BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 21 OCTOBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

AGENDA

Brighton & Hove City Council

Council Meeting

Title:	**Council**
Date:	**21 October 2010**
Time:	**4.30pm**
Venue	**Council Chamber, Hove Town Hall**
Members:	**All Councillors** You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Paul Scholey
Contact:	**Mark Wall** Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	**The Town Hall has facilities for wheelchair users, including lifts and toilets**
	**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.**
	FIRE / EMERGENCY EVACUATION PROCEDURE **If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:** • **You should proceed calmly; do not run and do not use the lifts;** • **Do not stop to collect personal belongings;** • **Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and** • **Do not re-enter the building until told that it is safe to do so.**

AGENDA

Part One **Page**

20. DECLARATIONS OF INTEREST

Statutory or voluntary disclosure by councillors of interests in matters appearing on the agenda.

21. MINUTES 1 - 34

To approve as a correct record the minutes of the last meeting held on the 15th July 2010 (copy attached).

22. MAYOR'S COMMUNICATIONS.

23. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented to the Mayor at the meeting along with the following e-petitions:

(a) Paddling Pool Preston Park.
(b) Protecting our Frontline Policing.
(c) Public Seating.

24. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 14th October 2010 will be circulated separately as part of an addendum at the meeting.

25. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 14th October 2010 will be circulated separately as part of an addendum at the meeting.

26. QUESTIONS FROM COUNCILLORS 35 - 40

(a) Written Questions from Councillors.
A list of the written questions submitted by Members has been included in the agenda papers (copy attached). This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

(b) Oral Questions from Councillors.
A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers (copy attached).

27. PETITIONS FOR COUNCIL DEBATE 41 - 46

Petitions to be debated at Council. Reports of the Acting Monitoring Officer (copies attached).

(a) Stop the Clearance - Lead Petitioner Ms. Fluendy.

(b) Parking in Preston Park - Lead Petitioner Councillor Amy Kennedy.

(c) Connexions - Lead Petitioner Mr. Alex Knutson.

Note: A period of 15 minutes has been set aside for each petition debate.

Contact Officer: Abraham Ghebre-Ghiorghis Tel: 29-1500
Ward Affected: All Wards;

6.30 - 7.00PM REFRESHMENT BREAK

Note: A refreshment break is scheduled for 6.30pm although this may alter slightly depending on how the meeting is proceeding and the view of the Mayor.

28. REVIEW OF MEMBERS' ALLOWANCES 47 - 114

(a) Report of the Acting Director of Strategy & Governance, together with an extract from the proceedings of Governance Committee meeting held on the 9th March 2010 (copies attached).

(b) Report of the Independent Remuneration Panel, together with an extract from the proceedings of the Governance Committee meeting held on the 9th March 2010 (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis Tel: 29-1500
Ward Affected: All Wards;

29. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

(a) Call over (items 30 - 39) will be read out at the meeting and Members invited to reserve the items for consideration.

(b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.

(c) Oral questions from Councillors on the Cabinet, Cabinet Member and Committee reports, which have not been reserved for discussion.

30. REVIEW OF CODE OF CONDUCT AND ARRANGEMENTS REGARDING THE REGISTER OF MEMBERS' INTERESTS **115 - 144**

Extract from the proceedings of the Standards Committee meeting held on the 14th September 2010 together with a report of the Acting Monitoring Officer (copies attached).

Contact Officer: *Abraham Ghebre-Ghiorghis* *Tel: 29-1500*
Ward Affected: *All Wards;*

31. REVIEW OF THE CODE OF CONDUCT FOR MEMBERS/OFFICER RELATIONS **145 - 164**

Extract from the proceedings of the Standards Committee meeting held on the 14th September 2010 together with a report of the Acting Monitoring Officer (copies attached).

Contact Officer: *Abraham Ghebre-Ghiorghis* *Tel: 29-1500*
Ward Affected: *All Wards;*

32. ENVIRONMENTAL INDUSTRIES - SCRUTINY REVIEW PANEL REPORT **165 - 258**

Report of the Acting Director of Strategy & Governance together with the report of the Environment & Community Safety Overview & Scrutiny Committee Scrutiny Review Panel, (copies attached).

Contact Officer: *Tom Hook* *Tel: 29-1110*
Ward Affected: *All Wards;*

33. STREET ACCESS ISSUES - SCRUTINY REVIEW PANEL REPORT **259 - 296**

Report of the Acting Director of Strategy & Governance together with the report of the Environment & Community Safety Overview & Scrutiny Committee Scrutiny Review Panel, (copies attached).

Contact Officer: *Tom Hook* *Tel: 29-1110*
Ward Affected: *All Wards;*

34. WINTER SERVICE PLAN - SCRUTINY REVIEW PANEL REPORT **297 - 324**

Report of the Acting Director of Strategy & Governance together with the report of the Environment & Community Safety Overview & Scrutiny Committee Scrutiny Review Panel, (copies attached).

Contact Officer: *Tom Hook* *Tel: 29-1110*
Ward Affected: *All Wards;*

35. ANNUAL AUDIT REPORT **325 - 336**

Extract from the proceedings of the Audit Committee meeting held on the 29th June 2010, (copy attached).

Contact Officer: *Ian Withers* *Tel: 29-1323*
Ward Affected: *All Wards;*

36. CONSEQUENTIAL CHANGES TO PROCEDURAL RULES IN THE CONSTITUTION **337 - 384**

Extract from the proceedings of the Governance Committee meeting held on the 28th September 2010, together with a report of the Acting Monitoring Officer (copies attached).

Contact Officer: *Abraham Ghebre-Ghiorghis* *Tel: 29-1500*
Ward Affected: *All Wards;*

37. APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE **385 - 388**

Report of the Acting Monitoring Officer (copy attached).

Contact Officer: *Abraham Ghebre-Ghiorghis* *Tel: 29-1500*
Ward Affected: *All Wards;*

38. MEMBER APPOINTMENT TO THE SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY **389 - 392**

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

Contact Officer: *Abraham Ghebre-Ghiorghis* *Tel: 29-1500*
Ward Affected: *All Wards;*

39. REVIEW OF COMMITTEE ALLOCATIONS 2010 **393 - 396**

Report of the Chief Executive (copy attached).

Contact Officer: *Mark Wall* *Tel: 29-1006*
Ward Affected: *All Wards;*

40. NOTICES OF MOTION. **397 - 406**

(a) **Connexions.** Proposed by Councillor Hawkes (copy attached).

(b) **National Public Sector Debt and Local Response.** Proposed by Councillor Mears (copy attached).

(c) **Support for Neighbourhood-Based Policing in Brighton and Hove.** Proposed by Councillor Duncan (copy attached).

(d) The Impact of Cuts on Children and Young People. Proposed by Councillor Fryer (copy attached).

(e) Improvements to Education Provision in Brighton & Hove. Proposed by Councillor Brown (copy attached).

41. CLOSE OF MEETING

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

Note:

1. *The Mayor will put the motion to the vote and if it is **carried** will then:-*

   (a) Call on the Member who had moved the item under discussion to give their right of reply before then putting the matter to the vote, taking into account the need to put nay amendments that have been moved to the vote first;

   (b) Each item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.

   The Member responsible for each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are amendments that have been submitted, these will be voted on first.

   Following completion of the outstanding items the Mayor will then close the meeting.

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*

   Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.

   Once all the remaining items have been dealt with the Mayor will close the meeting.

COUNCIL

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.

WEBCASTING NOTICE
This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

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

Date of Publication - Wednesday, 13 October 2010



Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 15 JULY 2010

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Wells (Chairman), A Norman (Deputy Chairman), Alford, Allen, Barnett, Bennett, Brown, Carden, Caulfield, Cobb, Davis, Deane, Drake, Duncan, Elgood, Fallon-Khan, Fryer, Hamilton, Harmer-Strange, Hawkes, Hyde, Janio, Kemble, Kennedy, Kitcat, Lepper, Marsh, McCaffery, Meadows, Mears, Mitchell, Morgan, K Norman, Older, Oxley, Peltzer Dunn, Phillips, Pidgeon, Randall, Rufus, Simpson, Simson, Smart, Smith, Steedman, C Theobald, G Theobald, Wakefield-Jarrett, Watkins, West, Wrighton and Young

PART ONE

1. DECLARATIONS OF INTEREST

1.1 Councillor G Theobald declared a personal but non-prejudicial interest in Item 17A South Downs national Park Authority, as he was a member of the South Downs Trust.

2. MINUTES

2.1 Councillor Kitcat referred to paragraph 58.5 of the minutes of the meeting held on the 18th March and suggested that his concern over the deferral of the report of the Independent Remuneration Panel be included; as he noted it was not on the agenda for the current meeting.

2.2 The Mayor noted Councillor Kitcat's request and put the minutes as written to the meeting for approval.

2.3 The minutes of the last ordinary meeting held on the 18th March 2010 were approved and signed by the Mayor as a correct record of the proceedings.

2.4 The minutes of the Annual Meeting held on the 13th May 2010 were approved and signed by the Mayor as a correct record of the proceedings.

3. MAYOR'S COMMUNICATIONS.

3.1 The Mayor reminded councillors that the use of mobile communication devices was expressly banned in the Council Chamber during Council meetings and asked that they be turned off and anyone wishing to use such a device should leave the Chamber beforehand.

3.2 The Mayor then reported the death of Pat Miles, a long-term stalwart of community involvement and tenant participation in the city. He stated that she would be remembered for her kindness to friends and neighbours and her courtesy and diplomacy at all times. Her respected voice at many meetings, including Housing Management Consultative Committee had contributed greatly to ensuring that the voice of residents' had been reflected in the development of housing policy in the city over many years. He asked for a minutes silence as a mark of respect.

3.3 The Mayor then drew council's attention to the successful Armed Forces Day event organised by the Democratic Services Team working in partnership with Sussex County Cricket Club. It had proved to be a very enjoyable day for all concerned with Sussex coming out on top against Bangladesh and over £5,000 being raised for the Help for Heroes Charity.

3.4 The Mayor noted that this was the last Council meeting for the Director of Environment; Jenny Rowlands who was leaving t take up the post of Chief Executive at neighbouring Lewes District Council. He wished to thank the Director on behalf of the Council for her support over the years and to wish her every success in her new role.

3.5 The Mayor then informed the meeting that he had agreed to take an additional item, Item 17A, South Downs National Park Authority, which had been approved at the Governance Committee meeting on the 13th July and concerned approval for the delegation of development control functions to constituent authorities.

4. REPORT OF THE CHIEF FIRE OFFICER FOR EAST SUSSEX FIRE & RESCUE SERVICE

4.1 The Mayor welcomed the Chief Fire Officer for East Sussex Fire & Rescue Service to the meeting and invited him to address the Council.

4.2 The Chief Fire Officer thanked the Mayor and the Council for the opportunity to attend the meeting and outline the work of the Fire & Rescue Service and its objectives in the year ahead. He noted that a lot of excellent preventative and community safety work was being undertaken in the city and welcomed the ability to work with the council in delivering some of that work. He also noted that the Fire & Rescue Service and Fire Authority were facing various pressures and that there would be a need to look at how services were maintained and provided in the future. However, he also wanted to reassure councillors that there was no intention to reduce the number of fire stations in the city.

4.3 The Chief Fire Officer stated that he had been discussing the potential to utilise the use of public buildings more effectively with partner organisations such as the Police and Ambulance services and that he wanted to explore this approach further with the City Council. He believed that all public services faced difficult times and the potential to use facilities across services was something that might help meet some of the pressures. He also acknowledged the environmental and sustainability work and aims of the council and stated that the Fire Service wished to support those aims e.g. by using compressed foam to tackle fires and seeking to enable fire vehicles to be more environmentally friendly. He hoped that the future would see more collaborative working between the Fire Service and the City Council and thanked the Council for enabling him to attend the meeting.

4.4 The Mayor thanked the Chief Fire Officer for attending the meeting.

5. TO RECEIVE PETITIONS AND E-PETITIONS.

5.1 The Mayor invited the submission of petitions from councillors. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the councillor presenting the petition would be invited to attend the meeting to which the petition was referred.

5.2 Councillor Fryer presented a petition signed by 1526 residents concerning Dog Control Orders in Queen's Park.

5.3 Councillor Alford presented a petition signed by 30 residents concerning the protection of the grass verge outside of Carden Court.

5.4 Councillor Mitchell presented a petition signed by 27 residents concerning the resurfacing of the pavement in Great College Street.

5.5 Councillor Morgan presented a petition signed by 160 residents concerning parking meters in Whitehawk.

5.6 Councillor A Norman presented a petition signed by 34 residents concerning the extension of the Controlled Parking Zone A to Tivoli Crescent North.

5.7 Councillor Kemble presented a petition signed by 780 residents concerning the replacement of the climbing frame in Stoneham Park.

5.8 Councillor West presented a petition signed by 727 residents concerning Community Base.

5.9 Councillor Peltzer Dunn presented a petition signed by 516 residents, the majority of which being young people, concerning the replacement of the climbing frame in Stoneham Park.

5.10 The Mayor noted that two e-petitions had been submitted and invited Councillor Fryer to present the first e-petition.

5.11 Councillor Fryer presented an e-petition signed by 375 residents, concerning Dog Control Orders in Queen's Park and requesting that all areas of the park be returned to 'dog-free' status which they enjoyed prior to January 2009.

5.12 The Mayor then invited Mr. Mendlesohn to present the second e-petition.

5.13 Mr. Mendlesohn thanked the Mayor and presented an e-petition signed by 68 residents, concerning the reinstatement of the whole of Queen's Park for the use of dogs. He also presented a written petition signed by 265 residents supporting the e-petition.

6. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

6.1 The Mayor reported that five written questions had been received from members of the public and invited Mr. Elkin to come forward and address the council.

6.2 Mr. Elkin asked the following question; "Now why have I been told by one of your employees that the trees around Hove are only looked at every two years? I would like to thank him for doing the two trees that I spoke about but the rest of the trees down Vallance Road and Vallance Gardens haven't been looked at for over a year?"

6.3 Councillor G Theobald replied, "Good afternoon Mr Elkin. You did telephone me about this and you appear to have been informed, judging by your question, that the frequency of routine pruning is based on several factors relating to the size and type of trees and the class of road, but generally trees are hard pruned either every two or every four years, with an interim inspection midway between each period, and with a percentage of the total stock being pruned annually.

Norton Road was pruned as it was due on the rota. The arboricultural staff are currently pruning low growth from roads in the New Church Road area. Vallance Road has been inspected and as the person to which you refer in your question has already informed you, low growth will be removed by the 23rd July, so it was going to be done and it will be done."

6.4 Mr. Elkin asked the following supplementary question; "You are in charge of the environment. Vallance Gardens is a Conservation Area and there is a tree there that was planted at the end of 2008. It is now overgrown, it is not a full grown tree but the leaves actually come down to the pavement. If it is not looked at very quickly you are not going to look at these trees for over four years. I am sick and tired of stupid answers to questions."

6.5 Councillor G Theobald replied, "As I have tried to explain to Mr Elkin on the telephone and I think officers have tried to explain to him, trees are regularly pruned according to when they need this and I have already said the timescale for doing trees throughout the city and we have a professional arboricultural staff who look at these things.

I have already said that as far as Vallance Road is concerned the trees to which you referred will be done because they are on the rota. Certainly I will ask the arboricultural staff again to have a look at this particular tree and if in their professional judgement it needs to be dealt with, then it will be dealt with but they are the professionals and I must

rely upon them to make decisions on trees. I am certainly not competent to actually judge whether a tree needs pruning or it doesn't need pruning but we do have staff who do this.

I can assure you that we are very, very keen on trees in this council and that we want trees to be there, to flourish and to give joy to all our residents. I will have a look at this tree or ask staff to have a look at this tree and as I have already said if it needs doing it will be done."

6.6 The Mayor thanked Mr. Elkin for his questions and invited Mr. Hawtree to come forward and address the council.

6.7 Mr. Hawtree asked the following question; "In view of the National Coalition's manifesto clause that will allow councils to bring back the committee system, would Councillor Mears please tell us what steps she is now taking to further this?"

6.8 Councillor Mears replied, "Before directly answering the question, I would like to give Mr Hawtree a bit of background to where we are. The Labour Party had been tinkering around with the council's governance arrangements for many years. After the major upheaval to create the Unitary Authority we have had an Executive Board in Waiting, a failed Referendum on a directly elected Mayor at a cost of tens of thousands of public money, then alternative fall-back arrangements which the whole council was quite happy with and now the strong Leader and Cabinet.

The Labour Government imposed the strong Leader and Cabinet model upon us but we worked with other parties to make what has been acknowledged as the most open and transparent Constitution in the country. To change again will require primary legislation, expected to be introduced in the Commons in December at the earliest. There is little prospect of it coming on to the statute books before next May.

