other local authorities 	Panel members to attend plus 8 councillors and 1 officer
6 May 2009 10.00am – 3.30pm	Unitary Authorities' IRP and Officers' all-day networking event hosted by Brighton & Hove	Panel members and officers to attend
19 June 2009 9.30am all-day session King's House 6 th meeting	Panel meet with <ul style="list-style-type: none"> • Regulatory Chairmen and their Deputies Panel receive <ul style="list-style-type: none"> • evidence of the levels of allowances paid to Regulatory Chairs and their Deputies in other local authorities 	Panel members to attend plus 7 councillors
24 July 2009 morning-only session King's House 7th meeting Meeting cancelled due to by-election. Meeting rescheduled later in the year.	Panel meet with <ul style="list-style-type: none"> • Leader of the Opposition • Deputy Leaders of the Opposition • Convenor/Leader of Minority Group • Leader of Liberal Democrat Group • Independent Member 	Panel members to attend
August	Summer break – no meeting	

Date	Meeting/Event	Action/Information
4 September 2009 half-day session 7 th meeting	Panel meet with <ul style="list-style-type: none"> • Chairman of Planning • Independent Chairman of Standards 	Panel members to attend plus 1 councillor and 1 Independent Chairman
2 October 2009 morning-only session 8 th meeting	Panel <ul style="list-style-type: none"> • Revisit the Basic Allowance • Receive national statistical evidence on allowances in other authorities • Receive feedback from networking meetings in the south Panel meet with <ul style="list-style-type: none"> • Backbench councillors to consider the Basic Allowance 	Panel members to attend plus 5 councillors
6 November 2009 morning-only session 9 th meeting	Panel <ul style="list-style-type: none"> • Receive report and statistics on Child & Dependant Care Panel meet with <ul style="list-style-type: none"> • Councillors to discuss child and dependant care 	Panel members to attend plus 5 councillors
4 December 2009 all-day meeting 10 th meeting	Panel <ul style="list-style-type: none"> • Receive information on allowances paid to Group Leaders and Deputies prior to • Meeting with Opposition Group Leaders and Deputies • Receive further information on child and dependant care. 	Panel members to attend plus 7 councillors

15 January 2010 morning-only session 11 th meeting	<p>Panel to receive:</p> <ul style="list-style-type: none"> • Basic Allowance comparison with Family Tree members • Arts Commission written submissions from council reps • Child & Dependant Care – professional organisations’ responses plus those from councillors • Feedback from the Independent Member via the Chair <p>Prior to Panel</p> <ul style="list-style-type: none"> • Discussing first draft report. 	Panel members to attend
5 February 2010 morning-only session 12 th meeting	<p>Panel to</p> <ul style="list-style-type: none"> • Discuss and progress report 	Panel members to attend
18 February 2010 morning-only session 13 th meeting	<p>Panel to</p> <ul style="list-style-type: none"> • Discuss and finalise report 	Panel members to attend
9 March 2010	IRP Report to Governance Committee	Chair to attend
18 March 2010	IRP Report to Full Council	Chair to attend

Subject: E-petitions
Date of Meeting: 9 March 2010
Report of: Director of Strategy and Governance
Contact Officer: Name: Elizabeth Culbert Tel: 29-1515
E-mail: elizabeth.culbert@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report updates Governance Committee on the outcome of the Council's pilot e-petitions facility which was launched on 21 November 2009.
- 1.2 The report also outlines the anticipated changes that will be required to the Council's petition scheme when the relevant provisions of the Local Democracy, Economic Development and Construction (LDEDC) Act 2009 come into force.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees and recommends to Council the following:
 - (a) That the current e-petitions facility be retained.
 - (b) That the changes to the E-Petitions Guidance be approved.
- 2.2 That the likely changes that will be required to the Council's petition arrangements when the relevant provisions of the Local Democracy Economic Development and Construction Act 2009 (LDEDC) come into force be noted.
- 2.3 That, given the delay in bringing into force national legislative changes and associated Statutory Guidance, officers bring a further report to the Governance Committee with a draft amended petitions scheme when the LDEDC Act provisions are in force.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 On 22 September 2009 Governance Committee approved the launch of an e-petitions scheme and agreed the guidance which would govern the scheme. Governance Committee requested that officers report back to this meeting on the outcome of the trial period.
- 3.2 Since 21 November 2009, when the e-petitions facility was officially launched at the Get Involved Day at Hove Town Hall, twelve e-petitions have been accepted and 9 are currently live. This indicates a good level of demand for the facility especially as, during this trial period, the availability of the e-petitions facility has

not been strongly marketed to allow time for the software and management of the system to be tested.

3.3 The petitions that have been received are set out below

Title	Respondents	Deadline for signature
Late night noise	23	22/02/2010
Ice rink for Sussex	382	12/03/2010
The Drive and The Upper Drive/Old Shoreham Road crossing	53	12/03/2010
Provision of more salt/grit bins/tubs	6	12/03/2010
Financial support for the Old Market	157	12/03/2010
Reduction of cars in the City	45	12/03/2010
RAF residents against felling – Clyde Road	116	17/03/2010
Bring the on-street parking contract in-house	33	17/03/2010
Worcester Villas Parking	20	17/03/2010
Prevent non-evidence-based treatments being offered via local NHS services	21	[closed]
Free complementary therapy on the NHS	445	[closed]
Brighton History Centre	1259	[closed]

3.4 In view of the clear demand demonstrated for the e-petitions facility during the time it has been operating, it is proposed that the facility should continue to be made available. The Council wishes to increase its opportunities for direct engagement with the public and one way of doing this is to make access to the Council and its decision makers easier. In a very short time, the ability to petition on-line has proved to be a successful modern approach to engaging with the community. In addition, the provision of an on-line scheme will become a requirement once the relevant provisions of the LDEDC Act 2009 are brought into force.

3.5 The administration of the e-petition scheme has not proved to be resource intensive and it is proposed to continue to manage the system within existing resources. The software used is modern.gov which was purchased by Democratic Services in 2008 to manage on-line agendas and reports and so the introduction of the e-petitions scheme has been launched and managed at no additional cost.

3.6 Experience over the last few months has allowed the e-petitions guidance to be tested and there are some changes that it is considered would be appropriate to make at this stage:

- (i) Include a requirement for individuals who sign an e-petition to provide some basic personal details for verification purposes (an email address and an address including post code) and to clarify that a signatory's name but no other details will appear on the e-petition website. This is to improve the vetting of the petitions and also to make clear how the personal data will be used.

- (ii) Extend the eligibility requirements for submitting and signing e-petitions to those who live, work or study in, **or use services provided by**, the City Council. This proposal arises from the History Centre petition which gave rise to a debate about whether people who used the history centre on-line were studying “in” the City. The proposed amendment would extend the scheme to a wider community of those interested in the services that the Council provides. In view of the importance of the City as a tourist, conference, shopping and cultural centre, it would appear vital for the Council to be able to hear the views of those customers who come to the City to use our services as well as those who are resident, work or study here. With the personal information requested, it will be possible to show the numbers of petitioners who are resident and those who are not.
- 3.7 A copy of the current guidance for e-petitions showing the proposed changes tracked is attached as Appendix One
- 3.8 At this stage it is not proposed to make further changes to the scheme as the new provisions of the LDEDC Act 2009 are likely to come into force shortly and a full revision of the scheme and guidance will be required at that time.

The Local Democracy, Economic Development and Construction (LDEDC) Act 2009

- 3.9 A full update in relation to the progress of this legislation is considered elsewhere on the Committee agenda. In relation to e-petitions, the relevant provisions are Section 10-22 of the LDEDC Act. These sections are not yet in force pending statutory guidance being issued to compliment the Act. Draft statutory guidance is available and from this it is possible to summarise the changes that are likely to be required to the Council’s existing petitions scheme.
- 3.10 The key changes that will be required by the legislation, when it comes into force, are follows:
- (i) The petitions scheme itself will be required to be approved by full council.
 - (ii) In addition to responding to the petition in writing, or considering the petition at a Council meeting, the petition scheme will be required to include the options for the Council to be able to decide to commission research in response to the petition, hold a public meeting, refer the matter to overview and scrutiny or hold an inquiry;
 - (iii) Petitions with a significant level of support will trigger a debate of full council. Councils will determine the threshold locally but it must be no higher than 5% of the local population and the guidance encourages councils to adopt a much lower or no threshold;
 - (iv) Petitions with a requisite level of support, set by the local authority, will trigger a senior local government officer to give evidence at a meeting of the authority’s overview and scrutiny committee;

(v) Petition organiser will be entitled to request a review of the Council's response by overview and scrutiny if the response is felt to be inadequate – this is essentially an appeal provision.

3.11 It is anticipated that these requirements will be brought into force within the next few months although a confirmed date is not available. The Council will need to decide whether to have a threshold for the number of signatures required to trigger a full council debate and senior officers being held to account respectively. The draft guidance suggests a number of 1,500 for a full council debate and 750 for a senior officer to give evidence at an overview and scrutiny meeting. These figures are examples only but the guidance does encourage Councils to consider either low or no thresholds in order to increase public engagement as much as possible. The maximum that the threshold could be set at is 5% of the local population for the full council debate. The draft guidance is clear that local authorities should keep these thresholds under review so that if the facility is not being used the thresholds can be lowered to make it more accessible. There is also power for the Secretary of State to require authorities to amend their petition scheme.

3.13 The Council must also decide which senior officers the provision for requiring attendance at overview and scrutiny will apply to.

4. CONSULTATION

4.1 Consultation has taken place internally with Democratic Services who have been managing the e-petitions scheme under the pilot arrangements.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The e-petition support process can continue to be administered within existing resources. However it should be noted that there has also been a small Area Based Grant (c.£2k) awarded for 2009/10 and 2010/11 to help support the process, as outlined in the 2010/11 budget report.

Finance Officer Consulted: Peter Francis

Date: 25/02/10

Legal Implications:

5.2 As set out in the body of the report there is currently no legal requirement for the Council to provide an e-petitions facility. However, the provisions of the LDEDC Act are due to be brought into force shortly and will make this a legal requirement. Further amendments to the scheme will be required once the new provisions are in force.

Lawyer Consulted: Elizabeth Culbert

Date: 14/02/10

Equalities Implications:

5.3 The proposals increase accessibility to Council decision makers.

Sustainability Implications:

- 5.4 The use of an on-line facility is likely to decrease the amount of paper petitions that are submitted.

Crime & Disorder Implications:

- 5.5 There are no Crime and Disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The risks involved are that the demand for e-petitions is so high that the Modern.Gov system is not able to cope with the volume or that the number becomes unmanageable for Council meetings. The scheme includes the option of receiving a response direct from the Director which may assist in managing high numbers of petitions. To date the volume has been manageable and this will be kept under review.

Corporate / Citywide Implications:

- 5.7 The initiative support the “Get Involved” programme which is seeking to promote the Council, local democracy and active citizenship.

SUPPORTING DOCUMENTATION

Appendices:

1. Petitions scheme with tracked changes

Documents In Members’ Rooms

None

Background Documents:

None

E-Petitions Guidance

Who can sign an e-petition?

An e-petition can be signed by a person (other than an elected Councillor) of any age who lives, works or, studies in or uses services provided by Brighton & Hove City Council.

~~You do not have to be a registered user to sign all e-petitions but you will need to provide a few basic details, including a valid email address, for verification purposes.~~

If you sign an e-Petition on this website, you will be required to provide us with basic personal information (an email address and an address including post code) to enable us to verify the “signatures” collected are genuine. Your name (but no other details) will be published on the e-Petition website. We will only use the information you provide for this purpose.

~~Details of all signatories will be passed to the lead petitioner on the completion of the e-petition.~~

You can only sign an e-petition once. The list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be removed.

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Who can submit an e-petition?

An e-petition can be submitted by a person of any age who lives, works or studies in Brighton & Hove or uses service provided by Brighton & Hove City Council. To submit an e-petition you will need to be a registered user.

Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-petition. From time to time, the Council may also submit an e-petition itself to gauge public feeling on a particular issue.

How do I start an e-petition?

On the e-petitions homepage, select the ‘Submit a new e-petition’ option. You will be prompted to enter a title which the system will automatically check against existing e-petitions to allow you to see if a similar one has been considered recently. There is also a drop down box which allows you to associate your e-petition with any existing issue in the Council’s Forward Plan which details all of the key decisions to be taken by the Council in the coming months. You will then need to fill in the online form. This will be submitted to the Democratic Services team who may contact you to discuss your e-petition before it goes live.

What issues can my e-petition relate to?