Taking any steps at this stage would be a waste of council tax payers' money as there is no legislation in place to guide our actions. It is also unclear as to whether the statutory requirement to consult and other procedural steps under the 2000 Act will be retained. We need to see the legislation and any associated guidance so that we are clear as to what is required."

6.9 Mr. Hawtree asked the following supplementary question; "I am aware, of course, that with the 2007 Act there is that special clause about Brighton and the question isn't simply having it back straight away and so I am grateful for your highlighting those varying aspects of the matter. Being an optimist I like to hope that we can achieve this whether it's before or after next May as you suggest, so with this in mind, and as I say it's not a simple matter, can I ask you three key issues:

1) How do you envisage the committee system fitting in with the new system of Strategic Directors which is in progress?

2) How you would regard Graham Allen's recent stated aim that every local authority should be allowed to decide its own voting system through referenda?

3) What conclusion have the council's lawyers reached yet about David Cameron's assertion that top cities can have referenda on a directly elected Mayor once again?"

6.10 Councillor Mears replied, "If I could answer the last question first, we actually don't come into the first twelve in the country so we will not be having an elected Mayor.

The other questions that you've asked, Mr Hawtree, are quite detailed and you have asked questions of the lawyers. We will be looking obviously very closely at the legislation as it comes onto the statute books in December and your question around Intelligent Commissioning I believe, and I am sure that you have read all the papers, and as you can see it's very open and transparent and everything will fold into place as it goes forward."

6.11 The Mayor thanked Mr. Hawtree for his questions and invited Mr. Lowe to come forward and address the council.

6.12 Mr. Lowe asked the following question; "The barns at Stanmer Park which are owned by the council have huge historical value both locally and nationally. If restored they would greatly increase the number of visitors to the area and would provide local people and children with a living example of their heritage.

Villagers were promised a progress report and restoration plan for the barns, so could the Cabinet Member for Central Services tell us when this plan could come together, how much the restoration would cost and whether the council would be prepared to work with the various groups of Stanmer Park to find the money to do this?"

6.13 Councillor Alford replied, "The council has long recognised the historical value of the barns and has prepared a vision for the restoration, refurbishment and future use. The buildings are no longer economically viable for farming and their future use must be economically sustainable and self supporting to safeguard the buildings' ongoing maintenance and protection.

The council wishes to make use of the unique opportunity to fulfil the objectives of the Downland Initiative by providing a range of services and facilities to attract visitors to Stanmer, improve the enjoyment of the park and provide a gateway to the South Downs. A working group has set out a vision and objectives for the buildings. The vision is seeking to provide innovative, inspiring and sustainable facilities for all which will enable people to connect with Stanmer, the South Downs and farming.

Just to compress some of the proposals for you, I won't go through everything but there's a visitor and information centre, a functional space for school visits, local community groups, temporary exhibitions, there's commercial retail facilities on site, or potential space for, there's flexible workshop space for creative makers, there's office space, possible food outlets, public WCs, farm animal enclosures, basically leisure spaces for families and so on and so forth.

The proposal is aiming for an income generating, self supporting scheme that brings back into use these vacant historic buildings. The council is trying to progress towards this aim and has been seeking funding towards an overall feasibility study to consider

the restoration costs and plans. The costs of this feasibility study are estimated in the region of £50,000, coupled with this the costs of the restoration and refurbishment are not known but are put somewhere in the region of £1.5-2m.

The council has had initial discussions with SEEDA, the South Downs, Low Weald Leader Partnership, etc, regarding the possible funding of the feasibility study and is currently putting together a bid for this feasibility study to basically get under way. As part of the feasibility study the council will be exploring all potential funding sources and would consider working with the various groups of Stanmer Park to support this aim."

6.14 Mr. Lowe asked the following supplementary question; "When can we have the results of these initial discussions and basically have there been any discussions since?"

6.15 Councillor Alford replied, "Hopefully from my first response you will agree that there has been a great deal of time and effort put into trying to seek a satisfactory conclusion for these buildings. I would like to assure you we actually do take this project extremely seriously and I would like you to rest assured that the restoration is high on our agenda."

6.16 The Mayor thanked Mr. Lowe for his questions and invited Mr. Scoble to come forward and address the council.

6.17 Mr. Scoble asked the following question; "I note that there is to be a Village Street Party in St James's Street and yet residents and businesses alike in the area around St James's Street have not been consulted in accordance with the Council's Local Policy: 'Demonstration, parades & street parties' local residents of community groups can apply to close the road to hold street parties in their locality. The most important factor in arranging the party is that all frontages in the proposed roads both residents and businesses are canvassed for their opinion and a signed petition must be produced to be submitted to the council when requesting the road closure.

It would appear that the council and the Police have agreed to the closure of St James's Street by accepting the request of a few people to hold the event. Can I ask what right do these people have to achieve the closure of the street over the weekend at the detriment of the residents and businesses alike without taking into account the views of the said residents and businesses?"

6.18 Councillor G Theobald replied, "Your question actually relates to the Pride weekend. The reality is that people will gather in a controlled or uncontrolled manner in and around St James's Street on Pride weekend. The council together with the Police and other agencies has a duty to plan for a safe environment for this to take place.

The council's role in closing the roads is to maintain public safety, as we are planning for a known set of circumstances as Pride has been happening for some years and if we did nothing then we would be failing in our duty as the highway authority.

The advice given on the council website is aimed at a conventional residents' street party, rather than the St James's Street situation where several thousand visitors come into the city to celebrate Pride. However, we do recognise that the event has an impact on those members of the community who do not wish to participate, however the measures that we suggest are in the interests of residents and visitors alike.

Residents have been notified in writing by the event organisers that the road closures will be put in place and when they will be effective from, which is Saturday 6.00pm to 3.00am and Sunday 2.00pm to 10.00pm. As I have already stated the council's role here, working in partnership with the Sussex Police Authority, is to maintain public safety in the area where a known gathering is to take place.

The number of roads to be closed this year is nine in total, last year there were ten road closures. Rock Place has been taken out of the plan for this year's event and as I have previously said both the council and the Police Authority are working with tried and tested arrangements to ensure that this event takes place with public safety being the key consideration."

6.19 Mr. Scoble asked the following supplementary question; "I hear what you're saying, Councillor Theobald. The 4,000 plus residents that live in the area are entitled to the peaceful enjoyment of their homes as a statutory right. We have not been asked ever. It is equally so, I agree, health and safety is at risk; it is equally so that we can turn round to the council together with the Police and simply say 'No'.

Why can't this venue go down on to the seafront, which is a far better location? It would be self-funding, not requiring a grant of £10,000 of our hard-earnt money to pay rates and what additional costs are there incurred in council officers' time in servicing this party?"

6.20 Councillor G Theobald replied, "Your original question was to ask me about road closures which is within my remit and is my responsibility, so once an event is announced I have the responsibility with officers to ensure that road closures are done for the safety of the public. It is not within my remit to decide whether the events themselves take place."

6.21 The Mayor thanked Mr. Scoble for his questions and invited Ms. Paynter to come forward and address the council.

6.22 Ms. Paynter asked the following question; "The historic formation of our new Coalition Government brings to mind questions in relation as to how or whether Local Government is now expected to mirror this arrangement.

In Brighton & Hove, the Liberal Democrats rarely vote with the Conservatives, more usually aligning themselves with Labour and/or the Greens. To what extent are the Conservatives and Liberal Democrats required by convention or Central Government to now collaborate and form policy together in Brighton & Hove?

I would like clarification from both the Conservative and Liberal Democrat Leadership on this."

6.23 Councillor Mears relied, "As you have stated, nationally we have a Coalition Government and as Conservatives we support our Government. Locally the situation is status quo and therefore continues as before but I just would like to add, as the Leader of the Council, I offer an extended opportunity for every Party to work with us for the best interests of the city and that includes the two Liberal Democrats."

6.24 Councillor Elgood replied, "I am very pleased to be able to answer but I perhaps wouldn't use the words status quo too readily at the moment. The coalition agreement applies only to the UK-wide Government, it places no restrictions whatsoever on local council groups of the Liberal Democrats, so our council groups remain free as before to take what political action we deem necessary in the interests of the city."

6.25 Ms. Paynter asked the following supplementary question; "It's all very well and good for each of you to say status quo as it were but the fact is there is going to be conflicts of interest at some point where what has been agreed at Central Government is expected to be taken through down here and surely this puts the Liberal Democrats particularly in a difficult position when it comes to perhaps not agreeing with what their own Party in Central Government is doing. Is it quite right for there to be this great split between Local Government and Central Government when it's the same Party, I mean it's a bit schizophrenic isn't it?"

6.26 Councillor Mears replied, "As I said earlier in my response, I believe that as Councillors we should work for the best interests of the city but I have made the offer across the floor to other Parties to work with the Administration. I truly believe, if they feel that the city should come first, they will do that. We have an item on the agenda today around budget cuts which has come down from Central Government and obviously it's a Government paper and it's a Government announcement, so I am very interested to see how the Liberal Democrats will deal with that and I am sure they will deal with that the same as Conservatives. It is a Government announcement and has to be dealt with accordingly."

6.27 Councillor Elgood replied, "Well, I spoke to our Local Government Team earlier today regarding this question and I was told quite frankly we can do as we see is right and we will be doing exactly what we think is right and if that means resisting the policies of the Government, we will do that. The precedent in this Chamber has been set by the Labour Party who often campaigned the hardest against their own Party in Government, so we will do what we believe is right."

6.28 The Mayor thanked Ms. Paynter for her questions.

7. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

7.1 The Mayor reported that two deputations had been received from members of the public and invited Ms Brace as the spokesperson for the first deputation to come forward and address the council.

7.2 Ms Brace thanked the Mayor and presented the deputation:

"Thank you councillors for the opportunity to present the case for the reinstatement of the dog-free zone in Queen's Park. This deputation has been prepared jointly by The Friends of Queen's Park and the Queen's Park Local Action Team on behalf of the users of the park and the residents in the local area.

This deputation this afternoon covers just an outline of our case and Sandra Magson, the Chair of The Friends of Queen's Park, has written to all of you separately setting out the case in full and with some supporting documents and if you haven't already read those papers I would urge you to do so and you will see why our community feels so strongly about this issue.

We are asking the council to re-establish the historic balance that existed prior to January 2009 between dog owners and other users of Queen's Park and we are asking you to do that by restoring the dog-free status to the south lawns, the cascade and pond areas, the wild and quiet gardens and the tennis courts. This is not an anti-dog proposal. There is no wish on our part to ban dogs from the whole of the park.

Since the mid-1970s and following a popular community campaign that Councillor Fryer referred to earlier the areas were designated as dog-free, leaving the whole of the northern lawns below West Drive as an area for exercising dogs. This arrangement operated very, very successfully for over 30 years. Both dog owners and other park users respected the arrangement which as a consequence was self-enforcing and achieved a balance between the needs of all park users.

In January 2009 new dog control orders came into force overturning this historic arrangement and making the whole park, with the exception of the play area, 'dog-friendly'. As a result an imbalance has arisen between the needs of those affected by dogs and those exercising their dogs where none previously existed. Most dog owners valued the previous arrangements which ensured them an area where they could exercise their dogs freely without criticism and without conflict. The new arrangements have introduced a previously unfelt tension in the park with people engaging in incompatible activities in a very small and heavily used space.

The new dog control orders can't compensate for the loss of our dog-free area. We have major concerns relating to dog excrement and the serious health issues around *toxocariasis* and other issues with that and the unpleasantness of fouling generally and also with issues regarding anti-social behaviour and dogs. Putting dogs on leads in any part and around the pond would not resolve this issue.

The park and the south lawns in particular, support a wide variety of activities over the year from organised events to individual usage. People from all over Brighton and Hove and from further afield visit and enjoy the park. In fact, it's listed as the 13th out of 30 attractions in Brighton on the National Trip Adviser website, so you can see it's a great asset to our city.

Some of the activities in the park include schools and nurseries in the area using Queen's Park for play, sport and education. Over 1,800 children attend schools and nurseries within 5/10 minutes walk of the park. Staff and parents have told us that they place a very high value on having such easy access to the park for a wide range of activities. Council staff organise fun days for young children during the summer months. Six-a-side football teams set up every Sunday for a supervised game. The Friends of Queens Park hold their annual picnic and we also have the 'Bark in the Park' for the dog owners as well, which was very popular last weekend. Over the last few years the Brighton Festival have chosen Queen's Park for various events on the south lawns,

installations and entertainments which have attracted thousands and thousands of people.

All of these activities are in jeopardy and one local nursery has already stopped using the park and is going now to Tarner Park instead of using Queen's Park because of the change there. One school has advised that it will no longer hold its school sports day in the park if it remains dog-friendly.

More generally, families and their friends use the south lawns as a gathering point for picnics; students study there; adults and children walk to work, to school, to nursery. Elderly people sit on the benches and just enjoy the park, the sunshine and the wildlife. People relax, they sunbathe on the grass, teenagers gather and chat. Grandparents take their grandchildren to the pond and other areas to look at the wildlife and just to play, to roll down the slopes on the grass, to play football, cricket, Frisbee. You name it, it happens in Queen's Park, including juggling and trapeze practice.

Park users value the park as one of the few in Brighton and Hove where they can relax in a dog-free area. The sort of activities that take place in the dog-free area rarely happen in the dog-friendly part of the park. It's often empty when the other part is full of picnics, parties and trapeze practice. Park users are entitled to and expect an environment that's clean and healthy.

The changes brought about in 2009 represent a loss of amenity to the park users that previously valued the peace, tranquillity and closeness to nature in Queen's Park and all of these are being placed in jeopardy.

Just to wind up, it's a very heavily used park with a wide range of demands. The idea of shared space in this park is impracticable but it works in larger spaces across the city. The reinstatement would incur no additional cost to the council as the area is already fenced and it would not need to have dog excrement bins placed, which it doesn't currently have, so there would be no additional cost.

We urge you to support the reinstatement of the dog-free area, take appropriate action to return balance and harmony to Queen's Park as soon as possible and the Action Team and the Friends would help you in any way that we can to do so."

7.3 Councillor Theobald replied, "Thank you very much for the way in which you presented the Deputation and for the letter which I know you have sent to all my colleagues.

The council reviewed the bye-laws, as you said in your Deputation, throughout the city in 2007/2008 because the previous bye-laws in Brighton and Hove were inconsistent, confusing and often difficult to enforce. There were two extensive consultations with national publicity. The media took a very keen interest and I have to say that I remember that very well indeed, having been the subject of TV and radio, etc, and there were marches one way or the other.

The consultation complied with best practice guidelines with, as I have already said, very extensive media coverage. There were no formal representations against the change in Queen's Park and no formal feedback either from residents or the elected Councillors for the area and indeed the council itself approved the new bye-laws at its

council meeting on 17 July 2008 without any Councillor querying the change in Queen's Park.

Actually, just one point, the children's dog-free play area is a bit larger than it was before and there has been massive investment in the park facilities. I am obviously reluctant to become embroiled in another issue where there are differences of opinion and this subject attracts strong views.

For example, there were two petitions today concerning dog controls in Queen's Park. One petition asking for a review of the dog control order presented by one of our colleagues and the other petition requesting that dogs are not banned from the southern lawns.

Any change to the current dog control orders will require another careful public consultation process and before embarking upon this I would need to be certain that this is the course of action that the vast majority of residents want. If the Ward Councillors, for instance, can come forward and show to me that there is consensus or that there is a very large majority in favour of change then I would consider the best course of action."

7.4 The Mayor thanked Ms. Brace for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Environment Cabinet Member Meeting for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

7.5 The Mayor then invited Mr Howitt as the spokesperson for the second deputation to come forward and address the council.

7.6 Mr. Howitt thanked the Mayor and stated that:

"The provision of primary school places in the past two years has been one emergency measure after another, with this year seeing the creation of Benfield Infants in a matter of weeks, in a year in which we expected only a small rise in the number of children.

Action4kids and parents across Hove welcome the opportunity offered by the Connaught road site. Hopefully this is a permanent and fully funded option as suggested in today's press release and not a temporary measure as suggested in this Monday's CYPT meeting agenda. However, it is clear that even with this site and the proposed extensions to three schools in the city, we will still struggle to accommodate the intake for 2011 which will require places for at least 230 extra children.

Despite all the facts and history clearly defining this problem, we still do not have a blueprint or strategy from the council to outline how and when these problems will be addressed and funded, instead we just see more delays, more quick fix measures and further temporary ideas.

Today we see the consequences of these delays and indecision compounding the problem further as we face the scrapping of the 'Building Schools for the Future' programme and the further threat of cuts.

The council owes a great deal to families across the city who have had to endure a great deal of frustration, disappointment and hardship over the years as a direct result of the council's lack of planning and commitment.

It is time for the council to repay the debt it owes to parents, teachers, governors and schools in the city by giving a clear commitment to not only find the funds to provide the school places, but a blueprint, strategy and timetable so that all the affected parties can at least plan and prepare for the changes instead of finding decisions forced upon them.

I would like to thank the council today for their time and hope we can all work together in finding a solution to this problem."

7.7 Councillor Brown replied, "The provision of primary school places over the last four years has seen the delivery of planned expansions of Davigdor, West Blatchington, Balfour Juniors, Somerhill, Goldstone and Westdene. Additional expansion is now proposed for Queen's Park and a new, three form entry, primary phase provision ready for September 2011.

There are sufficient primary places across the city as a whole but there is a significant pressure in some areas. The proposed expansion of Benfield is to ensure sufficient places are available in the west of the city. As trends seem set to continue the council believes it is important to address this issue now rather than require a significant number of parents to transport their children to schools well away from their locality.

Once the expansions described above are confirmed and completed there will be a surplus of 191 reception places in the city for 2011. This takes into account the projected increase in reception numbers of 148 from 2010.

The council has projected numbers until 2020 based on assumptions that numbers will continue to rise. However, these projections are based on trends, as reception children beyond 2014 have yet to be born and registered with GP's, and the council must be cautious in committing its use of significantly limited funding in building additional places that may not be needed.

Details have been made regularly available through CMM reports identifying the expansions of schools and school places in a timely and prudent fashion. If all proposals are approved by the council, based on present trends the council will have sufficient reception class places until 2017. Officers have already begun discussions with primary schools to identify capacity for future expansions should the need arise. Officers also continue to explore possible sites for any future creation of new schools."

7.8 The Mayor thanked Mr. Howitt for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Children & Young People Cabinet Member Meeting for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

8. COUNCILLORS QUESTIONS

8.1 The Mayor reminded the council that councillors' questions and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below.

8.2 **(a)** Councillor Kitcat asked:

"What progress has been made on the purchase and implementation of the transport model?"

Councillor G Theobald replied:

"Thank you for your two questions about the transport model. I will answer them together as they are connected.

The development of a new transport model, which is a very complex forecasting, computer-based, tool is a key priority of this Administration so that the council can accurately map and design our transport choices across the city. This will help us to look at the transport needs of the city as a whole rather than in isolated areas. The information we will need to collect will help us better understand how and why people move around the city at the moment and will allow us to test the potential effects of schemes such as junction improvements or road closures for special events. We can also use it to predict what will happen in the future more accurately therefore helping us to select the best option and justify any investment we make and enable us to assess the impacts of new developments or policies.

We are currently at one of the most important stages, which involves checking and updating the information which will be used to 'build' the model. More surveys will be needed later in the year to ensure that the model is fully up to date, will be robust, and provide us with accurate results. The main computer software has already been purchased.

We expect the model will be completed and available to be used by the end of this financial year.

In response to your second question; the transport model is a priority and the estimated cost of producing it remains in line with the budget allocation."

8.3 **(b)** Councillor Kitcat asked:

"What if any opportunities does the Administration have to reduce the budgeted amounts allocated for spending on the transport model and will they be making use of such opportunities?"

Note: Councillor G Theobald's response was included in the answer given to question 8(a) above.

8.4 **(c)** Councillor Kitcat asked:

"Can the Cabinet Member for Environment provide an update on recycling and composting rates in the city and the rate of change in recycling and composting rates over previous years?"

Councillor G Theobald replied:

"Between 2005/06 and 2008/09 recycling rates have increased from 24.5% to 29.5%. However, we are in a position where we will need to adjust our figures in the future because the Environment Agency has decided that re-using soil and hardcore to cap landfill sites is not 're-use' but waste. This common sense approach had been used across the country for many years.

Unfortunately, this means that 'virgin' materials may have to be used instead at landfills as we, with councils in East Sussex will need to find another market for our soil and hardcore - if it exists."

8.5 **(d)** Councillor Kitcat asked:

"Can the Cabinet Member for Environment provide a breakdown of the replacement rate for communal bins due to breakage, damage and maintenance and what this costs?"

Councillor G Theobald replied:

"We have about 700 communal bins and the original bins have been on site for over 5 years and this includes the communal bins on the seafront.

These seafront bins were looking scruffy due to salt and corrosion and along with some bins in the city centre, which were damaged; they were refurbished last year at a cost of £350 per bin.

The smaller lids on the newer version of the communal bins are being replaced, and this cost is being met by the manufacturer. Last year approximately £19000 was spent on repairing and refurbishing bins, this is in line with our budget."

8.6 **(e)** Councillor Kitcat asked:

"Can the Cabinet Member for Finance outline when the Administration propose to implement the Government's requirement to publish all council spending, contracts and tender documents over £500 and under what licence the data will be published?"

Councillor Young replied:

"The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues

are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council's website and will be free to the public. It is being offered to the Council at no cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project."

8.7 **(f)** Councillor Kitcat asked:

"Can the Cabinet Member for Central Services provide a progress report on when the council's website will receive its long overdue upgrade, and if it is still intended to be built on Microsoft software?"

Councillor Alford replied:

"It is worth noting that the existing website works well given existing demands, is fully and efficiently supported and it is currently being considered alongside other options for future upgrades in terms of functionality.

Decisions around the technology required (including the question raised around Microsoft) will be made after consideration of residents' needs and service area requirements.

Another consideration is the consolidation of systems to drive down costs. This is currently being driven through the Value for Money programme, which has already put in place governance processes to ensure good return on investment.

The work being undertaken by the Improving Customer Experience programme is essential to the overall website development. Officers working on the project are looking more broadly at how the website is used and how the services it offers can be improved.

Officers have already identified specific needs in a number of demographic groups across the city. These include increasing the number of council services that residents

can self serve and delivering information to residents in a way that is personalised to their needs and local area.

Any future development will focus on delivering information and council services in a way that residents want. We know from our research that a large proportion of residents have little contact with the council but when they do, they want it to be fast, efficient and at their convenience. For example, giving residents the option to register on-line for the electoral roll made it easier for many people, increasing the numbers registering and decreasing paperwork and administration. This ultimately had the effect of reducing unnecessary contact, enabling frontline services to focus on answering other queries.

Staff will ask the public what they think of the website experience and test the site to prioritise areas for improvement. It has been decided that improvements will initially be aimed at a core outcome for the urban environment, with services driving the change.

In September we will bring together the business cases for web transactions and all customer feedback. From this a new approach to delivering web services will be formed."

8.8 **(g)** Councillor Fryer asked:

"I have received 3 complaints in as many months from constituents who have felt that the council has acted inappropriately in employing bailiffs and taking legal action without warning to recover council tax which has resulted in both the council and the resident paying large sums of money unnecessarily. In one case this is despite the fact that the resident had not owned or lived at the property in question for over ten years and had contacted the Council tax department to tell them this. In another case the resident was very vulnerable and it was clear from payment history that the resident made a strong effort to meet most payments in time.

1. How many cases are there of residents of Brighton & Hove a) being threatened by bailiffs b) having legal action taken against them?
2. How much money has been spent on legal action and employing bailiffs?
3. In these cases, what efforts were made by the council first to engage with the resident to resolve the situation first?"

Councillor Alford replied:

"In December 2009 the Overview & Scrutiny Commission complimented a report on Council Tax Collection Policy, in particular the emphasis on early intervention to prevent arrears and the measures for dealing with vulnerability. Further to this report I am pleased to say that there is further evidence of this approach being effective with a 35% drop in the number of reminders issued compared to the same time last year but with improved collection.

The report also outlined the sequence of recovery steps. No resident of this city receives a visit from a bailiff without first being sent a minimum of four letters. All of these letters encourage customers to contact us so we can offer a range of helpful

options, including extended payment plans, advice on claiming council tax benefit and signposting to independent debt advice.

Unfortunately, some either fail to contact us or fail to maintain an agreed payment arrangement. Last year, the Council obtained 13,000 court orders. Approximately 6,000 were passed to bailiffs for further action. In terms of cost, legal action and the use of bailiffs is self-funding, as costs are added to customers accounts when recovery action becomes necessary. If we become aware of exceptional circumstances, or we have made a mistake, the costs will be removed.

I understand that the Revenues & Benefit Service have or will be responding to you regarding the individual cases you mention and I would always encourage any Councillor with a similar query to contact Graham Bourne and his team."

8.9 **(h)** Councillor Elgood asked:

"What progress is being made to implement the requirement by the coalition government to publish all items of spending over £500 and to publish all tender documents in full?"

Councillor Young replied:

"The Administration has two options available to it with regards to publishing all council spend over £500. The first would be to generate a report from our creditor system which would consist of raw spend data extracted from invoices paid. We are in a position to do this now subject to ensuring that the appropriate data protection issues are addressed (for example – the publication of individual carer details that currently appear on the system). However, raw data is sometimes difficult to interpret into meaningful information and the Administration want to ensure that the public have information that is easy to understand and means something to them. Therefore we are currently in discussions with an existing supplier who can provide an innovative web-based solution which has been designed to improve the accessibility and relevance of data. This solution will present the information in a user friendly way and data will also be categorised, therefore providing the public with information that will be useful to them such as spend per full time employee, spend with small and medium sized enterprises, spend relative to the number of households, working population, persons of pensionable age and number of children that make up the resident population. There is also the facility to make comparison between authorities of differing sizes. This solution would be accessed via the Council's website and will be free to the public. It is being offered to the Council at no cost. I am discussing the options with officers and hope to start publication shortly.

The publishing of tenders and contracts over £500 is much more complex however. We have a number of contract registers across the council and therefore it is a large resource intensive task to bring these together and identify the full list of documentation over this low level of spend. The need to have a comprehensive central repository of

tender and contracts documentation has already been identified and the sourcing of this forms part of the Procurement work stream under the VFM project."

8.10 **(i)** Councillor Duncan asked:

"Concerns have been raised with me that some associations representing tenants and residents living in some council housing blocks in the Queen's Park ward have not been publicising forthcoming meetings and publishing agendas and minutes in accordance with their constitutional requirements. Could the administration explain:

(a) What steps it takes to ensure that all such associations do so?
(b) Whether or not any funding from the council is dependant on associations acting in accordance with an agreed constitution?
(c) Whether or not the council is aware of any problems in this regard, either generally or in relation to any particular association(s)?"

Councillor Caulfield replied:

"(a) All associations are voluntary organisations, independent of the Council. Each has its own constitution agreed by the members but within the guidelines of a model constitution. This provides the basis for their recognition by the Council. Meetings should be publicised but precise arrangements may differ between associations. Some might put notices through every letterbox in the 'Area of Benefit', some might put publicity on a notice board, and others might use a newsletter. There is not a requirement to publish agendas or minutes but it is considered good practice to do so. Community Participation Officers encourage associations to involve as many individuals as possible in their work.

There is an obligation in the constitution of all associations to give notice of the Annual General Meeting (AGM) sufficiently far in advance to enable as many as possible to attend. Notice periods are usually at least 14 days.

(b) Housing Revenue Account funding of associations is dependent on them providing minutes from their AGM and a set of independently examined accounts that have been approved by vote at their AGM. The Council also requires that grant funding is spent in accordance with the budget applied for.

(c) In the Kemp Town area, we are aware of a number of conflicts between and within some associations, with some disputes going back twenty years. Records are held of these conflicts, and although efforts to introduce independent mediation have not always been successful we will continue to work with all parties for a resolution.

If Councillor Duncan would like a more specific response regarding a particular association, I am happy to receive details for further investigation."

8.11 The Mayor noted that notification of two oral Members' questions had been received and invited Councillor Kitcat to put his question to Councillor Mears.

8.12 Councillor Kitcat asked:

"In the face of drastic budget cuts which both Conservative and Liberal Democrat Councillors on East Sussex County Council are calling unavoidable, what policies does the Leader of the Council propose to put in place to prevent even greater inequality amongst Brighton and Hove's residents?"

8.13 Councillor Mears replied,
"As you have talked about the Conservatives and the Liberals can I just talk about the national scene slightly to answer your question. As you know George Osborne's budget contained three big measures to help soften the blow of cuts to those most vulnerable. A large increase in the income tax thresholds taking almost a million low-paid workers out of paying income tax altogether, an increase in child tax credits of £150 above inflation directly benefiting the poorest families and re-linking the state pension with earnings.

Now, we welcome those moves nationally and obviously around inequalities it's something this Administration takes very seriously. We have completed an Equalities Impact Assessment and we are working through groups within the city.

I find your question slightly off putting Councillor Kitcat because, as you know, every Member in this Chamber and other people worked very hard around the General Election and I was really interested in the Green Party's Election Manifesto, laughably entitled 'Fair is worth fighting for' which pledged to increase taxes by more than £73 billion in their first year. Now with something like 95 separate tax rises households earning over £45,000 were to be targeted, according to the document. The two income family are hardly what you would call high earners, earning over £45,000, so what is fair about penalising hard working families who are trying to stand on their own two feet.

The Greens I have to say are enemies of aspiration and independence, so I find it very interesting, Councillor Kitcat, that you now talk about inequalities because obviously, reading through your Election Manifesto, I think you have totally missed the point.

I just want to reassure you, and I am sure no doubt that you will follow it with great interest, that we will through this Administration take our responsibilities and ensure that we watch and deliver and carefully consider inequalities, particularly about reducing inequalities in the review that we have taken forward. It's something this Administration takes extremely seriously and I watch with interest how you take your responsibilities forward on finance to see if you match that."

8.14 Councillor Kitcat asked the following supplementary question;

"So, just in summary there are no new policies to deal with inequality and just to allay any concerns that the Leader might have, in fact 83% of people would be better off under the Green Party's Manifesto.

We face a VAT increase, housing benefit cuts, cuts to free swimming amongst many things, which will affect the poorest and the most vulnerable. The Administration's stated policy to help the council deal with cuts is Intelligent Commissioning. Could the

Leader of the Council provide any evidence whatsoever that it actually works and delivers the stated aims that they have been trumpeting?"

8.15 Councillor Mears replied,

"As you know, we haven't actually started Intelligent Commissioning so it would be very difficult to give the examples you want around that but as you know the papers are coming forward.

I think probably you may have missed, and perhaps your other colleagues could show you a copy, we have actually taken through 'Housing: Turning the Tide'. Now that is all about addressing inequalities across our housing estates and into the city and I am sure you would agree with me that actually that will have a huge impact on the inequalities around our tenants. We will also be working with businesses to look at ways of working forward on a living wage and I think it's really important that we address the issues but working with our communities.

I think really around some of the points that you have made, I find slightly confusing as the Greens have walked away from Intelligent Commissioning, you've distanced yourself, so I find your questions quite interesting, you obviously are interested but you don't want to be involved.

I'd just like to say to you Councillor, the electorate of this city expects their elected Councillors to take responsibilities. If you want to ask questions about Intelligent Commissioning I suggest <u>you</u> and your <u>Group</u> get off your high horse and start becoming involved because it's for the benefit of the residents of this city."

8.16 The Mayor then invited Councillor Elgood to put his question to Councillor Mears.

8.17 Councillor Elgood asked;

"In the Forward Plan and in the Cabinet papers for next Thursday it indicates that the full report on Intelligent Commissioning that we were expecting has been delayed until the autumn? Why has it been delayed?"

8.18 Councillor Mears replied,

"I am pleased to hear your statement that you are prepared, unlike the Green Party, to stay involved in Intelligent Commissioning and that you are interested as to the welfare of the residents of this city.

The Forward Plan, as you know, is about documents on a rolling programme, when they are ready they come forward. We have a number of other issues as you are well aware around where we are with recruitment and other parts of bringing this paper together. I believe that when the paper comes forward in its full format we can have a real debate around it and I look forward to you, Councillor Elgood, and your colleague taking part. I'm assuming that the Greens aren't going to."

8.19 Councillor Elgood asked a supplementary question;

"That didn't answer the question why the report has been delayed until the autumn and I would still like an answer to that question because I think it is quite important.

What I will say is that we walked away because we don't believe this system is in the best interests of the city and really all I can say to you, Councillor Mears, is why don't you delay the implementation of Intelligent Commissioning until after the Local Elections when you've got a Mandate for this change?"

8.20 Councillor Mears replied;

"I'm sorry that you have brought this debate into the Chamber. As you know the restructuring of the organisation is down to the Chief Executive, so I do think it's in quite poor taste actually.

Can I say also that the Chief Executive has taken a very wide consultation on this. Can I just remind Members in this Chamber, actually, I mean those that have been around, and obviously Members in this Chamber that have been around far longer than I, of previous Chief Executives who have just delivered their restructuring and said, 'there you go, I've restructured now get on with it', and I can name at least three previous Chief Executives that have actually done that.