Your e-petition should be relevant to some issue on which the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful. Your e-petition may be rejected if the Head of Democratic Services considers it:

- Contains intemperate, inflammatory, abusive or provocative language;
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.

- Is too similar to another petition submitted within the past six months;
- Discloses confidential or exempt information, including information protected by a court order or government department;
- Discloses material which is otherwise commercially sensitive;
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations.
- Contains advertising statements;
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings;
- Relates to the Council's Planning or Licensing functions as there are separate statutory processes in place for dealing with these matters;
- Does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the [Number 10 website](#). Advice on the admissibility of e-petitions can be obtained from Democratic Services (contact details below).

Privacy policy

The details you give us are needed to validate your support but will not be published on the website, **other than your name under the list of signatories**. This is the same information required for a paper petition. ~~On the completion of an e-petition, your details will be passed on to the principal petitioner.~~ The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the e-petition.

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What information should my e-petition contain?

Your e-petition will need to include:

- A title.
- A statement explicitly setting out what action you would like the Council to take (a "call for action").
- Any information which you feel is relevant to the e-petition and reasons
- Why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date for when your e-petition will go live on the website. It may take Democratic Services a couple of days to check your e-petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-petition to go live.

- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted prior to a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to 4 months but would expect most to be shorter in length than this.

As lead petitioner, your name will be displayed with your e-petition on the website.

If you are having trouble submitting an e-petition or would like further advice and information then please contact Democratic Services and Scrutiny (details below) and we will be happy to assist you.

Promoting your e-petition

Whilst the Council will host e-petitions on its website, it will not generally promote individual e-petitions. It is therefore down to the lead petitioner to spread the word about their e-petition in order to get as many people as possible to sign up. If this is not done then your e-petition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. All it takes is to give people a brief explanation of the issue and then direct them to the site at www.brighton-hove.gov.uk/epetitions to sign up.

What happens when the e-petition is complete?

When the e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and you will be contacted regarding the submission of the completed e-petition.

What will happen to the e-petition once it is submitted?

Once the e-petition has been submitted, you will be offered the choice as to whether you wish the petition to be

- (i) presented at the next full Council meeting or
- (ii) referred to the appropriate Council decision-making meeting for response or
- (iii) wish to receive a response directly from the relevant Director.

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If you wish to refer the petition to a full Council meeting, you will be invited to attend the meeting and will be offered the opportunity to present the petition which will involve spending up to three minutes summarising what the petition is about and how many signatories you have. Following the presentation of the petition it will be referred to the appropriate decision-making body for consideration and you would be invited to attend that meeting.

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If you prefer to refer the petition directly to the relevant Council decision-making meeting, which could be Full Council, the Cabinet, a Cabinet Member Meeting, a Committee or Sub Committee depending on the issue; you will be advised of the date & time of the meeting and invited to attend and present your petition. A response will also be sent to you within 15 working days of the Council meeting and will be posted on the Council's website.

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~~In either option above, if the petition originator does not attend to present the petition, it will be read out by the Mayor or the person presiding over the meeting on your behalf and you will be advised of this upon receipt of the petition.~~

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~~If you prefer, to receive a response from the relevant Director without the petition being presented at a meeting, a response will also be sent to you within 21 working days of the Council meeting closure of the petition and will be posted on the Council's website.~~

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~~If you wish to receive a written response directly from the relevant Director this will be sent to you within 21 days of the close of the petition and a copy will be posted on the Council's website.~~

What can e-petitions achieve?

When you submit an e-petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

Can I still submit a paper petition?

Yes, you can still submit paper petitions.

A petition may also gather names and addresses in both forms - you can have a paper version and an online version, although repeat names will be removed. Both forms should run for the same period of time and must be submitted together. When submitting an e-petition request, please let us know if you are running a paper petition as well and this can be highlighted on the website.

Contact Details

For more information and advice, or to discuss a potential e-petition, please contact:

Mark Wall

Head of Democratic Services

mark.wall@brighton-hove.gov.uk

01273 291006

Alternative formats and languages

If you would like information published by Brighton & Hove Council in large print, braille, audio tape, in pictures and symbols, or in a community language please call.

Brighton & Hove Council reserves the right to vary these guidelines as and when necessary. However, any changes will not be applied retrospectively.

Subject: Update on implementation of the Local Democracy, Economic Development and Construction Act 2009

Date of Meeting: 9 March 2010

Report of: Director of Strategy and Governance

Contact Officer: Name: Oliver Dixon Tel: 291512
E-mail: oliver.dixon@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is an update on the implementation of those parts of the Local Democracy, Economic Development and Construction Act 2009 of most relevance to the council.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the report.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

Background

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') received royal assent in November 2009.
- 3.2 The principal aims of this legislation are to:
- strengthen community leadership
 - create more active citizens
 - increase community engagement and empowerment
 - increase local authority involvement in economic development and regeneration

Implementation Timescale

- 3.3 A decision on when to introduce the duty on local authorities to **promote their own democratic arrangements and those of specified public bodies** has been deferred until the next Comprehensive Spending Review. In a House of Commons written reply, Local Government Minister Rosie Winterton stated this was due to concerns over the cost to councils of implementing the duty.

- 3.4 Independently of the impending legal duty to promote local democracy, the council is taking a range of measures to strengthen community engagement. Members are referred to the separate report on this matter at agenda item 83 – *Community and Neighbourhood Engagement*
- 3.5 A consultation exercise over the duty on local authorities to **respond to petitions** has recently ended. Once the Government has considered responses, it will make a decision on when to bring the duty into effect.

Members are referred to the separate report at agenda item 81 on the council's pilot exercise to enable e-petitions.

- 3.6 The duty on local authorities to appoint an officer to **promote the role of, and provide support to, their overview and scrutiny committees** comes into force on 1 April 2010.

It was agreed at Governance Committee in January that this role would be performed by the council's Head of Overview and Scrutiny. He and his team are already meeting the statutory requirements of the role, with output which includes:

- Support to scrutiny committees and panels
- Regular meetings with Directors, Cabinet Members and Committee Chairs
- Research, data analysis and reports for scrutiny panels
- Developing links with partners and the LSP
- 1 to 1 Member training sessions to be offered from May 2010

- 3.7 The power to enter into **mutual insurance arrangements** with other public bodies will not be available until after the Government has prepared and consulted on draft regulations and guidance. There is no timescale for this at present.
- 3.8 The duty to prepare an **assessment of the economic conditions** of Brighton & Hove comes into force on 1 April 2010. Before embarking on the assessment, however, the council must have regard to statutory guidance, which itself is preceded by a consultation exercise ending on 15 March.
- 3.9 The Act provides for each region outside London to have a **regional strategy** setting out policies on:
- (i) sustainable economic growth, and
 - (ii) the development and use of land in the region

Although these provisions come into force on 1 April, the Government has only recently (December 2009) issued guidance on the duty on local authorities to establish '**Leaders' Boards**'. These Boards are to consist of senior elected members drawn from district and county councils in the region, enabling them to act collectively at regional level.

Together, the Leaders' Board for the region and the relevant Regional Development Agency will be responsible for:

- keeping their regional strategy under review
- revising the strategy as directed by the Sec of State or in accordance with regulations
- producing and publishing a plan for implementing the strategy in their region

Regulations associated with these provisions have yet to be issued.

- 3.10 Under the Act, the Secretary of State has power to establish an '**economic prosperity board**' (EPB) covering two or more local authority areas, with functions relating to local economic development and regeneration. If expedient, the Secretary of State may also establish a **combined authority** consisting two or more local authority areas, with functions similar to those of EPBs.

The power commenced in December 2009, and in February 2010 the Government consulted on draft guidance; the consultation ends on 29 April.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 The financial impact of complying with the duty to promote democracy will be assessed once the Government has announced an implementation date (see 3.4 above).
- 4.2 CLG have advised that any net additional cost of meeting the duty in relation to petitions, when in force, will be funded by Government in line with their 'new burdens' doctrine.
- 4.3 In the meantime it is proposed to continue managing the pilot e-petition scheme within existing resources.
- 4.4 The duty to appoint a Scrutiny Officer with specific responsibilities is not expected to lead to any additional costs.
- 4.5 Through area-based grant, funding of £65,000 is available in 2010/11 to carry out an economic assessment of the local area

Finance Officer Consulted: Anne Silley

Date: 23/02/10

Legal Implications:

- 4.6 The report is for noting only; there is no substantive decision to be made. References to the relevant legislation are contained in the body of the report.
- 4.7 The council's Corporate Law team will continue to track commencement dates of relevant provisions in the Act and advise members accordingly.

Lawyer Consulted:

Oliver Dixon

Date: 23/02/10

Equalities Implications:

- 4.8 None arising directly from this report

Sustainability Implications:

- 4.9 As stated in 3.10 above, the regional strategy for the region is to include policies in relation to sustainable economic growth. Further, the Leaders' Board for the region, together with the Regional Development Agency, must exercise their functions in relation to the regional strategy with the objective of contributing to the achievement of sustainable development. In doing so, they must in particular have regard to the desirability of achieving good design – section 73 of the Act refers.

Crime & Disorder Implications:

- 4.10 None arising directly from this report

Risk and Opportunity Management Implications:

- 4.11 The council is already complying with certain duties the Act imposes; with respect to other key provisions, the council has measures underway to meet those duties when they come into effect.

Corporate / Citywide Implications:

- 4.12 The duty to promote local democracy includes a requirement on the council to promote not only its own democratic arrangements but those of other public bodies in the city, such as NHS trusts, the fire authority, police authority and the governing body of maintained schools. The council has well established links with some but not all of these bodies. In certain cases therefore the council will need to develop links which enable all the relevant bodies to provide us with the necessary information to fulfil our statutory duty.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents:

1. Government White Paper *Communities in Control: real people, real power*
2. The Government's *Review of Sub-National Economic Development and Regeneration*

Subject: Community and Neighbourhood Engagement
Date of Meeting: 9 March 2010
Report of: Director of Strategy and Governance
Contact Officer: Name: Nicky Cambridge Tel: 29-6827
E-mail: nicky.cambridge@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The City Council is committed to encouraging people at the grassroots to have more say in shaping their communities and the city. This includes providing more opportunities to enable individuals to have increasing control over their lives and supporting them to play an active role in civic life.

1.1.1 This paper considers the *total* picture of engagement in the city, as well as focus on activity in neighbourhoods, as agreed in the formal recommendations of the Council's constitutional review discussed at Full Council on 28th January 2010. Whilst there is much debate about the various ways in which engagement happens, the focus of this paper is on the strategic *outcomes* of engagement; most importantly, how effectively local people are given a voice in the city.

1.1.2 This paper suggests a way forward in looking at these areas by highlighting the role of the formal review of Strengthening Communities activity, (see 2.2 below), and suggests expansion to provide evidence based information, and examples of best practice, for future decisions.

2. RECOMMENDATIONS:

2.1 That the Committee notes the public engagement work underway, the Framework and plethora of models developed according to community needs and priorities.

2.2 That the Committee notes the formal review of Strengthening Communities Commissioning activity and agree that the Review should provide a way forward in providing recommendations for public engagement in the future. This will test the existing models and examine the need for further community decision making opportunities, (e.g., looking at LATs and how they feed into the Community Safety Forum etc).

2.3 That the outcomes of the review should include

- A mapping and overview of the different forms and structures for public engagement that exist in the city, such as neighbourhood groups (e.g. LATs), and citywide representative activity, (such as that developed by the Community and Voluntary Sector Forum).

- An analysis of the costs and benefits of community and neighbourhood engagement, including a breakdown of the costs and value of different models.
 - An analysis of the links between the Council's democratic and constitutional opportunities for engagement and those at grass roots level.
 - A quantitative and qualitative analysis and mapping of the various targeted neighbourhood initiatives in the city such as Family Pathfinder, Adult Advancement Centres and Turning the Tide, evaluating what works and determining any fundamental principles for future neighbourhood activity. Where possible, the review would include partner involvement in this and include Neighbourhood Policing and the PCT's work on health inequality.
 - An analysis of the value of the Council's current Discretionary Grants Programme in helping to support public and neighbourhood engagement.
 - To develop new policy and approach in line with the Council's organisational change processes and the move towards stronger commissioning, creating public value and desire to support local communities and economies and enable co-production of solutions at the local level.
- 2.4 That the review be completed by September 2010, (in time for the Council's budget setting processes), and submitted to Governance Committee and Cabinet, (as required by the constitution), for consideration and incorporating into budget approaches for 2011/12.
- 2.5 That the Committee receive written updates at every meeting between now and September 2010 and, where appropriate, Governance Committee attendance and involvement be requested in key aspects of the Review process.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

The National Picture

- 3.1 With the difficult economic conditions, and the new duty to involve most local authorities are reviewing their community and neighbourhood engagement activity.
- 3.2 The Young Foundation has carried out a national review of neighbourhood working and argue that local authorities under financial pressure have a greater need than before to keep residents engaged in order to support and protect strong and social networks, to breakdown barriers and reduce tensions between different social, faith or ethnic groups in neighbourhoods, and to maintain networks that can be drawn on to tackle local problem; for example through increased volunteering. Other national work makes the case for engagement as an integral element of co-design and co-production activity.
- 3.3 The Review would draw upon this national research activity, (particularly linked to evidence of what works), and examine its implications for Brighton and Hove approaches.