I have to say under the new Intelligent Commissioning and around this restructuring, at the moment it's out to staff consultation and with the Unions, quite rightly so and that needs to come forward and that piece of work, Councillor Elgood, has to happen. The fact that it doesn't meet your timetable, I am sorry but it's a very important piece of work and when it's ready it will be ready. I am sure that you would value our staff's input into the survey that they are being asked to do and the Unions in the proper process, so I'm sorry, actually, that you've raised it in that tone. I think it's very unfortunate and very unbecoming of you Councillor to bring that forward."

8.21 The Mayor thanked the Members for their questions and moved to the next item on the agenda.

9. REPORTS OF THE CABINET, CABINET MEMBER MEETINGS AND COMMITTEES.

(a) Callover

9.1 The following items on the agenda were reserved for discussion:

Item 10 - 2010/11 In-Year Government Grant Reductions
Item 13 - Overview & Scrutiny Annual Report
Item 14 - Reducing Alcohol Related Harm for Children & Young People – Scrutiny Panel Report
Item 15 - Sex Establishment Licensing Policy Progress Report
Item 16 - Petitions Scheme
Item 17 - Mandatory Training for Planning Committee

(b) Receipt and/or Approval of Reports

9.2 The Head of Democratic Services confirmed that Item No's. 10, 13, 14, 15, 16, and 17 had been reserved for discussion; and

9.3 The Head of Democratic Services confirmed that the following reports on the agenda with the recommendations therein had been approved and adopted:

Health & Safety Annual Service Plan 2010/11 – Item No.11;
Official Feed and Food Controls Service Plan 2010/11 – Item No.12; and
South Downs National Park Authority – Delegation of Development Control Function to Constituent Authorities

(c) Oral Questions from Members

9.4 The Mayor noted that there were no oral questions.

10. IN-YEAR SAVINGS 2010/11

10.1 The Mayor noted that the report had been circulated as a late item as some of the key information from the Department of Culture, Media & Sport had not been made available until the 6th July.

10.2 Councillor Mears introduced the report, which detailed the 2010/11 in-year grant reductions announced by the government and which would be considered by the Cabinet at its meeting on the 22nd July 2010. She noted that there were two amendments and stated that she was happy to accept both, although there was a need to acknowledge the tight timescales that were involved in the dealing with the situation.

10.3 Councillor Young formerly seconded the report's recommendations.

10.4 Councillor Elgood proposed an amendment, seconded by Councillor Watkins to add an additional recommendation to the report as follows:

"To request the Overview & Scrutiny Commission and relevant Scrutiny Committees undertake a full scrutiny examination of the in-year reductions to fully assess their impact."

10.5 Councillor Elgood stated that he felt the report should have been considered through the scrutiny process and he hoped that this would now happen. He believed that it would have been helpful to have had the information of the options being considered as there would be an opportunity to support possible reductions as well as oppose others. He was disappointed that the detail was not available and that there had been no cross-party discussions to date.

10.6 Councillor Mitchell moved an amendment, seconded by Councillor Hamilton to add a further two recommendations to the report as follows:

"That in recognition of the huge investment that the Third Sector brings to city service delivery to residents in terms of funding, in-kind support and volunteer time, it be noted that service provision stands to be more adversely affected by the withdrawal of grants and contracts; and

That in regard to 2.2. above, any change in service as a result of these in-year cuts must be subject to a rigorous impact assessment prior to any decisions being made. This assessment to involve the organisations providing the services that are best placed to demonstrate the impact of their work and service users in the wider community who will have strong views about the support that they need and want."

10.7 Councillor Mitchell stated that she was disappointed that the report before council was not the one that she had expected. It was almost the same as the one presented to the previous Cabinet meeting and did not outline the proposals in relation to the reductions that would need to be made. She also noted that the report which would have the information and which was due to be considered by the Cabinet on the 22nd July was not yet available. She stated that the Labour amendment had been submitted on behalf of the Community & Voluntary Sector Forum, which was worried about the possibility of cuts and the lack of information that was available. It meant that any potential impact on the services provided could not be anticipated and projects were being put at risk.

10.8 A general debate on the issue was then held and concerns were raised in regard to the funding streams for the Community & Voluntary Sector Forum, educational schemes such as Tom the Dog, an after-school club in Whitehawk, the Youth Capital Fund, the reduction of grants by 50% for projects, the loss of funding for community projects such as a skateboard park in Hollingdean, private sector companies such as a local printing form which would have to lose staff as it would lose work from the council.

10.9 Councillor Watkins drew attention to the proposed amendment from the Liberal Democrat Group and the need for a full scrutiny examination of the proposals to assess the impact on services. He suggested that in view of the tight time scale, there would be a need to arrange meetings outside of the current schedule of meetings and hoped this would be accommodated.

10.10 Councillor Mears noted the various comments and stated that there was no intention to cut the Youth Capital Fund or to reduce grants by 50%; but decisions would need to be taken if the affect of the in-year reductions were to be addressed.

10.11 The Mayor noted that both amendments had been accepted and therefore moved that the report and the recommendations as amended by approved.

10.12 **RESOLVED:**

(1) That the details of the 2010/11 in-year grants reductions announced by the government as set out in paragraphs 3.1 to 3.5 and appendices 1 to 3 of the report be noted;

(2) That the Overview & Scrutiny Commission and relevant Scrutiny Committees be requested to undertake a full scrutiny examination of the in-year reductions to fully assess their impact;

(3) That in recognition of the huge investment that the Third Sector brings to city service delivery to residents in terms of funding, in-kind support and volunteer time, it be noted that service provision stands to be more adversely affected by the withdrawal of grants and contracts; and

(4) That in regard to (3) above, any change in service as a result of these in-year cuts must be subject to a rigorous impact assessment prior to any decisions being made. This assessment to involve the organisations providing the services that are best placed to demonstrate the impact of their work and service users in the wider community who will have strong views about the support that they need and want.

11. HEALTH & SAFETY ANNUAL SERVICE PLAN 2010/11

11.1 **RESOLVED:** That the Health & Safety Annual Service Plan 2010/11 be approved.

12. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2010/11

12.1 **RTESOLVED:** That the Official Feed and Food Controls Service Plan 2010/11 be approved.

13. OVERVIEW & SCRUTINY ANNUAL REPORT 2009-10

13.1 Councillor Mitchell introduced the report and stated that it had been a busy year with a number of reviews being undertaken and producing some excellent reports. She believed the overview & scrutiny process was working well and noted that topics for future areas of work were currently being sought. She also wished to place on record her thanks to the Members involved in overview & scrutiny, the Cabinet Members who attended various meetings and the officers who supported the Commission and the committees.

13.2 Councillor Mears paid tribute to Councillor Mitchell for her work as Chairman of the Overview & Scrutiny Commission, Councillor Pidgeon as Deputy Chairman, and the other Members involved in scrutiny. She believed it was an excellent example of tri-partite working.

13.3 Councillors Randall, Peltzer Dunn, Wakefield-Jarrett, Elgood and McCaffery all expressed their support for the overview & scrutiny process. They believed that it was working well and that it had enabled other organisations, communities and residents to engage with the council and develop a number of recommendations on matters as part of the various reviews. The councillors also asked that their appreciation of the support and quality of reports produced by the scrutiny officers be noted.

13.4 The Mayor noted that the report had been moved and asked that the recommendation be agreed.

13.5 **RESOLVED:** That the Overview & Scrutiny Annual Report be noted.

14. REDUCING ALCOHOL RELATED HARM FOR CHILDREN & YOUNG PEOPLE - SCRUTINY REVIEW PANEL REPORT

14.1 Councillor A Norman introduced the report and noted that the scrutiny review had come from the Annual Report of the Director of Public Health. She wished to thank the other Members of the Review Panel and the officers involved in producing the report. She noted that 80% of alcohol consumed by young people was not purchased illegally and whilst initiatives such as 'Challenge 25 or 21' by the supermarkets were welcomed, there was a need to address the issue and encourage other outlets to follow suit with the initiatives.

14.2 Councillor Duncan stated that he wished to commend the report to the council and noted that the recommendations had full cross-party support. He hoped that they would be taken forward and implemented so that the problems caused by young people having access to alcohol could begin to be addressed.

14.3 Councillors Brown, McCaffery, Cobb, Fallon-Khan and Lepper expressed their support for the report and noted that a number of the problems identified were being tackled by and with partner organisations. There was concern over the level of 'discounting' offered by various outlets and the potential harm caused to unborn babies that was not appreciated by young people.

14.4 The Mayor noted that the report's recommendation had been moved and asked if council agreed.

14.5 **RESOLVED:** That the report of the Scrutiny Review Panel on Reducing Alcohol Related harm for Children & Young People be noted.

15. SEXUAL ESTABLISHMENT LICENSING POLICY PROGRESS REPORT

15.1 Councillor Cobb introduced the report and stated that council approval was sought to enable the adoption of the provisions introduced by Section 27 of the Police and Crime Act, which related to sex establishments. She also noted that the revised policy would come into effect on the 19th November, the day after the next Licensing Committee meeting.

15.2 Councillors Lepper and Fryer welcomed the report and Councillor Fryer suggested that further consideration needed to be given to the cost of licensing both sex shops and sex establishments.

15.3 The Mayor noted that the report had been moved and put the recommendation to the council with the inclusion of the date of the 19th November.

15.4 **RESOLVED:** That the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to Brighton and Hove with effect from the 19th November 2010.

16. PETITIONS SCHEME

16.1 Councillor Oxley introduced the report and outlined the various changes that were proposed to the petitions scheme following the publication of guidance on such schemes by the government. He noted that Councillors would now be able to sign both paper and e-petitions and that the ability to submit a petition had been extended to service users. He also noted that should a petition obtain sufficient signatories it would wither trigger a debate on the matter or require an officer to be held to account and to attend a scrutiny committee meeting. The respective number being 1,250 and 750 signatures.

16.2 The Mayor noted that the report had been moved and put the recommendations to the council.

16.3 **RESOLVED:**

(1) That the Petitions Scheme as detailed in Appendix 1 to the report be adopted as the Council's scheme for handling petitions pursuant to S11 Local Democracy Act 2009; and

(2) That the Council's constitution be amended in accordance with the draft amended Procedure Rules as detailed in Appendix 2 to the report.

17. MANDATORY DEVELOPMENT FOR PLANNING COMMITTEE

17.1 Councillor Oxley moved the report.

17.2 Councillor Hyde welcomed the report and stated that she felt there was a need to ensure that those councillors serving on the Planning Committee were fully up to date with the constant changes in planning legislation and practice. It was a high profile committee and its proceedings were open to challenge and she felt this requirement would help to maintain the committee's standing. She noted that the proposal had the support of the Members Development Working Group and the Overview & Scrutiny Commission.

17.3 Councillors Kennedy and Carden expressed their support for the proposal and acknowledged that there was a need to keep abreast of various changes affecting planning. They also recognised the importance and benefit of having specific training and developmental opportunities for councillors.

17.4 Councillor K Norman stated that the Members Development Working Group had considered the question of whether training should be mandatory. The Group had agreed that for certain aspects it was important to ensure serving councillors kept up to date and therefore having a mandatory requirement was necessary. It meant that officers could provide specific training programmes and times could be set aside for the delivery and completion of the training. In this regard he wished to place on record the Working Group's appreciation and thanks to Caroline Banfield, the Democratic Services Manager responsible for Member Development who had recently left the council and would be missed.

17.5 The Mayor noted that the report had been moved and put the recommendations to the council.

17.6 **RESOLVED:**

(1) That mandatory training for all Members of the Planning pool be introduced on a six monthly basis;

(2) That training be open to all other Members on a non mandatory basis;

(3) That any mandatory development sessions should be offered on at least two different time-slots to take account of Members' other commitments;

(4) That the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible; and

(5) That the Head of Law be authorised to amend the constitution to reflect the above, including making consequential drafting amendments.

17(A). SOUTH DOWNS NATIONAL PARK AUTHORITY - DELEGATION OF DEVELOPMENT CONTROL FUNCTION TO CONSTITUENT AUTHORITIES

17.7 **RESOLVED:**

(1) That the scheme of delegation agreed by the SDNPA, the draft Joint Working Agreement under Section 101 of the Local Government Act 1972 and the draft funding proposals be noted;

(2) That the delegation of development control functions from the SDNPA to the Council on the temporary basis proposed, subject to any review be agreed; and

(3) That the Head of Law be instructed to make any necessary amendments to the Constitution to reflect the interim delegation to the Council of SDNPA development control powers.

18. NOTICES OF MOTION.

(a) A Return to the Committee System of Governance for Brighton & Hove City Council

18.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Mitchell and seconded by Councillor Marsh.

18.2 Councillor Peltzer Dunn moved an amendment, seconded by Councillor Simson, which was accepted by Councillor Mitchell.

18.3 The Mayor then put the following Notice of Motion as amended to the vote:

"In its document 'The Coalition: our programme for government' published in May 2010, the new government states;

"We will allow councils to return to the committee system, should they wish to do so."

Prior to its implementation in 2008, all political parties represented on Brighton & Hove City Council were opposed to the Leader and Cabinet System and accordingly this council:

- Reaffirms its desire to return to the committee system of governance, provided there is significant local support from residents to do so following proper consultation*;*

- Requests the Chief Executive of the Council to write to the Minister with responsibility for Communities and Local Government asking when the required legislation will be forthcoming and seeking clarification of the process to be followed."

18.4 **The motion was carried.**

(b) Housing Benefit

18.5 The Notice of Motion as detailed in the agenda was proposed by Councillor Randall and seconded by Councillor Wrighton.

18.6 Councillor Simpson moved an amendment, seconded by Councillor Hawkes, which was accepted by Councillor Randall.

18.7 Councillor Alford moved an amendment, seconded by Councillor Caulfield, which was not accepted by Councillor Randall.

Motion to terminate the meeting:

18.8 The Mayor noted that the meeting had been in session for four hours and in accordance with Procedure Rule 17, was required to move a closure motion to effectively terminate the meeting.

18.9 Members of the Council asked for clarification in regard to the motion and how it would affect the treatment of the current item under debate and other remaining items.

18.10 The Monitoring Officer noted that it was the first Council meeting to operate under the revised procedures and that the Mayor was now required move the motion to terminate the meeting once the meeting had been in progress for four hours. In so doing, a vote was then required to determine whether the council wished to agree to the motion or to refuse it. If the motion was approved, then any current item under discussion would be put directly to the vote. Following this, the Mayor would then ask the movers of any other items if they wished to withdraw the item or have it voted upon. If the motion was lost, the meeting would then continue in the usual way until such time as all the remaining items were dealt with or a further closure motion was moved and carried.

18.11 Councillor Kitcat requested that a recorded vote be taken on the motion moved by the Mayor, which was supported by a sufficient number of Members.

18.12 The Mayor noted that a recorded vote had been requested and put the motion to terminate the meeting to the vote:

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	✓		
	Allen		x	
	Barnett	✓		
	Bennett	✓		
	Brown	✓		
	Carden	✓		
	Caulfield	✓		
	Cobb		x	
	Davey	Absent		
	Davis	✓		
	Deane	✓		
	Drake	✓		
	Duncan		x	
	Elgood		x	
	Fallon-Khan	✓		
	Fryer		x	
	Hamilton	✓		
	Harmer-Strange	✓		
	Hawkes	✓		
	Hyde	✓		
	Janio	✓		
	Kemble	✓		
	Kennedy		x	
	Kitcat		x	
	Lepper	✓		
	Marsh	✓		
	McCaffery	✓		
	Meadows	✓		
	Mears	✓		
	Mitchell	✓		
	Morgan	✓		
	Norman, Ann	✓		
	Norman, Ken	✓		
	Older	✓		
	Oxley	✓		
	Peltzer Dunn	✓		
	Phillips		x	
	Pidgeon		x	
	Randall		x	
	Rufus		x	

	Simpson	✓		
	Simson	✓		
	Smart	✓		
	Smith	✓		
	Steedman		x	
	Theobald, Carol	✓		
	Theobald, Geoffrey	✓		
	Turton	Absent		
	Wakefield-Jarrett		x	
	Watkins		x	
	Wells	✓		
	West		x	
	Wrighton		x	
	Young	✓		
	Total	**36**	**16**	

18.13 **The motion was carried.**

18.14 The Mayor noted that the motion had been carried and therefore returned to Item 18(b) which had been under discussion and noted that the amendment moved by Councillor Alford had not been accepted by Councillor Randall and therefore put the proposed amendment to the vote, which was carried.

18.15 The Mayor then put the following Notice of Motion as amended to the vote:

"This council recalls the period in the 1990s when Housing Benefit changes led to a crisis in rough sleeping and homelessness.

It acknowledges the excellent work of the city housing team, Brighton Housing Trust, the Sussex Central YMCA, CRI and others who have dramatically reduced the problems.

Furthermore, this Council recognises that significant cuts in public expenditure are required over the coming years in order to address the huge deficit bequeathed by the previous Labour Government which has left every man, woman and child in the country owing £22,400.

The Coalition Government's recent proposals to cut Housing Benefit from October 2011 could have a profound effect on Brighton and Hove, a city with double (24 per cent) the national average of private rented housing and a critical shortage of social housing as well as being one of the most expensive areas in the UK to live. However, until further details of the proposals emerge, it is difficult to predict the impact with any certainty. This will also depend to a large extent upon other unpredictable variables such as landlord behaviour, tenant behaviour, the wider housing market and unemployment levels.

This council notes that cuts in housing benefit made by the Conservative and Lib Dem Government will unfairly hit the poorest families and individuals of our City the hardest.

The poorest 10% of households in the Country will see their income cut by more than one fifth, the second poorest group earning below £16,900 will see the largest cuts at 13.6% of their income and the richest will see a cut of just 3.6%.

This council requests that a report setting out the impact of these cuts to Housing Benefit claimants in Brighton and Hove be brought to Cabinet as soon as possible with proposals for shaping local support services accordingly and how the recently produced Housing Strategy will be adapted to also reflect this.

This council therefore resolves to:

1. continue to work with the City's MP's and the new Coalition Government to minimise any potential negative impacts of the proposed changes to Housing Benefit; and

2. continue the good work in housing strategy where our excellent relationship with private sector landlords and other partners will minimise the impact of any changes.

18.16 **The motion was carried.**

(c) Opposing Cuts and 'Intelligent Commissioning' as the Response

18.17 The Notice of Motion as detailed in the agenda was proposed by Councillor Kitcat and seconded by Councillor Duncan.

18.18 Councillor Mitchell moved an amendment, seconded by Councillor Allen, which was accepted by Councillor Kitcat.

18.19 The Mayor then put the following Notice of Motion as amended to the vote:

"This Council notes with dismay the cuts imposed upon it by the Conservative/Liberal Democrat government, amounting to £3.55 million within the current financial year. These cuts will hit services to all residents, but particularly the most vulnerable and those least able to lose the support of our public servants.

Local government including this Council, has continued to deliver annual efficiency savings and so played no part in causing the current national government's budgetary deficit. These cuts unfairly penalise this Council, put public sector jobs at risk and threaten important programmes including Connexions, housing benefit and road safety improvements.

This Council deplores the Government's willingness to hand down swingeing cuts without providing any additional powers to raise funds in a fairer way than the regressive council tax system.

This Council also notes the Conservative Administration's stated desire to adopt a process of outsourcing and privatisation labelled 'Intelligent Commissioning'.

This Council expresses full confidence in its staff and would wish to protect their pay and conditions. It expresses concerns in respect of 'Intelligent Commissioning' which it feels risks:

- Wasting time and resources on lengthy tendering processes;
- Outsourcing services to private firms who will place profit ahead of public service;
- A hugely negative impact on staff morale.

With less than a year until local elections, this Council questions the timing of this restructure and the political mandate for its implementation.

This Council also refutes the need for the high salaries of the new strategic directors proposed for this restructure.

However, this council notes that during discussions on the restructure at Cabinet both the Leader of the Council and the Chief Executive indicated that public services will not be further privatised under the guise of 'Intelligent Commissioning' and call on them to;

- Restate this principle and include it within any further officer reports coming to Cabinet or Council meetings;
- Ensure that any future reports will contain an express willingness to seriously consider and evaluate Co-operative, Social Enterprise and other 'mutual' models of service delivery within any new commissioning strategy;
- Make available to all Elected Members the comments and opinions of members of staff, unions and other stakeholders that were forwarded as part of the consultation on the proposed new commissioning model.

This Council requests that:

- The Leader & Chief Executive reconsider their approach to restructuring the Council;
- The Chief Executive write to Eric Pickles, Secretary of State for Communities and Local Government, requesting he reconsider the huge cuts imposed on this Council;
- The Chief Executive write to the city's three MPs asking them to support the council's request to the Secretary of State Eric Pickles to reconsider the cuts he has imposed.

18.20 The Mayor noted that the vote was tied at 26 for and 26 against and in the absence of a casting vote being used by the Mayor, the status-quo remained and **the motion was lost**.

19. CLOSE OF MEETING

19.1 The Mayor noted that the motion to terminate the meeting had been carried and that all outstanding items had been dealt with accordingly and therefore closed the meeting.

The meeting closed at 9.15pm.

The meeting concluded at 9.15pm

Signed Chairman

Dated this day of

WRITTEN QUESTIONS FROM COUNCILLORS

The following questions have been received from Councillors and will be taken as read along with the written answers which will be included in an addendum that will be circulated at the meeting:

(a) Councillor Hamilton

"I understand that as part of the current organisational transformation the council intends to produce a comprehensive approach to the management of talent. When do you expect to have this in place? Will career pathways be part of the employment framework of the council? Will this lead to greater career and development opportunities for all employees who seek them, and will there be a structured approach for all abilities as a way of motivating and retaining the existing workforce?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(b) Councillor Elgood

"Can the Cabinet Member for Finance give a progress up-date on the implementation of the Coalition Government's requirement for councils to publish items of expenditure over £500, and to explain why the council has yet to implement it when other councils already have?"

Reply from Councillor Young, Cabinet Member for Finance.

(c) Councillor Elgood

"Can the Cabinet Member for Children & Young People confirm the number of users of the Connexions service (for the year from September 2009) listed by council ward?"

Reply from Councillor Brown, Cabinet Member for Children & Young People.

(d) Councillor Kitcat

"The latest Sitemorse local government website benchmarking report placed Brighton & Hove City Council's site in 331st place out of 429 Local Authority sites reviewed. Among other things the report flagged the site's accessibility as being 'impaired.

Given the key role the new media industry plays in the local economy, can the Cabinet member responsible explain what plans are in place to remedy this situation so that the site is improved and is accessible to users of all abilities?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(e) Councillor Kitcat

"Will the Leader of the Council commit to wherever possible now publishing Council information, including spending data, under an open licence such as Creative Commons or the National Archive's new Open Government Licence?"

Reply from Councillor Mears, Leader of the Council.

(f) Councillor Kitcat

"The option of a return to the committee system for this Council as a part of the Localism Bill is not to be even voted on in Parliament until late 2011. Given this fact, can the Leader of the Council explain why the Independent Remuneration Panel's report on councillor allowances still has not been voted on by this Council?"

Reply from Councillor Mears, Leader of the Council.

(g) Councillor Duncan

"Does the Cabinet Member believe that American Express is doing enough to compensate residents suffering severe inconvenience, and in some cases loss of earnings from working at home, as a result of the construction of the firm's new facility in the Carlton Hill area of the Queen's Park ward?"

Reply from Councillor Fallon-Khan, Cabinet Member for Enterprise, Employment and Major Projects.

(h) Councillor Duncan

"The weekend of October 9th-10th was one of the warmest October weekends in years. Temperatures reached 20 degrees, and the beach in many areas was packed, both with tourists and local residents, some of whom were enjoying swimming in the sea. How many council-provided lifeguards were on duty?"

Reply from Councillor Smith, Cabinet Member for Culture, Recreation and Tourism.

(i) Councillor Duncan

"Do you think the system by which tenant participants are involved in decision-making about the council's housing policies, through Housing Management Consultative Committee meetings, and in other ways, could be improved in any way?"

Reply from Councillor Caulfield, Cabinet Member for Housing.

(j) Councillor Duncan

"Members of Brighton and Hove Older People's Council have warned that the withdrawal of the Free Swimming Scheme for over-60s will have a negative impact on some people's health, and ultimately will cost society more money than it saves.

Will you reconsider the council's decision not to subsidise entirely swimming locally for all under-18s and over 60s, and reinstate free swimming for all children and older people in the city's public swimming pools with immediate effect?

Reply from Councillor Smith, Cabinet Member for Culture, Recreation and Tourism.

(k) Councillor Randall

Can Cllr Caulfield tell us when the survey of potential sites for social housing in the city on council-owned land will be published?

Reply from Councillor Caulfield, Cabinet Member for Housing.

(l) Councillor Randall

Can the Leader of the Council give an assurance that charitable organisations running public events in the city that require street closures will not be charged for loss of parking revenue?

Reply from Councillor Mears, Leader of the Council.

(m) Councillor McCaffery

Petitions to the council demand a lot of time and work from residents who believe they will be listened to. I therefore ask this Council:

1. How many petitions were received by the Council between May 2009 and May 2010?
2. How many of these petitions resulted in the outcome requested by the petition?

Reply from Councillor Alford, Cabinet Member for Central Services.

ORAL QUESTIONS FROM COUNCILLORS

The following Members have indicated that they wish to put questions to the Leader, Cabinet Members, Chairmen of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

(a) Councillor Simson
Subject matter – Policing Demonstrations in the City.

Reply from Councillor Duncan, Council's Appointed Police Authority Representative

(b) Councillor Hawkes
Subject matter – Early Years.

Reply from Councillor Brown, Cabinet Member for Children & Young People.

(c) Councillor Duncan
Subject matter – Support for Football in the City.

Reply from Councillor Smith, Cabinet Member for Culture, Recreation & Tourism.

(d) Councillor Harmer-Strange
Subject matter – Green Industries.

Reply from Councillor Fallon-Khan, Cabinet Member for Enterprise, Employment & Major Projects.

(e) Councillor Allen
Subject matter – Connexions.

Reply from Councillor Brown, Cabinet Member for Children & Young People.

(f) Councillor Kitcat
Subject matter – Local Economy and Council Finances.

Reply from Councillor Mears, Leader of the Council.

Subject:		**Stop the Clearance**		
Date of Meeting:		**21 October 2010**		
Report of:		**Acting Monitoring Officer**		
Contact Officer:	**Name:**	Mark Wall	Tel:	29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk		
Wards Affected:	**All**			

For general release

PETITION TRIGGERING A FULL COUNCIL DEBATE

Note: The subject matter of the petition is an executive function and therefore not one that Full Council can make a decision on.

1. SUMMARY AND POLICY CONTEXT:

1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.

1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,779 signatures.

2. RECOMMENDATIONS:

2.1 That the petition is referred to the Environment Cabinet Member Meeting for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 **The Petition**

Stop the Clearance

"We the undersigned petition the council to stop the deforestation and scrub clearance on the hillsides around Wild Park and to stop putting up barbed wire fences in the park. We believe the work is destroying a valuable habitat for wild birds and other flora and fauna. We also believe that barbed wire has no place in a public park and that the work is a waste of public resources."

Lead Petitioner – Ms. Peta Fluendy

3.2 As the subject matter of the petition relates to an executive function, the options open to the council are:

- To note the petition and take no action for reasons put forward in the debate; or

- To refer the petition to the relevant Cabinet Member Meeting; or

- To refer the petition to the relevant Cabinet Member with recommendations.

4. PROCEDURE:

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

(i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;

(ii) The Mayor will then call on the relevant Cabinet Member to respond to the petition and move a proposed response;

(iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s);

(iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;

(v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;

(vi) The Mayor will then formally put:

(a) Any amendments in the order in which they are moved, and then
(b) The substantive motion as amended (if amended).

Subject:		**Problems with Parking**		
Date of Meeting:		**21 October 2010**		
Report of:		**Acting Monitoring Officer**		
Contact Officer:	**Name:**	Mark Wall	Tel:	29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk		
Wards Affected:	**All**			

For general release

PETITION TRIGGERING A FULL COUNCIL DEBATE

Note: The subject matter of the petition is an executive function and therefore not one that Full Council can make a decision on.

1. SUMMARY AND POLICY CONTEXT:

1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.

1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 2,201 signatures.

2. RECOMMENDATIONS:

2.1 That the petition is referred to the Environment Cabinet Member Meeting for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 **The Petition**

Problems with Parking

"Cars parked day and night, even days a week in Preston Park. Since the council introduced parking restrictions in Preston Park Avenue, residents and commuters are leaving cars in the park as long as they like BECAUSE IT'S FREE (Some even go off on holidays!)
WE BELIEVE PARKING IN THE PARK SHOULD BE FOR PEOPLE USING THE PARK."

Lead Petitioner – Cllr Amy Kennedy

3.2 As the subject matter of the petition relates to an executive function, the options open to the council are:

- To note the petition and take no action for reasons put forward in the debate; or

- To refer the petition to the relevant Cabinet Member Meeting; or

- To refer the petition to the relevant Cabinet Member Meeting with recommendations.

4. PROCEDURE:

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

(i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;

(ii) The Mayor will then call on the relevant Cabinet member to respond to the petition and move a proposed response;

(iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s);

(iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;

(v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;

(vi) The Mayor will then formally put:

(a) Any amendments in the order in which they are moved, and then
(b) The substantive motion as amended (if amended).

Subject:		**Connexions Petition**		
Date of Meeting:		**21 October 2010**		
Report of:		**Acting Monitoring Officer**		
Contact Officer:	**Name:**	Mark Wall	Tel:	29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk		
Wards Affected:	**All**			

For general release

Note: The subject matter of the petition is an executive function and therefore not one that Full Council can make a decision on.

PETITION TRIGGERING A FULL COUNCIL DEBATE

1. SUMMARY AND POLICY CONTEXT:

1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.

1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,564 signatures.

2. RECOMMENDATIONS:

2.1 That the petition is referred to the Cabinet for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 **The Petition**

"Brighton and Hove city council has announced £700,000 of cuts to the Connexions service to be implemented by March 2011.

This will mean a substantial reduction of the frontline connexions service, or even the complete closure of the service. We are deeply concerned about the implications of this decision. Quite apart from the impact on the frontline staff, all of whom are very skilled and qualified in working with young people, we are extremely disturbed about the potentially very damaging impact these cuts will have upon the future and wellbeing of the young people living in Brighton and Hove.

To be substantially reducing the level of support to young people at the very time when more advice and support is needed in these difficult economic times,

we feel is very short-sighted. Young people are the country's future and to reduce the level of support available to them, we feel is a very damaging development.

We call on the council to rescind this decision and explore other means to meet the budget cuts without impacting the frontline services.

Your support would be very much appreciated. Please sign our petition to save the Connexions service in Brighton and Hove."

Lead Petitioner – Alex Knutson

3.2 As the subject matter of the petition relates to an executive function, the options open to the council are:

- To note the petition and take no action for reasons put forward in the debate; or
- To refer the petition to Cabinet; or
- To refer the petition to Cabinet with recommendations.

4. PROCEDURE:

4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:

(i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;

(ii) The Mayor will then call on the relevant Cabinet Member to respond to the petition and move a proposed response;

(iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s);

(iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;

(v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;

(vi) The Mayor will then formally put:

(a) Any amendments in the order in which they are moved, and then
(b) The substantive motion as amended (if amended).

Council	Agenda Item 28(a)
21 October 2010	Brighton & Hove City Council

Subject:		**Review of Members' Allowances**
Date of Meeting:		**21 October 2010** 18 March 2010 Council 9 March 2010 Governance Committee
Report of:		**Acting Director of Strategy & 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 At its last meeting in March the Council decided to defer consideration of this item pending further consultation with the Independent Remuneration Panel (the IRP) and Group Leaders.

1.2 The Panel have taken on board the comments made at the Governance Committee meeting in March (see appendix 1), as well as the views expressed by the Leader and the Leader of the Opposition. However, the Panel believe that its report should remain unchanged having completed the intended review.

1.3 The Panel were mindful that a proposed Members Allowances Scheme for 2011/12 should be brought to the Council in March 2011 and therefore the issues raised in relation to their current recommendations could be considered and where appropriate form part of any scheme that was put forward. The Panel therefore recommended that the report be submitted to the council in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003.

2. RECOMMENDATIONS:

2.1 That having regard to (a) the concerns raised at the Governance Committee and (b) the Panel's willingness to take the concerns into consideration as part of their next review, the Council determine whether:

(i) to approve the IRP's recommendations as set out in Item 28(b) in relation to the Members Allowances Scheme for 2010/11; or

(ii) to note the IRP's recommendations and agree that the existing Members Allowances Scheme be adopted for the payment of allowances in 2010/11.

2.2 That the Independent Remuneration Panel be thanked for their work and it be noted that the Panel will be reporting again in March 2011;

2.3 That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations following council approval;

2.4 That the allowance payable to each of the members of the Independent Remuneration Panel be increased by the council's salary inflation of 1% in 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 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.

3.2 The Panel's report was deferred at the March Council meeting, in order to allow for the Leaders of the various Groups to have further discussions with the Panel following concerns raised at the Governance Committee meeting. The Leader of the Council and the Leader of the Opposition have since met with Panel.

3.3 In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.

3.4 The Panel took 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 undertake a comprehensive 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, any upper limits and capping that should apply.

3.5 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.

3.6 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 listed as Item 28(b) on the agenda.

3.7 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.

3.8 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.