Brighton and Hove Picture

- 3.4 The work is part funded by time limited grants which are due to come to an end in April 2011 with budget setting decisions required from September 2010. It is

therefore critical that the review looks at consolidation and long term sustainability of this workstream.

- 3.5 Any expansion of activity would therefore need to take this into account and would most naturally be about strengthening this arrangement with consideration of further devolved decision making and budgets.
- 3.6 The City's existing Community Engagement Framework provides the Council with an overarching plan for implementing our engagement outcomes and was the result of extensive, highly commended, consultation in 2008. The Stronger Communities Partnership, (SCP), of the Local Strategic Partnership oversees this work and helps to ensure all public sector partners are signed up to its action plan.
- 3.7 Within neighbourhoods there exist a variety of decision making groups, (e.g. LATs, Friends of Parks Groups and Neighbourhood Forums illustrated at Appendix Two), which have evolved over time according to the needs and priorities for the area. There is no one standard or approach to neighbourhood engagement in the city and no statutory requirement to do so. Thus each area will have its own combination of forums, LATs and/or residents groups. The strengths of this variety is widely recognised and helps to ensure focus on the outcome (i.e. what we achieve in engagement), rather than the form or structure it takes. It may however be, that underlying 'principles' of engagement could be developed as part of the review.
- 3.8 The Community and Voluntary Sector Forum supports third sector organisations to develop their collective voice and influence policy and plans at a citywide level. Sector representatives are elected to participate in strategic boards and partnerships. This representation ensures that third sector organisations are engaged in and contributing to strategy development, service planning and monitoring and evaluation of service provision.
- 3.9 The Local Government and Public Involvement in Health Act, 2006, heralded a number of measures relating to local government and the involvement of local communities and the City's Local Area Agreement has engagement indicators assessed as part of the Comprehensive Area Assessment (NI4 % people feel they can influence decision-making, NI6 % increase in volunteering and NI7 % third sector organisations which consider the local public sector is supporting a thriving third sector). The new Local Democracy Act plans to extend and strengthen these duties.
- 3.10 Community development support to neighbourhood groups such as forums and LATs and third sector representation on citywide strategic partnerships is funded through short term arrangements. The map at Appendix Two illustrates some of this activity but does not aim to show the full range of the Council's engagement activity related to service areas e.g. CYPT Cluster groups and Housing Participation. Other programmes such as Discretionary Grants also support resident involvement and all of this would be mapped and examined as part of the Review.
- 3.11 Area Based Grant allocations for the work are due to come to an end in April 2011 with budget setting decisions required from September 2010. It is therefore

critical that the review looks at consolidation and long term sustainability of this workstream.

- 3.12 Any expansion of activity would therefore need to take this into account and would most naturally be about strengthening this arrangement with consideration of further devolved decision making and budgets.

Why is a renewed focus on public engagement important now?

- 3.13 Given impending financial constraints and the likely reactions of a range of public service bodies in the city to change the way they currently operate there are five principal benefits to a tighter focus on engagement in strong and systematic ways.
- **Service Benefits** – active engagement in how we deliver and commission services into the future will make for better services more clearly meeting need. Engagement in the prioritisation and validation of needs, the design approaches and where practical the delivery and ownership of services will be powerful in proving and sustaining services to meet real need.
 - **Democratic Benefits** – as part of our statutory (and constitutional) responsibilities we need to ensure that at a time when the “democratic deficit” is perceived to be growing wider we ensure that citizens have the opportunity to participate in local democracy either via formal party political channels or by active participation in other ways. The fundamental principle of putting power in the hands of residents and communities can only help address a sense of alienation from the democratic process and thus civic life and the council. Ensuring well understood opportunities to get on the “ladder of engagement” (so that individuals who may start with “a problem about x” can progress through various active participation to ultimately become elected councillors or take up other impactful roles). Whilst party politics will continually ebb and flow the ability of citizens to engage and influence must be clear, strong and enduring.
 - **Cohesion Benefits** – strong engagement (aligned with timely and targeted community development activity) will be essential elements of ensuring that all voices are heard in important debates and difficult decisions to be taken into the future. As public spending reduces, the articulation of the needs of our poorest communities will be vital and skilled and engaged community leaders have an increasingly important role in the long term cohesion and health of the city and its communities. Co-design and co-production processes that ensure diversity of participation can also support cohesion by involving all members of the community in providing and shaping services.
 - **Economic Benefits** – engaged residents and communities look to the council (and public services) less as passive consumers and more as active participants in understanding needs and delivering solutions. Whilst this activity is not all “free” to the public purse there is a considerable amount of untapped energy in individuals and communities that can be released to help deliver the outcomes that really matter. The economic value of volunteering has been estimated in a recent Community and Voluntary Sector Forum (CVSF) Report; ‘Taking Account’. In Brighton and Hove there are 19,200 volunteer positions in Brighton and Hove, representing 57,600 voluntary

hours per week. In addition, strong public engagement enables the co-design and co-production of services ensuring that services are designed and delivered efficiently, including where appropriate communities providing services for themselves.

- **Reputation Benefits** – if individuals and communities are genuinely engaged in big civic issues and finding solutions to them, then they will have a different sense of affiliation to the city, the council and its partners. A good and systematic approach to engagement, (at all levels), should increase the respect with which the City Council is held and thus its reputation.

Public engagement as an outcome in itself?

- 3.14 At present the City Council and its partners, (where appropriate), seek to engage as effectively as possible. The advantage of good community engagement being an “outcome” in itself are:
- (a) The coordination of a range of current activities (e.g. Get Involved) ensuring consistency of narrative, approach and benefit
 - (b) To champion strong community engagement as we develop strategic commissioning approaches
 - (c) Ensuring that we use all our interactions / engagements with citizens to further the agenda. Whether we engage with people as customers, complainants, service users, citizens, voters etc, making sure we build our knowledge and understanding of them, and their perception of us.
 - (d) To help steer through the complex political and Political issues particularly developing thinking around empowerment at the local level. This would include considering to what extent we involve and empower, (and devolve decision making, budgets, co-design and production), what approaches we might take, the role of democratically elected councillors etc. Targeting of community development and ensuring that both place and people issues are thought through with engagement activities would both benefit from focussed co-ordination.

Current Approaches & Activity - Where are we now with Community Engagement?

- 3.15 The Community Engagement Framework provides the policy framework to support delivery of the Duty to Involve, (established in 2007), and emerging duties under The Local Democracy Act. It establishes a common understanding of, and commitment to, community engagement across members of the Brighton and Hove Strategic Partnership. It also sets clear standards that members are signed up to and identifies priority actions to help achieve the aims set out in the Framework.
- 3.16 The Framework was developed in response to research which highlighted the need for a better understanding of different types of engagement, improved coordination of activity on the ground, and skills development to improve the quality of engagement work.
- 3.17 It recognises that improving this area of work will impact our ability to intelligently inform service improvements, achieve value for money and improve relationships and reputation with communities and partners.

3.18 Work is ongoing to embed the Framework standards in engagement work within the local authority and partner organisations. In addition, there are 29 actions set out in the Framework, (e.g. to develop a policy on how services will be co-ordinated in neighbourhoods, and to ensure that an introduction to the Framework is part of new staff induction).

3.19 The Framework covers a wide range of talking with, listening to, acting upon and involving residents and communities in city life. Those approaches are broken down into 5 levels of engagement: *Informing, Consulting, Involving, Collaborating and Empowering*. Appendix One provides a case study of engagement work to illustrate this and the following are extracts of good practice:

- i) **Informing** (providing the community with balanced and objective information to assist them in understanding problems, alternatives and opportunities)

Case Study

The Black and Minority Ethnic Community Partnership followed up standard publicity, including letters, flyers and posters, for an event for International Women's Day with personal phone calls and emails. Recognising that word of mouth can be a powerful tool, they also contacted a range of workers and groups who worked with black and minority ethnic communities and encouraged them to spread the word.

- ii) **Consulting** (listening to communities and individuals feedback on analysis and choices considering input and feeding back on results)

Case Study

Safety Net, a local organisation that provides projects, training and support in child protection to voluntary and community groups, undertook a consultation exercise to explore child safety issues in the home and community. In the initial phase they worked with schools and local community organisations to identify parents interested in being involved in the project and worked with them to design a survey. The parents were then supported and trained to work together to undertake the survey with their own families, neighbours and social networks.

- iii) **Involving** (working directly with the community through a process ensuring that concerns and aspirations are consistently understood and taken into consideration)

Case Study

The Brighton and Hove Children's Centre Parent Involvement Worker role is primarily to encourage and recruit parents and carers to become involved in the planning, consultation and evaluation of children's services. A key requirement for Children's Centres is to have parents represented on Children's Centre Advisory Groups. The workers responsibilities, therefore, can include organising interpreters, crèche and travel expenses, or providing parents with support to prepare for the meetings. Parent Involvement Workers also support the citywide parent's forum and identify further areas of involvement and opportunities for parents and carers. For example, parent-led projects and volunteering opportunities.

- iv) **Collaborating** (partnering with the community in each aspect of a decision including development of alternatives and identification and delivery of preferred solutions)

Case Study

With support from the Trust for Developing Communities, (a local community development organisation) Brighton and Hove Library Services sought to develop a model of local 'ownership' as part of the redevelopment of Coldean Library. A range of engagement activities were undertaken prior to and during the building of the new library. The establishment of a steering group comprising key local stakeholders to drive the development provided a mechanism for collaborative working. The steering group included representatives from community groups, local councillors, a local Registered Social Landlord, along with library staff, officers from Adult Social Care and the private developer. (More detail on this case study is attached as Appendix One).

- v) **Empowering** (placing decision making in the hands of communities either by subsidiarity in decision making powers or spending)

Case Study

The Bristol Estate Community Association (BECA), supported by Serendipity Enterprising Solutions (a local community development organisation) identified disused areas under the tower blocks on their 1950's built estate. Originally designed as drying rooms the now empty spaces were being used as rubbish dumps and places to carry out anti-social behaviour. BECA worked with the city council's housing department and the Creative Industries Manager to attract funding to convert a number of these spaces into artists' studios. The city council arranged to lease the space to the Association which will manage the studios and re-invest the income into improving their estate. To enable the Association to lease, rent out, and manage the units they were assisted to form a Community Interest Company – a "not for profit" company limited by guarantee – with every adult resident of the Estate being an automatic voting member of the company.

- 3.20 However, real empowerment is a long term issue requiring careful thought, but timely given the real opportunities that will present over the next few years. Specifically we will want individuals and communities to become active in their communities and be supported to solve their own problems, including at times producing their own services and solutions. Involving communities through co-design and production strengthens communities and often provides more effective and sustainable long term solutions.
- 3.21 The Stronger Communities Partnership is tasked with overseeing the Framework and ensuring its implementation across the range of LSP stakeholders and partnerships. The Council has recently created a new Team – Communities and Equality, which will lead the Review and corporate drive towards more widespread and diverse public engagement.

Current Approaches & Activity - Where are we now with Neighbourhood Engagement?

- 3.22 Over the last 10 years the Council, with its partners, has delivered a range of neighbourhood regeneration programmes and activities; targeted mainly at the top 10% most deprived areas. Such initiatives include the Single Regeneration Budget (SRB), Neighbourhood Renewal (NRF), and New Deal for Communities (NDC) as well as specialist budgets such as the Community Development Commissioning.
- 3.23 A Neighbourhood Renewal Strategy was developed which set out a vision for the cities most deprived neighbourhoods over the period of 2002-10. Its particular focus was to 'narrow the gap between the most deprived neighbourhoods in the city and the rest'; and its focus was on re-shaping mainstream services.
- 3.24 In 2007, the Council undertook a city wide 'Reducing Inequality Review' which showed that whilst perception and quality of life had changed in the most deprived areas; systemic poverty indicators had remained the same or, in some cases, got worse. Further the review identified that there were people and places outside the top 10% most deprived equally in need of support.
- 3.25 Since April 2009, with the creation of the Communities Team neighbourhood support has been delivered through the Community Development Commissioning and the Stronger Communities Programme, with a greater focus on citywide support. This has been funded through Area Based Grant and corporate recurring funds, with additional LPSA Reward funding, all of which are due to come to an end in April 2011. In addition there is further specific short term funding, (Connecting Communities), for three areas of the city to be allocated by year end March 2010.
- 3.26 The Community Development Commissioning supports activity in 13 neighbourhoods in the city. Two other neighbourhoods (Tarnier and Eastern Road) are provided with support via a Council post. In addition, we commission a small pot to support broader and generic city-wide community development activity.
- 3.27 The community development work focuses on achieving the following 5 overarching outcomes:
- (a) Representative neighbourhood groups supported towards independence, (such as neighbourhood forums, LATs, Friends of Parks groups; with a focus on being community led).
 - (b) Delivery and development of neighbourhood action plans, (setting out the needs and priorities of the area).
 - (c) Neighbourhood community representatives feel they have greater skills, confidence and knowledge to address their own needs and the needs of their community.
 - (d) Activities, projects and groups that reflect local priorities developed and supported to work towards independence (e.g. supporting the Friends of the Park group in achieving funding for new park equipment or helping a community association provide activities for older people).
 - (e) Engage with individuals and communities who are seldom heard within neighbourhoods (for example, BME and young people).

- 3.28 Projects focus on developing the confidence, skills and capacity of individuals and communities to enable them to come together to identify concerns, seek solutions and to implement these, either alone or in partnership with service providers or other appropriate organisations and agencies.
- 3.29 Currently the commissioned work supports over 23 local representative groups, LATs and forums, and 643 people were involved in neighbourhood forums over the last two quarters.

Current Approaches & Activity - Where are we now with Third Sector Engagement?

- 3.30 Engagement of the third sector through the Stronger Communities Programme focuses on ensuring that the sector is informed, represented and has influence in citywide strategic planning and decision-making. The Community and Voluntary Sector Forum currently has 552 member organisations (all third sector groups active in the city) and supports 83 reps on 35 strategic groups, including the Local Strategic Partnership.

In addition, through the support to the strengthening communities agenda:

- The Stronger Communities Partnership is supported to fulfil its Terms of Reference, including monitoring delivery of the LAA Strengthening Communities Indicators and monitoring delivery of the Community Engagement Framework

Summary & Conclusions

- 3.31 Given that public engagement contributes ultimately to all top level outcomes there is an argument for 'mainstreaming' our approaches to engagement. With short term funding in place for this activity, Members are asked to support the Strengthening Communities Review in identifying sustainable options.
- 3.32 The Review will help us to understand the ways in which communities are able to self-identify the forms and structures through which they wish to contribute to decision making in the city.
- 3.33 This paper recommends that the Strengthening Communities review be seen as a strategic conduit through which this coordination can be addressed and that it is expanded to encompass the issues that have arisen during the Council's constitutional review.

4. CONSULTATION

- 4.1 The Community Engagement Framework is the result of extensive consultation with a wide range of neighbourhood, community and voluntary sector partners including involvement of the PCT and Sussex Police. The research, which was carried out in 2007, was highly commended for its consultation practice and now sets standards for other consultation activity in the city.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The review of Strengthening Communities Commissioning activity will be funded in 2010/11 within resources identified within the Policy Unit's budget and funds available to strategic partnerships through LPSA Reward Grant. Any future independent evaluation would be dependent on securing external funding.
- 5.2 The review will need to consider longer term sustainability for consideration in developing the Council's budget for 2011/12 and beyond.

Finance Officer Consulted: Anne Silley

Date: 23/02/10

Legal Implications:

- 5.3 The proposals in the report are consistent with the Council's legal powers and duties.

Lawyer Consulted:

Abraham Ghebre-Ghiorghis

Date: 23/02/10

Equalities Implications:

- 5.4 The Strengthening Communities Review will analyse the extent to which community engagement provides effective opportunities for a range of minority groups and deprived geographical areas to have a voice in Council decision making processes. Where possible, the Review will also analyse the integration of these people and place agendas and made recommendations for further improvement areas.

Sustainability Implications:

- 5.5 The Strengthening Communities Review will analyse the extent to which community engagement enables both minority groups and neighbourhoods to play an active part in sustainability activity. This will include a review of commissioning outcomes with a view to consider this area of work more in the future.

Crime & Disorder Implications:

- 5.6 Currently commissioned community development work supports much of the resident engagement with the network of Local Action Teams (LATs) in the city. The LATs are important mechanism for feeding into the Community Safety Forum and Crime and Disorder Reduction Partnership. The Review will examine the outcomes and effectiveness of this support and make recommendations for the commissioning of this activity into the future.

Risk and Opportunity Management Implications:

- 5.7 This will be analysed through the Strengthening Communities Review.

Corporate / Citywide Implications:

5.8 This will be analysed through the Strengthening Communities Review.

SUPPORTING DOCUMENTATION

Appendices:

1. Idea Case Study (an example of empowerment activity in one neighbourhood)
2. Map of areas with commissioned community development support to groups
3. Map of city wide Local Action Teams
4. Brief report of the role of community development commissioning in supporting Local Action Teams

Documents In Members' Rooms

None

Background Documents:

None

Reading between the lines – mainstreaming empowerment across Brighton and Hove

Residents’ involvement in the design of a small branch library on the outskirts of Brighton, has been an inspiration for the Local Strategic Partnership. We find out how the council, along with other partners across the city, have developed a city wide approach to engagement activities.

This example highlights best practice against the ‘mainstreaming empowerment’ pillar of the IDeA’s ‘Framework for an Ideal Empowering Authority’.

When Brighton and Hove City Council announced plans to build a new branch library, it should have been welcomed with open arms by the local community. The existing library was housed in a cramped, single story building with an asbestos roof. But instead of celebrating the news many of the residents were unhappy about the plans.

“This small community had already experienced a lot of disruption due to major building work in the area for the previous year. Also there was real concern that the single storey library was to be replaced by a much taller building to house more flats. The community had had enough,” says Jenny Moore who at the time worked for the Trust for Developing Communities.

The council received many objections to the proposed library that was to be funded by Hanover Housing as part of an agreement to build affordable flats. Sue Harris was one such objector. “While the old library had its problem we liked the look of it – it looked a bit like a small Swiss chalet. It was hard to tell from the initial design what the new building would be like but it certainly looked very large compared to the old one. Also I live right opposite the library and the new building looked right over my house and gardens and I felt I would lose a lot of privacy,” she says.

Consultation steering group

As a community development worker for the area, Jenny teamed up with the council’s library service to find a way of working with local people about the proposal. “We decided to form a consultation steering group, particularly ensuring people opposed to the new library development were involved. They would get to see all the plans and be able to express any concerns they might have, as well as have the opportunity to talk directly to library staff and the housing association. All their fears could be channelled through the steering group,” says Jenny.

Sue Harris took up the offer. She had always been active in the community and saw the steering group as an opportunity to influence the plans for the library. “It helped us understand the plans in detail and also gave us an opportunity to put our ideas forward. The council and Hanover Housing really bent over backwards to take on board our thoughts, we didn’t feel that the plans were just forced on us. As the steering group developed it really wasn’t a case of them and us – it was all of us working together to get the most for the community,” she says.

What was also important was the degree of honesty from the council and housing association. “They always explained what was possible and what wasn’t, so we felt we were always kept in the loop and knew where we stood. What’s more senior staff also came and met us – they took it all very seriously,” Sue adds.

Jenny Moore not only helped work with the residents on the steering group but also ensured the wider community had a say in the development of the library. “While the steering group represented a lot of people in the community, there were still others in outlying areas that needed a voice. So a volunteer and I knocked on over 300 people’s doors to carry out a survey as well as speaking to people at a number of other events including a community festival.”

Community ideas

As a result of all this activity, the council had a wealth of suggestions of what people would like to see in a new library. They included tea and coffee facilities, an area where people can relax and read the newspapers and a special area for children where they can display artwork. The result of all the community engagement was a library that is now truly loved by the local residents – none more so than Sue Harris even though the building still overlooks her home.

“I would never have believed I would be saying this but the library is really beautiful – we all love it. So many people use it now compared with before. Parents pop in after they drop their children off at school or older people can sit and read a newspaper in a comfy chair. There is also a computer suite which we have used to produce a community website as well as having our regular residents’ meetings here. It has helped give the community a focus and I don’t think it would have been as good without the steering group and residents’ involvement. I have nothing but praise for the way this whole process was handled,” she says.

Angie Greany works for the communities and equality team at Brighton and Hove Council. “The Coldean library is a great example of organisations working collaboratively with local people. The council and Hanover Housing were clear from the outset what was possible for the community to influence and what was not. There was no wish list that never materialised and local people appreciated this.”

The story of Coldean library features in Brighton and Hove's Community Engagement Framework produced by the Brighton and Hove Strategic Partnership. "The framework is a policy document that sets out the local strategic partnership's commitment to and understanding of community engagement in Brighton and Hove. However, it is also a practical tool as it helps define community engagement as well as sets up standards that partners should adhere to. Additionally, it sets out a series of priority actions that must be taken to improve community engagement in the city," says Angie.

Lack of coordination

The framework was developed after the council undertook a piece of research into community engagement in the city and found out that although there was lots of activity, much of it was ad hoc. There were plenty of examples of both good and bad practice, but just as importantly organisations weren't learning from these experiences. There was also confusion over language and what organisations meant by a range of community engagement terms. However, the biggest issue was the lack of coordination.

"The reality was that residents were being bombarded with a variety of engagement activities by all the local agencies including health service, police and the local authority," says Roger French who chairs the local strategic partnership (LSP). "In addition, there were also a range of partnership organisations that were carrying out research with local people. But despite the fact that much of the public sector wanted to know similar information, there was no coordination of efforts."

He adds, "We felt it was important for the public that we coordinated community engagement activities. At the same time this would mean a much more efficient use of resources. If an engagement event is to be held within a community it makes sense to ensure that all the agencies are aware of it happening and to share information. For example, I run Brighton and Hove busses and if such an event is going on in one of the communities, it could be a helpful way to also find out what they think of their bus service."

One of the actions coming out of the framework is a website consultation portal. This will enable all the LSP members to share information about consultation activities as well as see results. The portal enables users to search by topic, geography or organisation to see what consultations have taken place. In addition, the LSP has developed an e-learning package on community engagement that has been popular with organisations across the city.

"The consultation portal, and other learning and development activities, has helped raise awareness of the framework," says Angie. "The support has been vital to ensure that the

framework is understood and viewed as positive and helpful rather than just a new set of rules that people are frustrated by.”

Key lessons

Angie Greany says she has learnt four key lessons from the process:

1 It is critical to engage all members of the LSP in the development of the framework. A working group was established with representation from all LSP members who could advise on how best to consult with their organisation, partnership or sector. This process is fairly intensive and it is important to leave enough time to get it right. The working group was supported by a small project team headed up by the council that also included the third sector, to drive the development of the framework.

2 The duty to involve is highly significant in getting senior council staff signed up to the process. Before this was introduced not all of them would have seen community engagement as relevant to them. The difficult financial outlook for the public sector has also helped focus the mind of senior managers to help ensure data, intelligence, relationships and opportunities for dialogue are maximized.

3 While the engagement process with the community and voluntary sector was very positive, it was not so smooth within the council. There was high level support from the cabinet member for communities affairs, inclusion and internal relations, and from some senior managers. However there was an assumption that if senior managers supported the framework this would be carried throughout the directorates. This was not always the case as the channels for dissemination were not as effective as assumed. In hindsight more engagement work should have been carried out within the council as it was with other partners.

4 The involvement of the council’s scrutiny committee will be key to developing the framework. It has the role of monitoring how the framework is used and will receive twice yearly updates to feed into the LSP. This will include calling to account any organisations that are not consistently working to the framework standards.