3.9 In taking into account the concerns raised at the Governance Committee and noting the Panel's willingness to incorporate these as part of their next review for the approval of a Members' Allowances Scheme for 2011/12, the Council is asked to determine which of the two options listed in paragraph 2.1 it wishes to adopt.

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 were reported to the Governance Committee where all party groups are represented, before being submitted to Full Council on 18 March 2010.

4.3 Following the deferral of the Panel's report in March, the Leaders Group has considered the matter and agreed to the Panel meeting with the Leaders to discuss the areas of concern before taking the report to the Council in October. The Panel has since met with the Leader of the Council and the Leader of the Opposition. The Convenor of the Green Group and Leader of the Liberal Democrat Group indicated that whilst they had some reservations they were happy with the Panel's report overall and therefore did not need further discussion.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 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 Under the current Members' Allowances Scheme:

- If a 1% inflationary rise is attributed to both the Basic and Special Responsibility Allowances of the current Members' Allowances Scheme for 2010/11, the total cost based on current take up of allowances and the superannuation scheme is estimated at £1,044,000 (including on-costs).

- If no increase was awarded to the Basic Allowance and Special Responsibility Allowances currently paid, the total cost based on current take up of allowances and the superannuation scheme is estimated at £1,038,000 (including on-costs).

5.3 Under the Panel's proposed new scheme:

- It allows for an inflationary increase of 1% to the Basic Allowance making a total of £625,000 plus on-costs for the full year.

- It 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 £254,000 plus on-costs.

- Provides for a total estimated cost of £1,037, 000 including superannuation and national insurance on-costs based on current take up which can be accommodated within the budget for 2010/11.

5.4 The Members' Allowances budget has previously resulted in an underspend because of the lower take-up in the local authority pension scheme. Under the options above a small increase in take up of the pension scheme could be managed within budget.

Finance Officer Consulted: *Anne Silley* *Date: 06/10/10*

Legal Implications:

5.5 The proposals in this report comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated guidance.

5.6 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: *Abraham Ghebre-Ghiorghis* *Date: 15/02/10*

Equalities Implications:

5.7 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:

5.8 None arising directly from this report

Crime & Disorder Implications:

5.9 None arising directly from this report.

Risk and Opportunity Management Implications:

5.10 None arising directly from this report.

Corporate / Citywide Implications:

5.11 None arising directly from this report.

SUPPORTING DOCUMENTATION

Appendices:

Extract from the Governance Committee meeting held on the 29th March 2010.

Documents in Members' Rooms

None

Background Documents:

(a) Independent Remuneration Panel's Annual Report
(b) Members' Allowances Scheme 2009/10

	Agenda item 28 (a) **Appendix 1**

EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE MEETING HELD ON THE 9 MARCH 2010

GOVERNANCE COMMITTEE

4.00PM 9 MARCH 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

80 REVIEW OF MEMBERS' ALLOWANCES

80.1 The Committee considered a report of the Director of Strategy & Governance concerning the Independent Remuneration Panel's (IRP) annual report on Members' Allowances.

80.2 The Chairman welcomed Simon Keane, Chair of the IRP, to the meeting.

80.3 Mr Keane thanked the Members who had met with the panel and the officers involved in the review process. He explained that due to the significant changes to the council's working practices the panel decided to conduct a thorough review of Members' allowances. He highlighted the main proposals in the report and explained that the panel had been mindful of the pressure on the council's finances in making their recommendations; some councillors would receive a reduced allowance, but this had been kept to a minimum.

80.4 The Chairman thanked the IRP for the time they had given to the review process and their commitment to finding out about all aspects of Members' work. He advised that the Committee's role was to note the report and refer it to the Full Council for a decision.

80.5 Councillor Taylor praised the work of the panel and reported that the Green Group supported the new formula proposed for calculating Special Responsibility Allowances (SRAs) for Group Leaders/ Convenors and the withdrawal of SRAs for members of the Arts Commission and the deputy chairmen of Overview & Scrutiny committees, as well as the introduction of ad hoc payments for chairmen of scrutiny panels. He advised that the Group was unsure whether they were in support of withdrawing SRAs for the deputy chairmen of regulatory committees; potentially the chairmen could require support with the large volume of work.

He highlighted his Group's concern over the SRA awarded to the Leader of the Opposition. He queried the logic behind awarding a higher allowance to

the Leader of one of the opposition Groups when there were two Groups with the same number of councillors; by designating an 'official' opposition one Group gained an advantage by receiving a higher SRA for its Leader and a Deputy Leader SRA.

80.6 Councillor Fallon-Khan suggested that in future reviews the panel ask Cabinet Members about their caring responsibilities and consider whether this could be a barrier to people considering becoming a councillor.

80.7 Councillor Mitchell reported that the Labour Group did not support the withdrawal of SRAs for deputy chairman of any committees; it was necessary for Group Leaders to have a recognised way of allowing councillors to gain experience in more senior positions. She was unable to support ad hoc payments for chairmen of scrutiny panels; she felt that this was reminiscent of attendance allowances, which had been abolished some time ago.

80.8 Councillor Mears echoed Councillor Mitchell's comments in relation to the ad hoc payments for chairmen of scrutiny panels; she was concerned that it could create a feeling of competition between Members. She added that she did not agree with withdrawing the SRAs for deputy chairman of committees, as it was vital that there were enough positions available to allow Members to gain experience.

80.9 In response to the comments made Mr Keane made the following remarks:

- The view of the IRP was that it was for the council to decide which Group was the official opposition.
- The IRP would continue to meet and Members were welcome to make representations at any time; the panel did not want there to be any barriers for those wishing to become councillors.
- The decision to withdraw SRAs from the deputy chairmen of committees was not taken lightly; if the council decided to retain the SRAs it was important to be mindful of the government guidance, which stated that the number of SRAs should be equal to 50% of the total number of elected Members.
- The IRP viewed the ad hoc payments for chairmen of scrutiny panels as recognition for the additional work required, rather than as an attendance allowance.
- The IRP understood that the council was ultimately free to reject any of its recommendations.

80.10 Councillor Elgood echoed the concerns raised in relation to the SRAs for deputy chairmen of committees and the ad hoc payments to scrutiny panel chairman, but added that as the council has an independently established panel, Members should adopt its recommendations; the requirement of independence would be negated if Members routinely ignored IRP proposals.

80.11 In response to questions from Councillor Taylor, the Chairman confirmed that the report would be considered at Full Council on 18 March and that the council had previously exceeded the 50% of all councillors guideline when it was felt to be justified. He added that any amendments would have to be considered in light of the budget.

80.12 Councillor Mitchell stated that Members should also be mindful of the number of SRAs not taken up as a result of a Member holding two or more positions.

80.13 **RESOLVED** –

(1) That the recommendations of the Independent Remuneration Panel be recommended to Council for approval.

(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.

(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.

Council	Agenda Item 28(b)
21 October 2010	Brighton & Hove City Council

Subject:		**Review of Members' Allowances**
Date of Meeting:		**21 October 2010** 18 March 2010 9 March 2010 Governance Committee
Report of:		**Acting 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

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 Trimingham.

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 x 25 = £5,350) = **£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-OPTEES' 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-OPTEES

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:		Basic Allowance:	
54 x £11,578 =	£625,212	54 x £11,578 =	£625,212
Special Responsibility Allowances:		Special Responsibility Allowances:	
If all 36 are paid:	£285,193	If 24 of 25 are paid:	£253,563
Total Basic + 36 SRA's	£910,405	Total Basic + 24 SRA's	£878,775
On-costs based on full pensions take-up	£233,062	On costs based on full Pensions take-up	£224,966
TOTAL	**£1,143,467**	**TOTAL**	**£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	£910,405	Total Basic + 24 SRA's	£878,775
On costs based on current pensions take-up	£163,872	On costs based on current pensions take-up	£158,178
TOTAL	**£1,074,277**	**TOTAL**	**£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:		Basic Allowance:	
54 x £11,578 =	£625,212	54 x £11,578 =	£625,212
Special Responsibility Allowances:		Special Responsibility Allowances:	
If all 36 are paid:	£282,365	If 24 of 25 are paid:	£253,563
Total Basic + 36 SRA's	£907,577	Total Basic + 24 SRA's	£878,775
On costs based on current pensions take-up	£163,363	On costs based on current pensions take-up	£158,178
TOTAL	**£1,070,940**	**TOTAL**	**£1,036,953**
2010/11 Budget	£1,054,900	2010/11 Budget	£1,054,900
Shortfall of	£ 16,040	Saving of	£ 17,947
Total	£1,070,940	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:		Basic Allowance:	
54 x £11,463 =	£619,002	54 x £11,578 =	£625,212
Special Responsibility Allowances:		Special Responsibility Allowances:	
If all 36 are paid:	£282,365	If 24 of 25 are paid:	£253,563
Total Basic + 36 SRA's	£901,367	Total Basic + 24 SRA's	£878,775
On costs based on current pensions take-up	£162,246	On costs based on current pensions take-up	£158,178
TOTAL	**£1,063,613**	**TOTAL**	**£1,036,953**
2010/11 Budget	£1,054,900	2010/11 Budget	£1,054,900
Shortfall of	£ 8,713	Saving of	£ 17,947
Total	£1,063,613	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**
Cardiff	5		2	1	**8**
Isle of Wight	5		3		**8**
Nottingham	5	7	3		**15**
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										2
	Labour					1			1										2
	PC		1					2	1							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**				**1**	**11**
	Green								**1**	**1**									**2**

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

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	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

APPENDIX 3

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

Unitary Authorities:
- Bath & NE Somerset
- Bristol
- Cardiff
- Isle of Wight
- Nottingham
- Portsmouth
- Southampton

County Councils:
- East Sussex
- Hampshire
- Kent
- Surrey
- West Sussex

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

APPENDIX 4

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

(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 1st meeting	Panel meet to • 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 • 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 2nd meeting	Panel meet to • 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 3rd meeting	Panel consider • further survey results • draft information report to Governance Committee/Council Panel meet • 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 4th meeting	Panel meet with • 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 5th meeting	Panel meet with • O&S Chairmen and their Deputies Panel to receive • 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 6th meeting	Panel meet with • Regulatory Chairmen and their Deputies Panel receive • 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~~ • ~~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 7th meeting	Panel meet with • Chairman of Planning • Independent Chairman of Standards	Panel members to attend plus 1 councillor and 1 Independent Chairman
2 October 2009 morning-only session 8th meeting	Panel • Revisit the Basic Allowance • Receive national statistical evidence on allowances in other authorities • Receive feedback from networking meetings in the south Panel meet with • Backbench councillors to consider the Basic Allowance	Panel members to attend plus 5 councillors
6 November 2009 morning-only session 9th meeting	Panel • Receive report and statistics on Child & Dependant Care Panel meet with • Councillors to discuss child and dependant care	Panel members to attend plus 5 councillors
4 December 2009 all-day meeting 10th meeting	Panel • 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 11th meeting	Panel to receive: • 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 Prior to Panel • Discussing first draft report.	Panel members to attend
5 February 2010 morning-only session 12th meeting	Panel to • Discuss and progress report	Panel members to attend
18 February 2010 morning-only session 13th meeting	Panel to • 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:		**Review of the Code of Conduct and the Arrangements Regarding The Register of Members' Interests**
Date of Meeting:		**21 October 2010** 14 September 2010
Report of:		**The Acting Monitoring Officer**
Contact Officer:	Name:	Penny Jennings Tel: 291065
	E-mail:	penny.jennings@brighton-hove.gov.uk
Wards Affected:	All	

EXTRACT FROM PROCEEDINGS OF THE STANDARDS COMMITTEE MEETING HELD ON THE 14 SEPTEMBER 2010

STANDARDS COMMITTEE

5.00pm 14 SEPTEMBER 2010
COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Deane; Harmer-Strange and C Theobald

Independent Members: Dr M Wilkinson (Chairman), Mrs H Scott

Rottingdean Parish Council Representatives: Mr J Bustard and Mr G W Rhodes

Apologies: Councillors: Carden; Lepper and Watkins and Ms M Carter (Independent Member)

PART ONE

14. REVIEW OF THE CODE OF CONDUCT AND THE ARRANGEMENTS REGARDING THE REGISTER OF MEMBERS' INTERESTS

14.1 The Committee considered a report setting out the Council's existing Code of Conduct and the arrangements regarding the Register of Members' Interests which recommended changes to those existing arrangements.

14.2 The Senior Lawyer, Ms Woodley introduced the report and explained that as most of the requirements to be met by local authorities under Section 50 of the Local Government Act 2000 were mandatory, the Council's ability to make changes to its code were limited.

14.3 Mr. Rhodes, Rottingdean Parish Council queried the wording of Paragraph 3.3.6 and Ms Woodley agreed that she would check that this wording which had been downloaded from the Sfe website was correct, and would amend it as necessary.

14.4 The Chairman referred to the requirement to register interests stating that although Members could not be expressly required to record instances where hospitality had been offered but had been declined he was of the view that this should encouraged as it represented good practice. The Committee were unequivocally of that view and he felt it was important that this was stressed to Members, besides protecting their position, it would also enable patterns of inappropriate offers of hospitality to be identified if such a situation were ever to arise. The Acting Director of Strategy and Governance agreed that he would ensure that this matter was carried forward.

14.5 **RESOLVED** –That the Committee notes the Code of Conduct and arrangements regarding the Register of Members' interests and recommends to Council that the arrangements regarding the Register of Members' Interests be updated and amended as proposed in paragraphs 3.3.5 and 3.3.6.

Council	Agenda Item 30
21 October 2010	Brighton & Hove City Council

Subject:		**Review of the Code of Conduct and the Arrangements regarding the Register of Members' Interests**		
Date of Meeting:		**21 October 2010 - Council** 14 September 2010 – Standards Committee		
Report of:		**Acting Monitoring Officer**		
Contact Officer:	Name:	Liz Woodley	Tel:	29-1509
	E-mail:	liz.woodley@brighton-hove.gov.uk		
Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report sets the council's existing Code of Conduct and the Arrangements regarding the Register of Members' Interests and recommends amendments to the Arrangements.

2. RECOMMENDATIONS:

2.1 That the Committee notes the Code of Conduct and Arrangements regarding the Register of Members' interests and recommends to council that the Arrangements regarding the Register of Members Interests be updated and amended as proposed in paragraphs 3.3.5 and 3.3.6.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The council's Scheme of Delegation imposes on the Standards Committee responsibility for promoting and monitoring high standards of conduct within the council, and for monitoring the operation of the Codes of Conduct, associated registers and declarations of interest. At its meeting on 22 June the Committee approved a work programme which included at the September meeting a Review of the Code of Conduct and the Arrangements regarding the Register of Members' Interests.

3.2 The Code of Conduct

3.2.1 Under section 50 of the Local Government Act 2000 the Secretary of State may issue a model code as regards the conduct which is expected of members and co-opted members of local authorities in England. Local authorities must adopt a code which incorporates the mandatory

provisions of the model code and may incorporate other provisions which are consistent with the model code. The council adopted a new Code of Conduct on 15 May 2008 to coincide with the introduction of Executive arrangements. A copy is attached as appendix 1. The legislative framework referred to above leaves little scope for the council to amend the Code.

3.2.2 Apart from an additional paragraph – paragraph 15 – the council's code follows the model code. Paragraph 15 allows members to register on a voluntary basis membership of private clubs which are otherwise not registerable. Failure to register such an interest does not amount to a breach of the code.

3.3 **Arrangements Regarding the Register of Members' Interests**

3.3.1 Paragraph 13 of the Code of Conduct requires all Members (Councillors and co-optees) to register prescribed personal interests within 28 days of the adoption of the code, or (if later) within 28 days of their election or appointment to office. This is done by providing written notification to the council's Monitoring Officer.

3.3.2 There is an ongoing requirement to keep the information up to date. Members must within 28 days of becoming aware of any new registrable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

3.3.3 Where Members consider that the information relating to any of their registrable personal interests is sensitive information, and the Council's Monitoring Officer agrees, they need not include that information when registering that interest, or, as the case may be, a change to that interest. "Sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that the Member or a person who lives with him/her may be subjected to violence or intimidation.

3.3.4 The register of interests is available for public inspection both online and in hard copy, although the online version only contains the home address of any Councillor where he/she has requested that it be included. The current hard copies of the public registers for Councillors are kept by Democratic Services in Room 120 King's House.

3.3.5 On a regular basis, Democratic Services send reminders to elected members to update their register of interests. The procedure for so doing is attached at Appendix 2. In the Arrangements regarding the Register of Members' Interests, there are a number of references to the Standards Board for England. The Board now operates under the name "Standards for England" and it is suggested that all references to the Standards Board for England be changed to Standards for England. Similarly the website for Standards for England should be substituted for SBE.

3.3.6 Annex 1 of the Arrangements gives guidance on some frequently asked questions. SfE has updated its guidance, and it is proposed that that the

following comprehensive guidance in relation to gifts and hospitality be substituted for the existing question 2. SfE issued the guidance in October 2009.