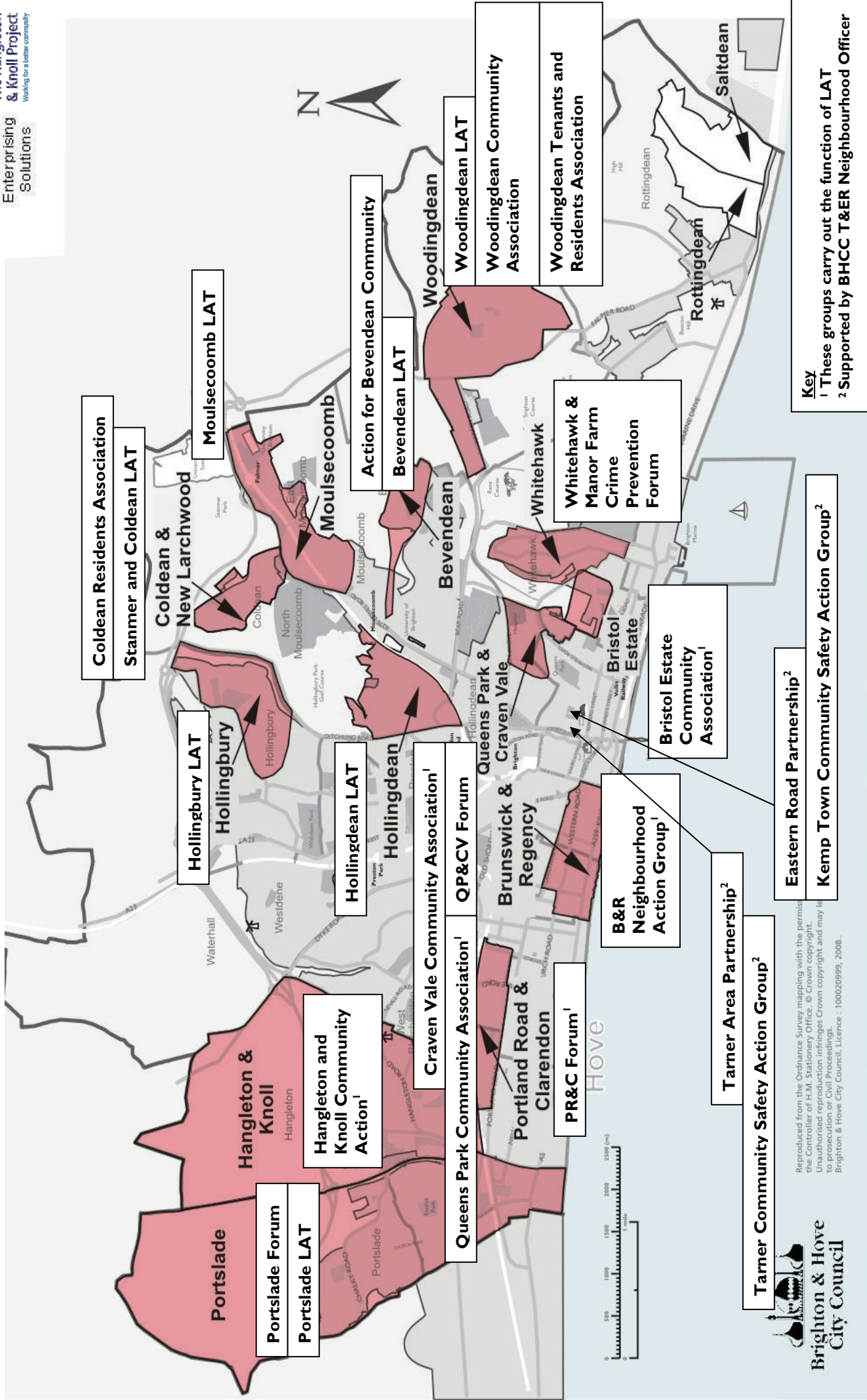
For more information, contact Angie Greany at angie.greany@brighton-hove.gov.uk or on 01273 295053.

Forums and LATs supported by BHCC Community Development Commissioning Programme and BHCC Communities and Equality Team

(nb this does not represent the totality of the Council's engagement activity e.g. Tenants Associations, Children's Centres Advisory Groups etc)



The Hangleton & Knoll Project
Working for a better community



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Community Development Support to Local Action Teams

13 Local Action Teams are supported across the city through the Communities Team's Community Development Commissioning Programme (both LATs in their own right and also where neighbourhood forum acts as the LAT for an area). The number is 15 if you include Kemptown and Tarnar LATs supported by BHCC neighbourhood officer and some ad hoc support to St James Street LAT.

Additional LATs have been supported where they fall within a neighbourhood where a Community Development Worker is operating and this is requested e.g. chair of Clarendon LAT requesting support in widening representation of group.

Community Development Workers support LATs in the following ways:

- **Running of meetings** – date setting, attendance at meetings, securing running costs, AGM planning, administration, minutes posted on community website, financial planning, facilitation
- **Resident Committee** – building skills and capacity of management committee, recruiting new committee members (developing recruitment strategies), mentoring to members taking on new roles, training, developing sustainability plans to identify group needs and methods for more effective planning and working together
- **Representative meetings** - ensure that groups represent the needs of all residents, promote openness and accountability, mentoring to residents to inform and empower their input to meetings, build and support resident involvement, develop networks with other resident led organisations, strengthen resident attendance and input into the meetings especially from seldom-heard groups, individual and small group briefing sessions offered, training for residents, support resident engagement through attending meetings, debriefing residents, door knocking
- **Priority setting and action planning** - consulting on all projects and work within the LAT to prioritise local need and action, deliver evaluations with the group, support the implementation and refreshing of the action plans
- **Support to LAT projects** – fundraising, exploring options for projects e.g. youth shelter, consultations
- **Promotion** - promoting work of LAT and meetings dates through newsletters, raising profile of LAT to existing community groups, development of a report form to allow groups/residents who cant attend meetings to still input, summary of work achieved and disseminated amongst local networks

Issues:

Item 83 Appendix 4

Participation in LATs is currently being made difficult due to 'expenses reclaim procedure' under CDRP. Several LATs have had their costs met by individuals themselves and have not yet been reimbursed.

The Police require 3 targets every 3 months which is quite a lot for LATs to take on, especially where the forums cover community-wide issues (not just community safety).

JAGs are starting to think about how LATs are managed and how to make this more uniform, including representation from key service providers. One of our community development partners was approached review how this could be done across LATs.

Subject:	Proposals for Transforming Meetings of Full Council		
Date of Meeting:	9 March 2010	Governance Committee	
	29 April 2010	Council	
Report of:	Director of Strategy & Governance		
Contact Officer:	Name: Abraham Ghebre-Ghiorghis	Tel: 29-1500	
	E-mail: abraham.ghebre-ghiorghis@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT

- 1.1 Full Council is responsible for agreeing the Budget and Policy Framework as well as having overall responsibility for all non-executive functions. Given the importance of its role and the fact that it is the largest and most important of meetings held by the Council, it is important that its proceedings are conducted efficiently and contribute to enhancing the Council's reputation in the eyes of the people it represents.
- 1.2 This report considers the current operation of the Council procedure rules and proposes some amendments to improve the way Council meetings operate.

2. RECOMMENDATIONS

2.1 That the **Governance Committee**:

- (i) Supports the proposed amendments to Council Procedure Rules as set out in paragraphs 4.3 (closure motion moved by Mayor), 5.4 (Members' Questions) 6.2 (Notices of Motion) and 8.2 (speaking times) and recommends to Council that they be approved.
- (ii) Agrees that, subject to Council approval, the changes come into force immediately after the Annual Council meeting in May 2010.

2.2 That full Council:

- (i) Approves the proposed amendments to Council Procedure Rules as set out in paragraphs 4.3, 5.4, 6.2 and 8.2 of the report.
- (ii) Authorises the Head of Law to amend the constitution to reflect the above, including making consequential drafting amendments.
- (iii) That the Changes come into force immediately after the Annual Council meeting in May 2010.

3. BACKGROUND INFORMATION

3.1 The meeting of Full Council remains the most important meeting held by the council and, for most people, is the most recognisable image that comes to their mind when they think of “the Council”. It is the only meeting where all 54 Councillors attend. Its proceedings are reported in the local press and a number of people watch its proceedings on the web (some 3000 in the last year) in addition to many who attend the actual meeting to present deputations, ask questions or just watch. How it is run has a direct impact on the Council’s governing reputation and perceived organisational competence. Having considered the way Council meetings have operated so far and having consulted Members of all the Political Groups, it is clear that aspects of the way the meetings are conducted are in need of urgent modification to ensure that they are focussed, engaging, not unduly long and relevant. This report puts forward some proposals for improvement while preserving the best of the current system.

3.2 The full Council holds 8 ordinary meetings a year, including Annual Council and Budget Council. The business transacted at these meetings consists of:

- approving the budget and some 20 plans and strategies that together constitute the policy framework;
- other matters that are, by law, reserved to full council, such as appointment of the Chief executive and granting the title of Freeman or Alderman;
- items referred to council for information, such as reports from Scrutiny with executive response;
- petitions, deputations and questions from the public, and
- questions and Notices of Motion from Members.

3.3 Although current arrangements are sufficient in terms of the minimum legal requirement necessary to discharge council business, they are not the best showcase for the Council. If left unchanged, council meetings in their current form risk being seen as long, not particularly interesting and not particularly relevant to the concerns and interests of local residents. This report looks at the current arrangements and suggests proposals for change.

4. DURATION OF COUNCIL MEETINGS

4.1 Council meetings start at 4:30 and usually finish around 10:30-11:00 P.M with half an hour’s break (a total of 6½ hrs). This is longer than in most councils and, apart from the obvious inconvenience to those attending, is not an efficient use of council time. A substantial proportion of the time is used for questions and Notices of Motion which, in many cases, do not make any difference to the residents of the City in terms of actual outcome.

4.2 The fact that meetings start at 4:30 may also make it difficult for people with employment and other business commitments to attend and it may have the unintended consequence of discouraging people from certain socio-economic

groups from becoming Councillors. However, there was no consensus among Members regarding changes to the start of meeting times. It is therefore not proposed to change it at this stage.

4.3 It is proposed that:

- (i) 4 hours after the beginning of the meeting (excluding any breaks/ adjournments) a closure motion is moved by the Mayor automatically if the meeting has not concluded by then.**
- (ii) the Mayor's closure motion be by way of termination of the meeting under Council Procedure Rule 17.**

4.4 In practical terms this means:

- Meetings of the Council would normally finish around 9:00 PM, but termination of the meeting will take place only if Council votes in favour of the closure motion;
- If the closure motion is carried, any unfinished business will be put to a vote without discussion;
- Any Member moving a report or a Notice of Motion may withdraw the report or Notice of Motion.
- Subject to the Mayor's discretion to refuse a Member's closure motion under CPR 17.2 (Mayor may reject a motion if a similar motion has been rejected earlier in the same meeting) any Member will have the right to move a closure motion under Council Procedure Rule 17.

5. MEMBER QUESTIONS

5.1 In most council meetings, we tend to have a disproportionately large number of Members' Questions. We have carried out a random survey of councils and the result is attached in Appendix 1. It is clear that Brighton & Hove has more Member questions than any of those surveyed.

5.2 Many of the questions asked tend to be of a technical nature or of a type which would be more suitable for an Officer response. It is also clear that there are very few questions, if any, tabled at Cabinet and CMM meetings.

5.3 The purpose of Members' Questions is to hold Members who are office holders to account for policy decisions and the political judgements they make rather than to test their knowledge of technical detail. Under current arrangements, when a member tables a question, a response is drafted by officers with a briefing and, when supplementaries are asked, the Member answering often relies on the relevant Director or lead Officer for the response. There is a need to move away from this to a more robust and meaningful question time.

5.4 It is therefore proposed that:

- (a) A period of 30 minutes be set aside for Oral Member Question time.**
- (b) That the order of questions be: Leader of the Official Opposition, Leader of the Green Group, Leader of the Lib Dems, then Members in the order of Conservative, Labour, Green and Lib Dem until the allocated 30 minutes is used at which time the meeting proceeds to the next business.**
- (c) The groups will submit the order in which they want questions taken. The Mayor will have discretion and flexibility on how this operates in practice, including allowing the Independent Member to ask a question.**
- (d) A Member asking a question (but not others) may ask one supplementary. No Member may ask more than one question.**
- (e) There be no requirement to give advance notice of the actual oral questions to be asked. However, a Member proposing to ask a question should give notice of intention to do so within current timescales for Member questions with an indication of the subject matter;**
- (f) Oral questions be limited to general policy rather than technical matters. If technical questions are asked the Mayor may disallow the question or the Member who is asked the question may decline to answer or state that a written response will be sent.**
- (g) The Monitoring Officer will develop guidance for Members on what is policy and what is a technical/operational matter which the Mayor and Members will have regard to in applying the criteria.**
- (h) Members may submit written questions as now. These will receive written answers with the questions and replies circulated with the addendum at Council (as now) but no “supplementary” questions.**
- (i) The current procedures continue to apply to Cabinet, Committees and CMMs.**

6. NOTICES OF MOTION

- 6.1** Debates on Notices of Motion take a significant proportion of Council time. As Notices of Motion cannot involve council making substantive decisions or decisions which relate to executive functions, many of them result in requests to write to ministers which usually receive polite responses but do not change anything. The need to enable council to express a view on matters that affect the wellbeing of the City is important, but it has to be balanced against the need to ensure an efficient dispatch of council business. A survey carried out in 2008 showed that Brighton & Hove used significantly more notices of motion than any of the authorities we contacted (see Appendix 2). A recent review of Notices of

Motion in the Council reveals that, in the 10 months to November 2008, there were 48 NOMs, which is even more than in previous years.