"Gifts and hospitality" are covered by paragraphs **8** and **13** of the Code.

What do I have to do?

- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself "Have I been given this because I am a member?" If the answer is "yes" then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.
- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25.

What are the implications?

- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.

For further information on interests see our fact sheet on personal and prejudicial interests.

What happens if I do not know the value of the gift?

- We suggest you register it anyway as a matter of good practice.

Do I have to register gifts or hospitality I do not accept?

- No, but you may wish to do so as a matter of good practice.

What does "hospitality" mean under the Code?

- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

Do I have to register the interests of the donor of the gifts or hospitality?

- No. We believe the Code only requires you to register the gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.

Do I have to register the gifts or hospitality given to the civic mayor or chair of a council?

- Yes. Wholly-owned companies are separate bodies from the authority.

What about official gifts or hospitality given to the civic mayor or chair of a council?

- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair's charity appeal also do not need to be registered.
- We take the view that there is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

3.3.7 The above guidance addresses some of the issues that have been raised in the last year at the Standards Committee, such as "Do members have to register gifts and hospitality that they have refused?"

3.4 OPERATION OF THE CODE OF CONDUCT:

3.4.1 Members who have a personal interest in any business of the authority and who attend a meeting at which that business is considered must disclose the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. As with all rules, there are exceptions to the rule about disclosing interests. Where the interest arises solely from membership of, position of control or management on:

- any other body to which the Member was appointed or nominated by the authority;
- any other body exercising functions of a public nature, for example a school governor, the interest need only be declared if and when the member speaks on the matter, provided that he/she does not have a prejudicial interest.

3.4.2 Each agenda issued by the Council contains the following item of business: -

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."

Notwithstanding the careful phrasing of the item, declarations of interest are not always as comprehensive as they might be.

4. CONSULTATION:

4.1 The Chairman and Monitoring Officer have been consulted and support the proposed amendment to the Annex to the Arrangements regarding the Register of Members' Interests.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Adherence to the code of conduct minimises the financial risks for Members and the Council.

Finance Officer consulted: Anne Silley *Date: 23 August 2010*

Legal Implications:

5.2 These are addressed in the body of the report.

Lawyer consulted: Liz Woodley *Date: 24 August 2010*

Equalities Implications:

5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

5.6 There are no risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Code of Conduct.
2. Arrangements Regarding Register of Members' Interests.

Background Documents:

1. None.

Documents In Members' Rooms:

1. None.

PART 9.1 CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

The Text of the Code

This code has been prepared and adopted by Brighton & Hove City Council ("the authority") in accordance with Section 51 of the Local Government Act 2000. The text of the code follows this introduction and is in 3 parts: 1 General Provisions; 2 Interests and 3 Registration of Members' Interests. All text printed in ordinary type comprises the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000. Any text underlined comprises additional or variant text approved by the authority. Any text in italics comprises comments and informal guidance only and is not part of the authority's code.

The authority's code applies to you if you are an elected Member of the authority or a co-opted Member with voting rights.

The Undertaking

You must sign a formal undertaking to observe the authority's code. If you fail to do so, you will not be able to act as Member of the authority.

Sanctions for Breach of the Code

Any person may make a written complaint that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you by a Case Tribunal or, where the Secretary of State provides by regulations, by a panel of the authority's Standards Committee. It should be noted that a Case Tribunal has power to order you to be suspended or partially suspended from the authority for a period not exceeding one year, or to be disqualified from being a Member of the authority for a period not exceeding five years.

Observing the Code

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Standards Board for England and the Authority's standards committee. It is your responsibility to make sure that you comply with the code. You should regularly review your personal circumstances with this in mind, particularly when those circumstances change. If in any doubt, you should seek advice from the authority's monitoring officer or from your own legal adviser. (The Standards Board for England is unable to give guidance on specific cases.) In the end, however, the decision and the responsibility are yours in each case.

Documents forming part of the constitution issued by the authority which include some particularly relevant guidance on, or requirements relating to, conduct, are:-

- *Part 3.2 – Council Procedure Rules*
- *Part 9.2 - Arrangements regarding the register of Members' Interests*
- *Part 9.3 - Practice Note – Use of Council Facilities*
- *Part 9.5 - Protocol for Members regarding Planning Applications*
- *Part 9.7 - Code of Conduct for Member/Officer relations*

Also relevant are the following strategy / policy documents:-
- *Anti-Fraud and Corruption Strategy,*
- *Whistleblowing Policy*
- *Full Inclusive Council Policy*

You should familiarise themselves with all the above documents.

Main Provisions of the Code

You should note that:

- *The code must be observed when you are acting in an official capacity, defined in Paragraph 2. There are some circumstances, also mentioned in paragraph 2, where the code will apply at other times if you are convicted of a criminal offence.*

- *Any personal interest (defined in Paragraph 8) in a matter under consideration must usually be disclosed by you at meetings where the matter is being considered, but there are some limited exceptions, mentioned in Paragraphs 9(2) to 9(5).*

- *You may have a personal interest through your family or any person with whom you have a close association.*

- *Any personal interest which is also a prejudicial interest (defined in Paragraph 10) in a matter under consideration must be disclosed by you at meetings where the matter is being considered and you must withdraw from the meeting, except in the limited circumstances set out in Paragraph 12.*

- *To determine whether you have a prejudicial interest, you should*
    - *(1) bear in mind the ten principles of public life (set out below)*
    - *(2) consider how the public would judge you if you were to participate in discussing and/or deciding the relevant matter and*
    - *(3) apply the provisions in Paragraphs 10 and 11 of the code.*

- *You must keep up to date the information held on the Register of Interests maintained by the Monitoring Officer and give due notification of any gift or hospitality received as failure to do so will automatically be a breach of the code even though the circumstances may not seem important.*

- *There is provision in the code for you to make a voluntary declaration of your membership of private clubs.*

The Ten General Principles of Public Life

The ten general principles are the fundamental values which, by virtue of the relevant Authorities (General principles) Order 2001, underpin the code. You should therefore read them in conjunction with the code, even though they are not directly part of the code.

***1. Selflessness** - You should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.*

***2. Honesty and Integrity** - You should not place yourself in situations where your honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.*

***3. Objectivity** - You should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.*

***4. Accountability** - You should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.*

***5. Openness** - You should be as open as possible about your actions and those of your authority, and should be prepared to give reasons for those actions.*

***6. Personal Judgement** - You may take account of the views of others, including their political groups, but should reach your own conclusions on the issues before you and act in accordance with those conclusions.*

***7. Respect for Others** - You should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers, and its other employees.*

***8. Duty to Uphold the Law** - You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.*

***9. Stewardship** - You should do whatever you are able to do to ensure that your authority uses its resources prudently and in accordance with the law.*

***10. Leadership** - You should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.*

BRIGHTON & HOVE CITY COUNCIL

CODE OF CONDUCT FOR MEMBERS
(Adopted 15 May 2008)

Part 1 - General provisions

Introduction and interpretation

1(1) This Code applies to you as a Member of an authority.

1(2) You should read this Code together with the general principles prescribed by the Secretary of State.

1(3) It is your responsibility to comply with the provisions of this Code.

1(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority

(c) any of the authority's or its executive's committees, sub-committees, joint committees, or joint sub-committees, or area committees;

"Member" includes a co-opted Member and an appointed Member.

Scope

2(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

2(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

2(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

2(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

2(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3(1) You must treat others with respect.

3(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4 You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6 You—

(a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements; and

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes).

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

8(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

9(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

9(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

9(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

9(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of Members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

9(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

9(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

Prejudicial interest generally

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

10(2) You do not have a prejudicial interest in any business of the authority where that business—

> (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
>
> (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
>
> (c) relates to the functions of your authority in respect of—
>
> > (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to Members;

(iv) any ceremonial honour given to Members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

12(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of Members' interests

13(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of Members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

13(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

14(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of Members' interests.

14(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Voluntary Registration of Membership of Private Clubs

15. You may provide written notification to the authority's monitoring officer of your membership of any private club and of any subsequent change or addition to your membership.

PART 9.2 ARRANGEMENTS REGARDING THE REGISTER OF MEMBERS' INTERESTS

Information for all councillors and co-opted members with voting rights

You must register your interests

- The Council adopted a new local Code of Conduct ("local Code") on 15 May 2008. You must register in the Council's register of Members' interests details of your registerable **personal interests** within 28 days of this date, or (if later) within 28 days of your election or appointment to office. These are the interests which fall within any of the categories mentioned in paragraph 8(1)(a) of the Council's local Code.

- To satisfy the requirement to register, you must provide **written** notification to the Council's Monitoring Officer (the Director of Strategy and Governance).

- **Please do this by completing all the sections of the attached form. For sections where you have no declarations to make, please put "nil" or "not applicable" rather than leaving them blank. Then please sign the form, date it & return it without delay to the Director of Strategy and Governance, c/o Angela Woodall, Democratic Services, Room 120 King's House, Grand Avenue, Hove, BN3 2SR.** If there is insufficient space at any particular category on the form, please supply the details on an additional sheet.

You must keep the information up to date

- You must within 28 days of becoming aware of any new registerable personal interest or change to any such interest that you have registered, register details of that new registerable personal interest or change by providing written notification to the Council's Monitoring Officer.

- You can do this either by completing and sending a new version of this form or the short form (see Annex 2), or a letter or e-mail with the necessary information, to the Director of Strategy and Governance, c/o Angela Woodall, Democratic Services, Room 120 King's House, Grand Avenue, Hove, BN3 2SR.

Possible exception - sensitive information

- Under paragraph 14 of the local Code, where you consider that the information relating to any of your registerable personal interests is sensitive information, and the Council's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest.

- "Sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

- **Please contact the Monitoring Officer if you wish to seek his agreement to the omission of any information under this provision.**

- NB, you must, within 28 days of becoming aware of any change of circumstances which means that excluded information is no longer sensitive information, notify the Council's Monitoring Officer asking that the information be included in the Council's register of Members' interests.

Queries / Contacts

- If you have any queries about the register, or making your declaration of personal interests, or amending your declaration, do please contact any of the following as appropriate:-

- Mark Wall, Head of Democratic Services - ext 1006 - and Angela Woodall, Democratic Support Manager – ext 1354 – for routine matters as the Democratic Services team keeps the register and the forms that you submit. They also deal with any requests for inspection by the public.

- Liz Woodley, Senior Solicitor – ext 1509 – for more complex or legal queries about the obligation to register or interpretation of the local Code and its requirements.

- Abraham Ghebre-Ghiorgis, Head of Law – ext 1500 – is the Deputy Monitoring Officer and Alex Bailey, Director of Strategy & Governance – ext 1295 – is the Monitoring Officer.

- You may also find the Standards Board website at www.standardsboard.gov.uk to be helpful. Under "code of conduct" it has an extensive section on "frequently asked questions about the Code".

BRIGHTON & HOVE CITY COUNCIL – MEMBER DECLARATIONS PUBLIC REGISTER OF MEMBERS' INTERESTS

Please complete all the sections of the form. For sections where you have no declarations to make, please put "nil" or "not applicable" rather than leaving them blank.

This entry is from _____ [please print name]
My registerable personal interests (under paragraph 8(1)(a) of the Council's local Code of Conduct for Members) are as listed in column 3 below:-

	Type of Interest as described in the local Code.	**Declaration – My interests**
i	**Any body of which I am a member or in a position of general control or management and to which I am appointed or nominated by the Council.**	The Council has appointed / nominated me to:-
ii	**Any body** **(1) exercising functions of a public nature; or** **(2) directed to charitable purposes; or** **(3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);** **of which I am a member or in a position of general control or management.**	The following are • my other public bodies, • my charities & • my memberships of groups aiming to influence public opinion or policy (including political parties & trade unions):-

iii	**Any employment or business carried on by me.**	My job(s) are:-
iv	**Any person or body who employs or has appointed me.**	I do work for:-
v	**Any person or body <u>other than a relevant authority</u> (*"relevant authority" includes Brighton & Hove City Council, East Sussex Fire Authority, the Police Authority or any parish council*) who has made a payment to me in respect of my election or any expenses incurred by me in carrying out my duties.**	I get election or other expenses (including any <u>political</u> or <u>private</u> donations) from:-
vi	**Any person or body who has a place of business or land in the Council's area (*the City of Brighton & Hove*) and in whom I have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower). (*See explanatory note 1 at Annex 1)***	I have such an interest in the following persons/bodies with a local connection:-

vii	**Any contract for goods, services or works made between the Council and me or a firm in which I am a partner, a company of which I am a remunerated director, or a person or body of the description specified in box (vi) above.**	I, my partnership, or a company / person / body that I am connected with has the following contracts with the Council:-
viii	**Any person from whom I have received a gift or hospitality with an estimated value of at least £25. (*See explanatory note 2 at Annex 1*)** **NB (1) In each case please list** • **the giver;** • **the date of receipt;** • **description of gift/hospitality;** • **any other comments eg whether you kept the gift or passed it on.** **NB (2) Gifts / hospitality which you have previously declared will be retained on the register – there is no need to declare them again.**	The following gift(s) / hospitality were given to me in connection with or by reason of my membership of the Council:-
ix	**Any land in the Council's area (*the City of Brighton & Hove*) in which I have a beneficial interest. (*See explanatory note 3 at Annex 1*)**	I have the following property interests (eg freehold, leasehold or tenancy) in the Council's area:-

x	**Any land where the landlord is the Council and the tenant is me or a firm in which I am a partner, or a company of which I am a remunerated director, or a person or body of the description specified in box (vi) above.**	I, my partnership, or a company / person / body that I am connected with is the tenant of the Council at the following addresses(es):-
xi	**Any land in the Council's area (*the City of Brighton*) for which I have a licence (alone or jointly with others) to occupy for 28 days or longer.**	I have a licence to occupy the following land in the Council's area:-

Voluntary registration of membership of private clubs

- Paragraph 15 of the Council's local Code of Conduct indicates that you may provide written notification to the Monitoring Officer of your membership of any private club and of any subsequent change or addition to this information.
- You are encouraged to make such a declaration since the Council considers this promotes the interests of openness and represents good practice. However failure to declare membership of private clubs will not be a breach of the Code.
- The space below is for this purpose. This voluntary declaration would include clubs such as cricket, football and other sports clubs, social clubs or other similar organisation, **but NB any clubs or organisations which are charities, for example Rotary or the Grand Charity (Freemasons) MUST be declared at section ii of this form (above) and not here.**

I declare to Brighton & Hove City Council that the above are my interests, as required to be declared by the Council's local Code of Conduct.

Signed_____Date_____

Name (please print)_____

ANNEX 1

BRIGHTON & HOVE CITY COUNCIL – MEMBER DECLARATIONS

Guidance based on information supplied by the Standards Board in relation to some of the questions the Board is frequently asked about the register of personal interests

1. The local Code refers to the nominal value of shares. What is this - is it different to the market value of shares?

   The nominal value of shares is the face value of those shares (the value recorded on the share certificate). For example:

   You bought 10,000 £1.50 shares (face value) in 1999. The market value at the time was £3.00 each, so the total paid was £30,000. Those shares are now worth £45,000. *You are required to declare the nominal value of shares held in excess of £25,000.* The nominal value of those shares would be £15,000 (10,000 x £1.50). Therefore you would not be obliged to enter the shares on the register of interests, even though the current market value of the shares is £45,000. *This will be the case unless the number of shares you hold represents more than one hundredth of the total issued share capital of the relevant corporate body.*

2. Do I need to register all gifts and hospitality I receive?

   No. You only need to register gifts and hospitality worth at least £25 that you receive in connection with your official duties as a Member. The local Code says that it does not apply to Members outside their official capacity apart from certain specified circumstances. Gifts received in a personal capacity do not fall within those circumstances, so do not need to be registered.

3. Do I need to register land that I own overseas or in parts of England outside the Council's area?

   No. You only need to register land you own or in which you have a beneficial interest that is within the Council's area.

ANNEX 2

BRIGHTON & HOVE CITY COUNCIL – MEMBER DECLARATIONS PUBLIC REGISTER OF MEMBERS' INTERESTS

1. This form is for you to notify changes to your declaration of interests as a Member. Please send the completed form within 28 days of the change to: The Director of Strategy & Governance, c/o Angela Woodall, Democratic Services, King's House, Grand Avenue, Hove, BN3 2LS

2. NB in relation to gifts and hospitality received by you in your role as a Member, only gifts or hospitality with an estimated value of at least £25 must be declared.