6.2 It is therefore proposed that:

(i) there be a limit on the number of Notices of Motion presented at Council so that there are no more than 2 Notices of Motion from the 3 largest Groups and no more than 1 from other Groups with any Member not belonging to a political group being able to table a motion at the Mayor's discretion.

(ii) In the event that more than the specified number of Notices of Motion are presented from any group, the relevant Group shall decide which ones it wants tabled. In the absence of such a decision, Notices of Motion from Members of a Group will be taken in the order in which they are received.

7. DELIBERATIVE/THEMED DEBATES

7.1 The council's Constitution allows for deliberative or themed debates, but these have hardly been used. They could serve a useful purpose by enabling a focussed, informed, well researched, in-depth debate on issues or policies of significance to the City and its residents. Deliberative debates do not result in a substantive decision but enable important issues to be debated in public with enough time devoted to enable detailed examination of policy. This could include an annual "State of the City" debate when the overall position and direction of travel of the Council and the City is debated (see procedure from Greenwich attached at Appendix 3 by way of example).

7.2 Having Consulted with Members, there was no overall support for introducing deliberative debates. It is therefore not proposed to proceed with this at this stage. It is however proposed to look at the possibility of introducing a "State of the City" debate in the future. Officers will consider this further and bring proposals to a future meeting of the Governance Committee for consideration.

8. SPEAKING TIMES

8.1 The current procedure rules allow 10 minutes for the proposer of a motion and 5 minutes for other speakers with extension of time granted with the Council's consent. Although, in some instances, there may be a need for this amount of time, most contributions to the debate could be made effectively in much shorter time. Shorter, more focussed contributions are also more likely to command the attention of the listener.

8.2 It is therefore proposed that:

(i) speaking times be limited to 5 minutes for the proposer of a motion and 3 minutes for all other speakers.

(ii) Council retains the power to grant an extension of time on a majority vote as now.

9. NEXT STEPS

- 9.1 Subject to the agreement of Full Council, it is proposed that the Changes proposed in this report come into effect immediately following Annual Council (at the same time as the changes introduced by the 12 months review of the Constitution.)

10. CONSULTATION

- 10.1 The proposals in this were consulted with the Leaders Group and all Political Groups in the Council. As a result of the comments received, the initial proposals were modified and some of them not proceeded with at this stage.

11. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 11.1 There are no direct financial implications arising from this report

Finance Officer Consulted: Anne Silley

Date: 25/02/10

Legal Implications

- 11.2 The proposals in the report comply with legal requirements, including the Local Government Acts 1972 and 2000.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 15/02/10

Equalities Implications

- 11.3 There are no direct equalities implications arising from this report.

Sustainability Implications

- 11.4 There are no direct sustainability implications arising from this report.

Crime & Disorder Implications

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

Risk and Opportunity Management Implications

- 11.6 None.

Corporate / Citywide Implications

- 11.7 The proposals will assist the Council in making its proceedings more efficient and contribute to the Council's reputation in terms of the way it conducts its business.

SUPPORTING DOCUMENTATION

Appendices:

1. Members Questions at Council Meetings 2009
2. Notices of Motion at Council Meetings
3. State of the Borough Debate from Borough of Greenwich

Documents In Members' Rooms

None

Background Documents

None

Members Questions at Council Meetings 2009

Council		Members Questions		Council		Members Questions	
East Sussex CC		Oral	Written	Brighton & Hove CC		Oral	Written
10 Feb 09	20	9		29 Jan 09	0	27	
31 Mar 09	15	3		26 Feb 09 (Budget)	0	0	
23 Jun 09	14	3		19 Mar 09	0	17	
21 Jul 09	20	2		30 Apr 09	0	10	
13 Oct 09	?No minutes	?		14 May 09 (Annual)	0	0	
				16 Jul 09	0	23	
				13 Aug 09 (Extraordinary)	0	0	
				8 Oct 09	0	16	
Total	69	17		Total	0	93	
Greenwich LBC		Oral	Written	Westminster CC		Oral	Written
28 Jan 09	2	22		28 Jan 09	12		
25 Feb 09	4	16		4 Mar 09 (Extraordinary)	0		
25 Mar 09	No minutes	?		29 Apr 09	16		
29 Jun 09	No docs	?		13 May 09 (Annual)	0		
29 Jul 09		32		15 July 09	18		
28 Oct 09	No minutes	?					
Total	6	70		Total	46		
West Sussex CC		Oral	Written	Hampshire CC		Oral	Written
13 Feb 09		5		19 Feb 09		9	
27 Mar 09		11		2 Apr 09		6	
16 Jun 09 (Annual)		0		18 May 09 (cancelled)			
24 Jul 09		7		15 Jun 09		1	
16 Oct 09	No minutes	?		16 Jul 09		2	
				17 Sep 09		7	
Total		23		Total		25	
Medway DC		Oral	Written	Portsmouth CC		Oral	Written
15 Jan 09		2		4 Feb 09		1	
26 Feb 09 (Budget)		0		10 Feb 09		0	
5 Mar 09		1		24 Mar 09		6	
25 Mar 09 (Special)		0		12 May 09 (Annual)		0	
16 Apr 09		1		16 Jun 09		6	
6 May 09 (Annual)		0		3 Jul 09 (Special)		0	
18 Jun 09		3		21 Jul 09	No minutes	?	
21 Jul 09		10		30 Jul (Special)		0	
30 July 09		5		16 Oct 09		4	
10 Sep 09		2					
Total		24		Total		17	
Southampton CC		Oral	Written				
21 Jan 09		10					
18 Feb 09		0					
18 Mar 09		16					
13 May 09		5					
15 Jul 09		14					
16 Sep 09	No minutes	?					
Total		45					

Council	Notices of Motion	Council	Notices of Motion
East Sussex CC		Brighton & Hove	
20 Feb 2007	2	11 Jan 2007 (special)	0
27 March 2007	1	22 Feb 2007 (budget)	0
22 May 2007	1	08 March 07	7
24 July 2007	0	24 May 2007 (annual)	0
		12 July 2007	10
Total	4	Total	17
Greenwich LBC		Westminster CC	
31/01/07	2	24/01/07	1
28/02/07	1	07/03/07	0
28/03/07	1	21/03/07	1
25/04/07	0	02/05/07	1
16/05/07 (annual)	0	16/05/07 (annual)	0
13/06/07	2	18/05/07	1
25/07/07	2		
Total	8	Total	4
West Sussex		Hampshire CC	
9/02/07	1		
30/03/07	2	21/02/07	0
25 /05/07	2	24/05/07	0
20/07/07	1	12/07/07	0
Total	6	Total	0

SECTION 3 - STATE OF THE BOROUGH DEBATE

Calling of the debate

A3.1 The Leader will call a state of the Borough of Greenwich debate annually on a date and in a form to be agreed with the Mayor.

Form of the Debate

A3.2 The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement may include holding workshops and other events prior to or during the state of the Borough debate.

Chairing the Debate

A3.3 The debate will be chaired by the Mayor.

Outcome of the Debate

A3.4 The outcome of the debate will be:

- (a) Disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) Considered by the Cabinet as appropriate when making proposals to the Council in respect of any matter which forms part of the Council's budget and policy frame

Subject: Protocol for statistical analysis during future Ward name change Consultation exercises

Date of Meeting: 9 March 2010

Report of: Chief Executive

Contact Officer: Name: Paul Holloway Tel: 29-2005
E-mail: paul.holloway@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Following the recent consultation exercises and decisions of the Council regarding ward name changes, concern was raised about the low number of responses to the consultation exercises in both wards. There was a request that we develop criteria to guide the Council's decision on whether to initiate consultation in accordance with the requirements of section 59 of the Local Government and Public Involvement in Health Act 2007, including the possibility of adopting thresholds.
- 1.2 This report puts forward proposals for Members' approval to have a clear and transparent process for agreeing consultation exercises on ward name changes. It is also felt that there should be a known "trigger", which must be met, before undertaking any exercise.
- 1.3 Where a trigger is met, the methodology of the consultation process will be agreed. Specific advice will then be taken on the statistical practices that are relevant to apply, based on the number of responses. Consideration will be given to budgetary issues around how extensive the methods of consultation are going to be.
- 1.4 Whilst there is no absolute formula, the more households to receive information about the consultation, the more the exercise is going to cost. The Research and Consultation Team can provide advice specifically about the significance of the methods used to consult, and representativeness of the responses.
- 1.5 Any recommendations on the outcome of a consultation exercise will not be made in the future without going through this process, assuring that appropriate research and analysis, and statistical relevance has been carried out before a recommendation is made.

2. RECOMMENDATIONS:

- 2.1 That consideration of a proposal to change a ward name be triggered by submission to the Council of a petition signed by 5% of residents, or 500 people, whichever is greater, who are on the Electoral Register, and who provide a permanent address that can be verified as being within the ward in question.
- 2.2 That, further to recommendation 2.1, the relevant ward councillors be consulted and their views taken into account before a report is put to the Governance Committee to consider authorising a formal consultation on the proposal.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 The Governance Committee meeting of 22 September 2009 approved a consultation exercise to explore changing the name of two council wards:
 - (i) the current Patcham Ward to become Patcham and Hollingbury Ward.
 - (ii) the current Stanford Ward to become Hove Park Ward.
- 3.2 The consultation exercise took place between 28 September 2009 and 26 October 2009. The four week consultation process gave residents living in the 2 wards, the opportunity to register their support, or otherwise to the proposals.

4. CONSULTATION

- 4.1 The Council is required to consult with such persons that it considers reasonably appropriate who may be affected by a proposed ward name change
- 4.2 The methods of consultation for the 2 proposed ward name changes, were agreed by affected ward councillors. The low response rates have indicated that it would be sensible to introduce a transparent known “trigger”, which should be met, before a consultation on ward name changes is approved in the future.
- 4.3 By introducing a known “trigger” of 5% or 500 signatures on a petition, whichever is greater, a standard is being set, in line with existing practices for a mayoral referendum. It may therefore be thought to be a significant enough number to warrant arranging a consultation process.
- 4.4 Ward Councillors will be consulted throughout the process.
- 4.5 The criteria is by way of guidance only.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 The costs for any future consultation will be identified in the report to members when approval is sought.

Finance Officer Consulted: Alasdair Ridley

Date: 16/02/10

Legal Implications

- 5.2 If members accept the proposal that consideration be given to change a ward name based on a petition signed by the requisite number of people, this would form the basis of a new protocol or guidance. Members would then be expected to have regard to the protocol but would not be bound by it.
- 5.3 The duty to consult under section 59(3) of the Local Government and Public Involvement in Health Act (see 1.1 above) arises **only** where the council has formulated a proposal to change the name of an electoral area, whether in response to a petition to that effect or of its own volition.
- 5.4 The suggested trigger point of 5% referred to in 2.1 above is broadly in line with the threshold for accepting other forms of petition, such as those requesting a mayoral referendum a community governance review, or other matters to be permitted by the Local Democracy etc Act.

Lawyer Consulted:

Oliver Dixon

Date: 22/02/10

Equalities Implications

- 5.5 An Equalities Impact Assessment on any consultation will be considered.

Sustainability Implications

- 5.6 There are no implications

Crime & Disorder Implications

- 5.7 There are no implications.

Risk and Opportunity Management Implications

- 5.8 There are no implications.

Corporate / Citywide Implications

- 5.9 The recommendations are in line with council priorities, specifically for open and effective city leadership.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

Subject: Designated Polling stations for 2010 General Election
Date of Meeting: 9 March 2010
Report of: Chief Executive
Contact Officer: Name: Paul Holloway Tel: 29-2005
E-mail: paul.holloway@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A full review of polling districts and polling places was carried out in the summer of 2008. Under the Electoral Administrations Act 2006, the Council must carry out such a review at least every four years, so the next full review, which will comprise a formalised series of measures involving consultation, representations and publishing of information, is due in 2012.
- 1.2 Following the European Parliamentary Elections in June 2009, a number of issues arose about the suitability of certain polling stations. Electoral Services Officers have investigated the polling stations concerned, and where possible will ensure that ramps and extra signs are available as needed.
- 1.3 Pending a full review of polling districts and polling places, the Returning Officer has a duty to provide a sufficient number of polling stations, by virtue of Rule 25 of the Parliamentary Election Rules.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the Returning Officer's designation of the Children's Centre, West Hove Infant School, as the polling station for the designated area SY, within Wish Ward. (SY is an internal ward area reference used by the Electoral Services Team.)
- 2.2 That the reversion to Craven Vale Resource Centre as a polling place for designated areas DY, part of East Brighton ward, and ES, part of Queens Park ward be noted. (DY and ES are internal ward area references used by the Electoral Services Team.)

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 At the European Elections in June 2009, the Craven Vale Resource Centre was not available due to building works, so the Returning Officer designated The Vale

Community Centre as the polling station for district DY in East Brighton Ward, and Brighton College as the polling station for ES in Queen's Park Ward.

- 3.2 As Craven Vale Resource Centre is the designated polling place for DY and ES, it may now be used again.
- 3.3 Hove YMCA, in polling district SY, Wish Ward, will no longer be available for any elections. In the European Elections in June 2009 the Children's Centre, West Hove Infant School was used as the polling station. There were some access issues, but these have now been resolved. Therefore the Returning Officer intends to designate the Children's Centre, West Hove Infant School, as the polling station in the next elections.

4. CONSULTATION

- 4.1 Ward Councillors from the affected wards have been sent copies of this report for information.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 5.1 Costs for hiring the polling stations have been included in the 2010/11 Electoral Services Budget.

Finance Officer Consulted: Alasdair Ridley Date: 16/02/10

Legal Implications

- 5.2 As indicated under paragraph 1.3 above, the returning officer has a duty to provide a sufficient number of polling stations for a parliamentary election; rule 25, schedule 1 of the Representation of the People Act 1983 refers.
- 5.3 Under the council's scheme of delegation to officers, the Chief Executive has delegated power to perform the role of returning officer. This gives him the necessary authority to carry out the designations referred to in 3.2 and 3.3 above. The designations are being reported to members of the Governance Committee for information.

Lawyer Consulted: Oliver Dixon Date: 15/02/10

Equalities Implications

- 5.4 The Council must ensure that so far as is reasonable and practical every polling place for which it is responsible is accessible to people who are disabled.

Sustainability Implications

- 5.5 There are no implications.

Crime & Disorder Implications

5.6 There are no implications.

Risk and Opportunity Management Implications

5.7 There are no implications.

Corporate / Citywide Implications

5.8 The recommendations are in line with council priorities, specifically for open and effective city leadership.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None

Subject: Children's Services Section 75 Partnership Agreements

Date of Meeting: 9 March 2010

Report of: Director of Children's Services

Contact Officer: Name: Steve Barton Tel: 29-6105
E-mail: steve.barton@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In May 2009 the Council and the PCT sought expert advice about the Section 75 agreement in light of the national and local issues identified in paragraphs 3.3 and 3.4 below. The advice concluded that, although ground breaking in 2006, the Section 75 Agreement was no longer entirely fit for purpose and that consideration should be given to creating separate commissioning and provider agreements between the Council and NHS Brighton and Hove (the PCT) and the Council and South Downs Health NHS Trust (SDH) respectively. In July 2009 the Chief Officers Group for the Children and Young People's Trust Partnership initiated a formal review of the Section 75 agreement. A Joint Project Group, including representatives from all three partners, and including no-cost expert consultancy provided by the national Commissioning Support Programme (CSP), has undertaken the review which is scheduled to complete by March 31 2010.
- 1.2 The report sets out proposed changes to the Council's existing partnership arrangements with the PCT and SDH in relation to Children's Services. The report also addresses new draft Statutory Guidance in relation to Children's Trusts Boards.
- 1.3 Cabinet will be asked to approve the principles of the S75 agreements and to delegate authority to the Director of Children's Services to finalise the detailed terms and to the Head of Law to execute the agreements. Governance Committee are being consulted prior to the matter going to Cabinet as there will be consequential changes to the constitution arising from the new agreements.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the proposed principles of the S75 agreements as set out in Appendix One and the proposed governance arrangements as set out in Appendix Two and makes any comments in relation to those known to Cabinet in time for its meeting on 11 March 2010.
- 2.2 That the Committee notes the proposed new duties in relation to establishing a Children's Trust Board outlined in paragraph 4.1 of the report and notes that these proposals will be taken forward by the Cabinet Member for Children and Young People.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

The existing partnership arrangements

- 3.1 In September 2006 the City Council entered into a Partnership Agreement with SDH and the PCT under Section 31 Health Act 1999 in relation to Children's Services. The Agreement brought together 273 staff from SDH together with 860 staff from the Council's Children's Families and Schools Directorate with the aim of creating a service with multidisciplinary teams and with capacity to provide flexible, integrated services centred on the needs of children and their families.
- 3.2 Since September 2006 the Director of Children's Services has consolidated the governance and management arrangements for the delivery of the integrated front line services. The arrangements were welcomed by stakeholders during consultation for the 2009-12 Children and Young People's Plan. The Annual Performance Assessments by Ofsted in 2007 and 2008 recorded that integrated services had a positive impact on improving outcomes for children and young people. The new children's services annual rating, introduced by Ofsted in May 2009, found that children's services in Brighton and Hove are performing well.
- 3.3 In 2009, the Department of Children, Families and Schools and the Department of Health joint strategy for children's health (Healthy Lives Brighter Futures) identified a wide variation in arrangements across the country for the governance, commissioning and provision of children's services. A Commissioning Support Programme (CSP) has been established to work with local Children's Trusts to address this variation and especially to clarify the distinction between commissioning and provider functions in order to comply with the NHS World Class Commissioning programme.
- 3.4 In Brighton and Hove each partner has acknowledged that issues have, inevitably, emerged since the local agreement was signed, especially the need to clarify commissioning and provider functions and to strengthen the governance of joint commissioning plans and management of the pooled budget.

The proposed new Section 75 agreements

- 3.5 The proposed new Section 75 agreements will be between the Council and SDH in relation to the integrated provision of services and the Council and the PCT in relation to lead commissioning of services. As set out above, it is proposed to separate the provider and commissioning functions to reflect the requirements of the NHS World Class Commissioning Programme.
- 3.6 The key elements of the Section 75 agreements will be:
 - Aims and objectives of the Partnership Agreement:
 - Services covered by the agreements
 - Governance arrangements
 - Workforce matters
 - Finance
 - Liability, indemnity and insurance
 - Review and Variation of the agreements
 - Dispute resolution and termination

- Performance Management

The above elements are described in more detail in Appendix 1. A Governance chart is also attached at Appendix 2.

- 3.7 In addition to the separation of the provider and commissioning agreements, a further significant change will be the creation of two Joint Management Groups (JCMG/JMG) of officers (one provider and one commissioning) to whom monthly performance reports will be taken in relation to key indicators identified in the agreements. There will therefore be a closer, regular scrutiny of the budget and impact of the agreements in a focused arena. Decisions that require Member approval would be made by the Cabinet Member for Children's Services or Cabinet in accordance with current delegations. The Children and Young People's Trust Board will cease to be the top decision making body for the s75 agreements, but will instead fulfil the functions required by the Apprenticeships, Skills, Children and Learning Act 2009 as set out below.

4. THE CHILDREN'S TRUST BOARD AND THE APPRENTICESHIP, SKILLS, CHILDREN AND LEARNING ACT 2009

- 4.1 The governance arrangements in relation to the s75 agreements are designed to manage and monitor the s75 agreements themselves and to ensure that the aims and objectives of the agreements are met. The wider governance arrangements in relation to setting the priorities and monitoring the delivery of all children's services in the City will include a new Children's Trust Board which has become a requirement pursuant to the Apprenticeship, Skills, Children and Learning Act 2009.
- 4.2 Under the new Act it will be a requirement from 1 April 2010 for Local Authorities to make arrangements to establish a statutory body – The Children's Trust Board - which will have the function currently held by Local Authorities to prepare and review a Children and Young People's Plan. The new Board must include representatives of the Council and its "relevant partners" and may include other persons or bodies that the authority thinks appropriate.
- 4.3 There is currently draft secondary legislation and draft statutory guidance which sets out in detail the new requirements and how the Children's Trust Board should be constituted and how it should link to other bodies, such as the LSP and the Local Safeguarding Children's Board. Officers are preparing proposals for implementation of the new requirements based on the information currently available. Once the secondary legislation and guidance has been finalised it is proposed that a report be brought back to the Cabinet Member for Children and Young People to approve the steps necessary to establish the new Children's Trust Board.

5. CONSULTATION

- 5.1 The review has been undertaken jointly by officers from the Council, the PCT and SDH including the Assistant Director Financial Services and the Managing Principal Solicitor.
- 5.2 The review has been shared with the relevant trade unions through the Joint Consultative Committee.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The joint commissioning agreement will give rise to a s75 partnership arrangement totalling approximately £63 million of which the council's contribution will be approximately £53 million or 84%. The integrated provider agreement will give rise to a s75 partnership arrangement totalling approximately £57 million of which the council's contribution will be approximately £50 million or 88%. Both agreements are still subject to final agreement of budgets to be included in the pooled funds.
- 6.2 In financial management terms, the general principle is that as the host partner (the council) manages the arrangements, it must manage within budget and carry the risk associated with this, in particular where expenditure is incurred without agreement. However, where expenditure is incurred with agreement or in default of agreement, the partners are jointly liable in proportion to their contributions if this causes overspending.
- 6.3 Another general principle is that there is frequent and regular reporting to the JCMG and quarterly reporting to partners to ensure that problems and issues are identified early and escalated where appropriate. The "Revised Annual Finance Agreement" (referred to Schedule 4) will set out the process for managing and reporting forecast deficits.
- 6.4 In terms of potential underspending, the agreement provides that underspends are either carried forward or distributed in proportion to partners' contributions. However, in practice the NHS cannot carry forward underspends.
- 6.5 The agreement specifies that draft budgets must be available by 31 December each year and final budgets must be confirmed by 31 March each year. Budget planning must take into account inflation, planning assumptions (e.g. demographic changes), changes in policy and commitments. The budget process will also be set out in the "Revised Annual Finance Agreement". The budget will be agreed by the partners (Boards and Cabinet/Full Council) following the outcome of the 'annual review'.
- 6.6 The "Revised Annual Finance Agreement" will be agreed each year by JCMG and will, inter alia, set out:
- The contributions for the year following the outcome of the annual review;
 - Invoicing arrangements between the partners and the flow of funds in and out of pooled funds;
 - The use of specific grants and other income;
 - The financial and non-financial reporting requirements (frequency/format), including exception reporting, escalation and recovery procedures for overspend forecasts.

Finance Officer Consulted: Nigel Manvell

Date: 08/02/10

Legal Implications:

- 6.7 The proposals in the report are in line with s75 National Health Service Act 2006 together with associated secondary legislation and guidance, which replaces s31 Health Act 1999. Section 75 enables the Council to enter into arrangements to pool funds and integrate services with health partners. The s75 agreements will be technical documents that will require time to finalise and hence the need for authority to Officers to settle the details based on the principles in this paper.
- 6.8 As set out in the body of the report, the Apprenticeship, Skills, Children and Learning Act 2009 amends the Children Act 2004 to insert requirements for the Council to establish a Children's Trust Board with specified representation and with the function of preparing and reviewing the Children and Young People's Plan. There is currently draft secondary legislation and draft Statutory Guidance which sets out detailed provisions in relation to the role, membership and functions of the Board. As this further legislation and guidance is not yet in force a further report to the Cabinet Member for Children Services will need to address implementation of the new requirements once they are finalised.

Lawyer Consulted:

Elizabeth Culbert

Date: 05/02/10

Equalities Implications:

- 6.9 The provision of integrated services will benefit families from disadvantaged backgrounds who are likely to be more dependent on the services covered.

Sustainability Implications:

- 6.10 There are no adverse sustainability implications arising from these proposals.

Crime & Disorder Implications:

- 6.11 The integrated provision of services will assist in addressing the needs of children and families in a co-ordinated way and therefore contribute to the reduction of crime and anti-social behaviour.

Risk and Opportunity Management Implications:

- 6.12 The proposals for integrated services and pooled funding pose financial and legal risks which have been taken into account in developing the proposals.

Corporate / Citywide Implications:

- 6.13 The proposals will benefit the residents of Brighton & Hove by enabling integrated services to be provided centred on the needs of Children and their family rather than the provider organisation. This is inline with the Council's Corporate priorities.

SUPPORTING DOCUMENTATION

Appendices:

1. Key elements of s75 agreements
2. Governance Arrangements

Documents In Members' Rooms

None

Background Documents:

None

Key principles of s75 agreements for Children's Services

Aims and Objectives of the agreements

The purpose of the agreements is to ensure the commissioning and provision of integrated high quality and cost effective services to children and their families which meet local health, social care and education welfare needs.

Schedule 1 of each agreement details aims and objectives, principles and approaches to delivery and sets out agreed service improvement objectives for the forward year (2010/11).

A fundamental principle of both agreements is that the operation and outcomes of the agreement and pooled budget arrangements, including the service improvement plans are reviewed annually until the expiry of the agreements on 1st April 2015. The first review will take place within six months (no later than 1st October 2010) with a view to confirming the operation of and contributions to the Pooled Fund for the financial year 2010/2011.

Services covered by the agreements

Schedule 2 of each agreement sets out the services to be commissioned or provided. The list of services in each agreement is not exhaustive and may be varied by written agreement between the partners from time to time.

The services are:

Integrated Area Services:

- Children's Centres (community modern matrons (managers), health visitors, nurses, nursery nurses, early year visitors, administration staff, speech and language therapists);
- Schools and community support services (community modern matrons (managers), school nurses, nurses, health care support workers, Educational psychologists, education welfare officers, CAMHS workers tier 2);
- Integrated Youth Support Services (sexual health advisors, connexions advisors, youth workers, substance misuse staff);
- Social work (social workers, social work assistants, administration support staff).

Citywide Specialist Services:

- Integrated Child Development and Disability (community paediatrics, specialist health visitors/modern matrons, nursery nurses, administration, physiotherapists, occupational therapists, speech and language therapists, social workers, assistant social workers, PreSENs, Audiology staff and residential care staff)

Commissioning and Governance:

- Head of Nursing and Governance, (Nursing and allied health professionals professional and clinical leadership, clinical governance, central child health records, administration support, contact point ,children and young people advocacy, quality assurance management, private fostering)
- Clinical Director (community paediatricians, clinical governance, NHS safeguarding and looked after children)
- Head of Strategic Commissioning (strategic and operational commissioning, procurement and budget management)
- Head of Performance (data analysts and project management)
- Head of Safeguarding (LSCB Business Manager, NHS Safeguarding, Child Protection Unit (expert assessment, consultancy and therapeutic interventions) Independent Reviewing Officer functions)

Schools Learning and Skills:

- Health schools/healthy children support services
- Additional out of school learning activities
- Anti-bullying support services
- Children in care educational support

Community and voluntary sector:

- Packages of care and support for children and young people and their families from the community and voluntary sector.

Continuing Care

Governance Arrangements

The proposed governance arrangements differ significantly from those agreed in September 2006 in order to address the issues set out in paragraphs 3.3 and 3.4 **in the report**.

A governance chart is attached as Appendix 2. It is proposed to establish separate management arrangements for each agreement. A Joint Commissioning & Section 75 Management Group (JCMG) will be established for the agreement between the council and NHS Brighton and Hove (to reflect the wider context and responsibilities for the commissioning of children's health services across the local health economy). A Joint Provider Section 75 Management Group (JMG) will be established for the agreement between the council and SouthDowns NHS Trust. Each group will meet on a monthly basis and will, within the delegated authority of its members, be responsible for the management of the partnership including monitoring the arrangements, receiving reports and agreeing actions in respect of the operation and impact of the agreements. The membership of

the JCMG and the JMG will be officers (5 to 7) including the Pooled Fund Manager (a role required by the s75 Partnership Regulations.)

The Children and Young People's Trust Board will cease to be the top decision making body for the Section 75 Agreements, but will instead fulfil the functions required by the Apprenticeship, Skills, Children and Learning Act 2009. Decisions in relation to the s75 arrangements requiring Member approval will be taken at Children and Young People CMM or at Cabinet where appropriate, in accordance with existing practice.

Workforce Matters

Schedule 4 of the Provider Agreement, between the Council and SDH, describes all of the staff to be included within the integrated services. This summary information is supported by detailed data-bases maintained by the council and SDH. In both respects, this is a significant improvement on the 2006 agreement.

Since September 2006 a nationally recognised Workforce Development Strategy has been put in place which will support this agreement, and is an integral part of the 2009-12 Children and Young people's Plan.

Schedule 4 sets out the ongoing secondment arrangements for SDH staff. These arrangements will be the subject of a formal consultation with staff in the first quarter of 2010/11. An outline process has been agreed with the relevant Trades Unions. The schedule also includes describes provision for the professional development and clinical governance for SDH secondees.

Finance

The budget contributions to both arrangements will be set out in a "Revised Annual Finance Agreement" having been agreed by the partners. The agreements require draft annual budgets to be available by 31 December each year and for final budgets to be agreed by the partners by 31 March each year. Budgets are agreed by the PCT Board, SDH Board and Cabinet/Full Council. In agreeing the budgets, the partners are required to take into account inflation, commitments, policy changes and planning assumptions, including demographic change, service enhancement or reduction, required efficiency / quality improvements, changes to income streams and the impact of national initiatives.

Financial Management arrangements within the agreement are based on the principle that the host partner is responsible for the management of the arrangements (whether commissioning or integrated provision) and is therefore responsible for managing within the agreed budget contributions.

The agreements set out the financial reporting arrangements, which include monthly reporting to JCMG/JMG and quarterly reporting to partners' boards. The agreements require frequent, timely reporting that enables any financial

issues to be highlighted early and action to be taken directly by JCG/JMG in the first instance. A “Revised Annual Finance Agreement” will be drawn up and agreed by the JCMG/JMG each year which will set out in more detail the escalation and reporting procedures to be followed depending on the nature and size of the financial issue identified.

The agreements work on the principle that the partners are jointly responsible for all expenditure incurred ‘by agreement’ (and in default of agreement) in proportion to their contributions. By definition, expenditure incurred by the host partner (the Council) that is not agreed by the partner, remains the sole responsibility of the host partner. This encourages more robust monitoring and partnership working arrangements as the host partner would carry all risk on any expenditure incurred on activities outside of the annual Service Improvement Plan, or in excess of budget, unless agreement of the partner is obtained. In the commissioning agreement, this is further reinforced by the requirement to escalate any material change in the planning assumptions used to inform the Service Improvement Plan and Revised Annual Finance Agreement.

Where underspending occurs, this may either be carried forward for use by the partnership or, where this is not agreed, will be distributed to the partners in proportion to their contributions. In practice, however, NHS bodies cannot normally carry forward surpluses.

The Revised Annual Finance Agreement referred to above will be agreed by JCMG/JMG each year and will cover the following areas of financial management:

- Risk Sharing Arrangements, in particular, how over/underspends are to be reported and escalated within the governance structure and what action should be taken;
- Invoicing arrangements and the flow of funds in and out of Pooled Funds;
- The use of specific grants and other income;
- Accounts and Audit requirements and other points raised by auditors;
- Monitoring information and formats (including contract monitoring) and timetables;

Liability, indemnity and insurance

The parties will arrange for insurance cover to continue to meet any liabilities and claims arising in connection with the services. As under the existing Agreement, seconded health staff continue to be insured by the NHS Litigation Authority in relation to health services provided under the joint arrangements. Other services are covered by the Council’s insurance arrangements.

Any liability caused by a Partner, their employees or agents and not covered by insurance will be the responsibility of the Partner if it is the result of negligence or breach of statutory duty.

Review and Variation of the Agreements

As set out above, the Agreements will be reviewed annually with the exception that the first review will take place within six months in order to confirm the budgets and contributions for 2010/2011. An early review will also provide the opportunity to pick up and resolve any issues quickly that come to light once the Agreements have begun to operate in practice.

The Agreements may be varied by mutual consent of the Partners and recorded in writing.

Dispute Resolution and Termination

The Agreements will include provisions for dispute resolution. This involves the matter being referred to the Director of Childrens' Services/the Chief Executives of the PCT/SDH in the first instance and to independent arbitration in the second instance.

The Agreements will also include provisions for termination by giving six months notice. In the case of either party failing to comply with its obligations under the Agreements and failure to rectify the default within a reasonable timescale, the Agreements may be terminated immediately.

Performance Management

The Agreements include a Performance Management Framework including specific performance indicators for finance, commissioning and service improvement and clinical governance. These will be reported on monthly by the Pooled Fund Manager to the JMG.

The inclusion of this performance monitoring information will be a significant change to the management of the s75 Agreements and will assist the Partners to closely manage the budget and performance against the objectives of the Agreements. It will enable the Partners to highlight any areas for improvement at an early stage and enable recovery plans to be put in place.

Children's Trust Board
Terms of reference:
To develop, publish and review the
CYPP in accordance with its statutory
functions under Children Act 2004
(amended by ALSA 2009).

**NHS Brighton
& Hove Board**

**BHCC Children & Young
People
Cabinet Member Meeting**

**SouthDowns
Health Board**

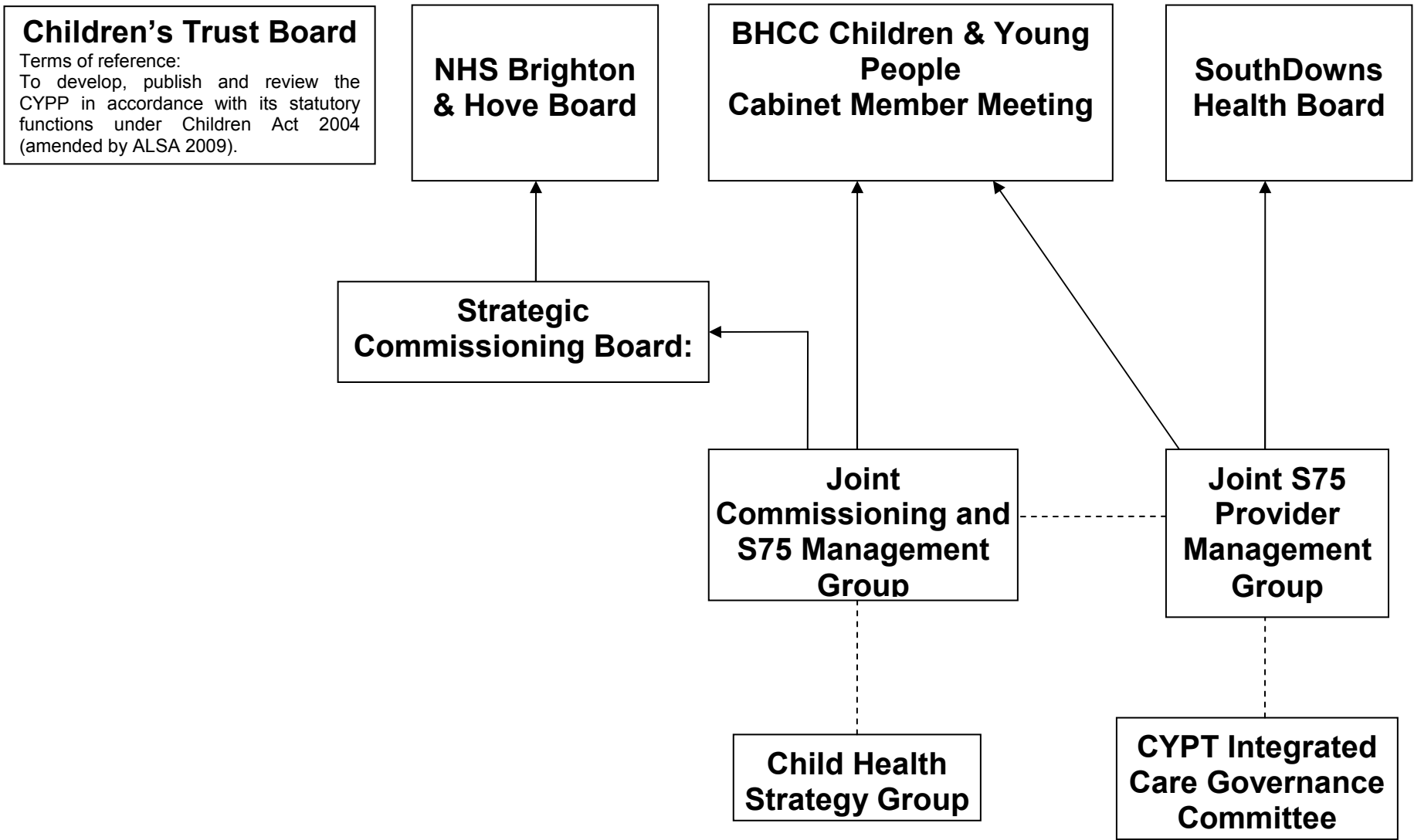
**Strategic
Commissioning Board:**

**Joint
Commissioning and
S75 Management
Group**

**Joint S75
Provider
Management
Group**

**Child Health
Strategy Group**

**CYPT Integrated
Care Governance
Committee**



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