Please list below any gifts & hospitality received by you		
1.	Name of person who, or organisation which, supplied gift / hospitality to you	
2.	Date of receipt of gift / hospitality	
3.	Description of gift / hospitality	
4.	Any other comments / information (eg you may wish to say whether you have kept a gift or passed it on)	
Please list below any other changes to your interests		

Please amend the declaration of my personal interests under Brighton & Hove City Council's local Code of Conduct for Members to record the change(s) listed above:-

Signed_____Date_____

Name (please print)_____

COUNCIL	Agenda Item 31
21 October 2010	Brighton & Hove City Council

Subject:	**Review of the Code of Conduct for Member/Officer Declarations**	
Date of Meeting:	**21 October 2010** 14 September 2010	
Report of:	**The Monitoring Officer**	
Contact Officer:	Name:	Penny Jennings Tel: 291065
	E-mail:	Penny.jennings@brighton-hove.gov.uk
Wards Affected:	All	

EXTRACT FROM PROCEEDINGS OF THE STANDARDS COMMITTEE MEETING HELD ON THE 14 SEPTEMBER 2010

STANDARDS COMMITTEE

5.00pm 14 SEPTEMBER
COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors: Deane, Harmer-Strange and C Theobald

Independent Members: Dr M Wilkinson (Chairman), Mrs H Scott

Rottingdean Parish Council Representatives: Mr J Bustard and Mr G W Rhodes

Apologies: Councillors Carden, Lepper and Watkins and Ms M Carter (Independent Member)

PART ONE

16. REVIEW OF THE CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS

16.1 The Committee considered a report setting out the conclusions of the Working Group set up to review the Council's Code of Conduct for Member/Officer Relations, which recommended the adoption of a revised code.

16.2 The Senior Lawyer, Ms Woodley, Senior Lawyer explained that the proposed revisions recommended by the Working Group were set out in Appendix 1. The Working Group had been set up in response to the recommendation of the Audit Commission to "Review the framework for Member/Officer relations and related arrangements to ensure that they are understood and followed in practice."

16.3 The Chairman referred to Paragraph 6 of Appendix 1. He stressed that it was very important that officers kept Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards which they represented. Mr Bustard, Rottingdean Parish Council stated that the Parish Council would welcome a similar approach as the level and quality of information received by it could be inconsistent. The Acting Director of Strategy and Governance stated that periodic reviews would take place to ensure that the information provided to Members was consistent.

16.4 **RESOLVED** – That the Standards Committee recommends to the Council that the revised Code of Conduct for Member/Officer Relations as set out in Appendix 1 to the report be adopted.

Council	Agenda Item 31
21 October 2010	Brighton & Hove City Council

Subject:		**Review of the Code of Conduct for Member/Officer Relations**		
Date of Meeting:		**21 October 2010 - Council** 14 September 2010 – Standards Committee		
Report of:		**Acting Monitoring Officer**		
Contact Officer:	Name:	Liz Woodley	Tel:	29-1509
	E-mail:	liz.woodley@brighton-hove.gov.uk		
Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report sets conclusions of the Working Group set up to review the Council's Code of Conduct for Member/Officer Relations, and recommends the adoption of a revised Code.

2. RECOMMENDATIONS:

2.1 That the Standards Committee recommends to the Council that the revised Code of Conduct for Member/Officer Relations set out in Appendix 1 to the report be adopted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Between October 2008 and March 2009 the Audit Commission undertook a review of governance in Brighton & Hove. The review was based on the Good Governance Standards for Public Services developed by the Independent Commission on Good Governance in Public Service. It included a recommendation to "Review the framework for member and officer relations and the related arrangements to ensure that they are understood and followed in practice."

3.2 At its meeting on 22 June 2010 the Committee agreed to set up a working group to review the Code of Conduct for Member/Officer Relations. The Chairman together with Councillors Lepper, Mrs Theobald and Watkins agreed to serve on the Group.

3.3 The Group met twice, in July and August, and identified some areas of concern. It proposed that a revised Code be adopted, as shown in Appendix 1. The recommended changes are shown in italics.

3.4 **Issues Considered:**

Co-opted members

3.4.1 The existing Code does not make it clear whether it applies to co-opted members as well as elected members. The Group saw no reason why the Code should not apply and therefore recommended an addition to the Introduction at paragraph 1a) to make the position clear.

Employee Volunteering Scheme

3.4.2 The Council has recently approved an Employee Volunteering Scheme. It allows employees paid time off to work for a local voluntary or community organisation. There is clearly scope for employees to come into contact with Members while volunteering. The Group considered that Members and Officers need to be reminded that the Code would apply in this situation – hence the suggested addition to paragraph 2a)

Political Assistants

3.4.3 The Council employs 3 political assistants. Their existence is not acknowledged in the existing Code, let alone their unique position regarding political activity. It was therefore deemed appropriate to add a brief paragraph at 4g).

Keeping Members informed

3.4.4 Elected members cited a number of examples where they had not been made aware of significant events happening in their wards. They therefore wanted paragraph 6a) strengthened to remind officers of the need to keep them informed.

Harassment and bullying

3.4.5 The council has recently adopted a Dignity & Respect at Work Policy. Instead of reporting alleged bullying and harassment by Members to line managers, employees may choose to use the less formal Dignity & Respect policy. A reference to this has therefore been included in paragraph 13 c).

Updating

3.4.6 Since 17 January 2010 the Standards Board has no longer been able to impose sanctions for a breach of the Code of Conduct. That power now rests with the First Tier Tribunal. Accordingly references to the Standards Board have been replaced with references to the First Tier Tribunal.

3.5 The Working Group noted that the Government had announced its intention to make changes to the Freedom of Information Act. It considered that no substantive changes should be made to Appendix 1 – Access to Information – the “Need to Know” until the legislation had been published.

4. CONSULTATION:

4.1 The proposed changes to the Code have been the subject of consultation with the independent Chairman of the Standards Committee and three elected Members. The Monitoring Officer attended both meetings of the Working Group.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the recommendations of this report.

Finance Officer consulted: Anne Silley *Date: 24 August 2010*

Legal Implications:

5.2 The Code of Conduct for Member/Officer Relations is one of a number of documents comprising the council's constitution. With limited exceptions, all changes to the constitution must be approved by full council.

Lawyer consulted: Liz Woodley *Date: 24 August 2010*

Equalities Implications:

5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

5.6 There are no risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1 Revised Code of Conduct for Member/Officer Relations.

Background Documents:

1 None.

Documents In Members' Rooms:

1 None.

PART 9.7 CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS

1. Introduction

(a) An effective and productive working relationship between Members and officers is critical to the successful operation of the Council's business. This code deals with the Member/officer interface in general terms and then refers to the working relationship between Members and Chief Officers, senior officers and other officers who formally advise the Council. *Unless the context indicates otherwise, the terms Member and Members include co-opted Members as well as elected councillors.*

(b) Excellent working relationships between Members and officers are required both to deliver high quality services to local people and to maintain public confidence in the machinery of local government in Brighton & Hove.

2. Mutual Respect and Courtesy

(a) For the effective conduct of the Council's business there must be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and officers. *Members and officers should be aware that contact may occur outside the traditional local government environment, as officers who undertake voluntary work within the City as part of the Employee Volunteering Scheme remain Council employees while they are volunteering.* The basic tenets of common courtesy apply in both formal and informal settings. This plays an important part in safeguarding the Council's reputation and the regard in which it is held by members of the public.

(b) It is important that both Members and officers remember their respective obligations to enhance the Council's reputation and do what they can to avoid criticism of Members or officers in public. The quality of the interface between the two is vital in ensuring that the highest ethical standards permeate the Council in both its private and public dealings.

(c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited. If Members believe they have reason to criticise the work of an individual junior officer, the proper approach should be

through the senior manager of the section or Chief Officer of the relevant department. Equally where officers feel they have good cause to criticise a Member, an approach by the relevant Chief Officer to that Member's party whip, group leader or convenor is a sensible first step.

3. Roles and Responsibilities

(a) All Members have responsibilities towards the Council, effectively as trustees. However, certain Members will exert more influence and direction than other. The Leader and Cabinet Members have special responsibilities as they have collective and individual powers to take decisions on matters that fall within the category of executive functions. They need to work closely with senior officers to ensure that they discharge their functions lawfully and in the interests of the Council and council tax payers. Committee/Sub-Committee Chairmen will also exert influence and guidance within the area covered by their Committees/Sub-Committees. The role of Committee/Sub-Committee Chairmen is recognised for procedural purposes, for example, conducting meetings or exercising a casting vote. They too need to liaise with senior officers on significant matters, even though they cannot reach individual decisions on behalf of the Council.

(b) Members are responsible to the electorate and may serve until their term of office expires or until it is ended before that, for whatsoever reason. Officers are employed by, and are responsible to, the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its Leader, Cabinet Members, Committees and Sub-Committees and the management of the Chief Executive and the relevant Chief Officer.

(c) Officers are employed to advise the Council and to implement its decisions. Officer advice must be full and impartial and should include all relevant options. It must not seek to second-guess the decisions of Members, for example by excluding presumed unpalatable options, and must be clear and professional at all times. Members should respect officers' political neutrality at all times. But Members are entitled to reject officer advice and to give effect to their lawful policies even if these are clearly at variance with the views of officers. It is by this means that, for example, the Leader and Cabinet Members are able to implement the policies for which they regard themselves as responsible to the electorate and the opposition groups are able to challenge them and put forward their own policies.

4. Political Activity

(a) Senior officers, except those specially exempted, cannot be local authority Members or MPs, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". Such officers are nevertheless able to engage in such activity to "such extent as is

necessary for the proper performance of their duties". (Sections 1-3 of the Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990.

(b) Officers are employed by the Council not by the Leader, Cabinet Members, Committees/Sub-Committees or individual Members and are subject to the application of the Council's employment policies and procedures including the Council's Code of Conduct for Officers.

(c) National conditions of service provide that officers cannot be required to advise any political group of the Council, either as to the work of the group or as to the work of the Council, neither can they be required to attend any meetings of any political group. Nonetheless it is common practice for party groups to give preliminary consideration to matters of Council business and officers may properly be called upon to support and contribute to such deliberations.

(d) Normally, only the Chief Officer will be expected to attend meetings, write reports or carry out other work relating to Council business (including drafting Notices of Motion) for a party political group. Subject to the Chief Officer's discretion, other senior officers may be invited to attend meetings, provide information, write reports and draft Notices of Motion, or carry out other work relating to Council business for party political groups. However, neither the Chief Officer nor any other officer can be instructed to do so nor can they be instructed to carry out any party political work. This provision covers meetings of or reports to a party political group or meetings designated for one party only. It is, of course, open to the Leader, Cabinet Members, any Committee or any Sub-Committee to require reports from Chief Officers on matters within their terms of reference.

(e) Officers must respect the confidentiality of any party group discussions at which they are present and should not relay the contents of any such discussions to another party group.

(f) The principle in (d) above does not deny the necessity for regular contact on matters affecting the Council between Chief Officers, other senior officers and the leadership of political groups, and on matters affecting executive or committee functions between Chief Officers, other senior officers and the Leader, Cabinet Members, Committee/Sub-Committee Chairmen and party spokespersons.

g) *The principles outlined at c) and d) above, do not apply to political assistants appointed pursuant to section 9 of the Local Government and Housing Act 1989. Schedule 1 to the Local Government Officers (Political Restrictions) Order 1990 sets out a number of terms and conditions which are deemed to be incorporated into a political assistant's contract of employment. These include a prohibition on standing for election, acting as an election agent or being a manager or officer of a Political Party. Further, a political assistant cannot speak to the public at large or to a section of the public in circumstances which are likely to create an impression that they are speaking as an authorised representative of a political party, whether so authorised or not. Separate detailed guidance has been issued for political assistants.*

5. Contact between Members and Officers

(a) Regular contact between Members and senior officers is necessary to ensure the efficient working of the Council. In this context, it is the responsibility of Chief Officers to identify within each department the senior officers who should have regular contact with Members and this will depend upon the nature of the service they provide and the nature of the Member contact envisaged. However Members should always bring major concerns about issues affecting a department directly to the attention of the Chief Officer concerned.

(b) Serious problems can arise if Members bypass appropriate lines of communication to Chief Officers and their senior officers and, for example, deal with more junior members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers. It may also serve to undermine the formal accountability of staff to their line manager.

(c) However, there are circumstances when Members may need direct contact with relatively junior staff, for example, with junior officers in Housing District Offices when dealing with constituency casework presented by tenants. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine but wherever appropriate Members should keep Chief Officers informed by copying them correspondence, e-mails etc., and routing general enquiries through them.

6. Information for Members

(a) It is important that officers keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards which Members represent. Ward Members should be informed *in a timely manner* about *all* proposals which affect their area *including, but not limited to*, declarations of surplus property, a new traffic management scheme or a local planning application. Ward Members should also be invited to attend the opening of new Council buildings or road schemes or other similar ceremonies within their wards. *Whenever a public meeting is organised by the Council to consider a local issue, all Members representing the ward or wards affected should as a matter of course be invited to attend the meeting*. It should also be borne in mind that Members who are not Cabinet Members or Members of a particular Committee/Sub-Committee may be able to attend and speak at meetings of the Cabinet, of Cabinet Member or of Committees/Sub-Committees with the agreement of the Chairman or person presiding at the meeting.

(b) The disclosure of information by Members which they have gained as Members when the information is confidential, is restricted. It should not, therefore, be made available by the Member concerned to the press or public nor should it be passed onto another Member who cannot demonstrate a similar "need to know".

7. Access to Information

(a) Members have wide-ranging legal rights of access to documents in the possession or under the control of the Council and officers should implement requests for information from Members who need that information for the fulfilment of their duties as a Member.

(b) Normally, officers will accept that Members do not ask for information without good reason and will not question the Member's "need to know". But in the words of relevant legal arguments, a Member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.

(c) In rare cases therefore a Chief Officer may apply the "need to know" test. The Member will need to show why the information is necessary to fulfil Council duties. Further guidance on the "need to know" issues is set out in Appendix 1 to this code. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so. Where the Member is dissatisfied with the outcome the matter shall be referred to the Monitoring Officer for a decision.

(d) A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to view relevant material and to copy individual documents and retain them but may not make use of such information for an improper purpose or one unrelated to the Member's duties.

(e) Members are reminded of their duty not to disclose confidential information which they have gained access to as Members (see also 6(b) of this Code). To do so is not only a breach of this code but is also very likely to be a breach of the Code of Conduct for Members for which the Council's Standards Committee or *the First-Tier Tribunal* can impose penalties. If any Member believes that he or she may have justification for disclosing confidential information, he or she must first seek advice from an appropriate officer such as the Monitoring Officer, Chief Finance Officer or Chief Executive.

8. Preparation of Officer Reports for the Leader, Cabinet Members or Committees/Sub-Committees

(a) Officer reports to the Leader, Cabinet Members, Committees and Sub-Committees should be written by the Chief Officer or other officer authorised by him or her. All sensitive officer reports shall be discussed with, as appropriate, the Leader, the relevant Cabinet Member, or the relevant Committee/Sub-Committee Chairman at one of the regular meetings held with the Chief Officer.

(b) However, the draft officer report belongs to the officer concerned and even if the Leader, relevant Cabinet Member, Chairman or another Committee/Sub-Committee Member in exceptional circumstances is unhappy with its contents, it should not be amended by them save with the express approval of the Chief Officer. It is for the Chief Officer to determine when a draft officer report should be amended in the light of Members' views, taking advice from the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate.

(c) It should be noted that the guidance above relates to reports prepared by officers. In any case where the Leader or *a* Cabinet Member writes a report relating to his or her functions, the report will belong to the Member concerned and be that Member's responsibility. In such cases the Member will ensure that relevant officers, including the Chief Finance Officer and the Monitoring Officer, are consulted, to ensure that the report's content is practical, lawful, in compliance with the fiduciary duty to council tax payers and in the interests of the Council.

9. Correspondence

(a) Frequently Members and officers correspond and, where it is appropriate to regard the correspondence as non-confidential, it may be copied by either the sender or the recipient to others, subject to the provisions of paragraphs 9(b) to (d) below and to the requirement that correspondence should be courteous and wide circulation of it should not be employed as a means of administering a public rebuke to a Council officer.

(b) Officers should not copy correspondence with a Member of one party to a Member of another party without consent. This does not prevent officers or Members copying correspondence to each other about casework across ward or interest group boundaries. Nor does it preclude a Chief Officer from advising the Leader, a Cabinet Member, or a Committee/Sub-Committee Chairman in general terms of an issue raised with the Chief Officer in correspondence, or otherwise, with a Member.

(c) Members and officers must treat as confidential any personal information protected from disclosure by the Data Protection Act unless the disclosure is permitted under the Act or by other legislation.

(d) Members should bear in mind that if they disclose any information which should have been regarded as confidential, this is very likely to be a breach of the Code of Conduct for Members, as mentioned at paragraph 7(e) above. If in doubt as to the status of the correspondence, the Member should check with the officer concerned before taking any steps to distribute it more widely.

10. Undue Pressure

(a) Members need to be aware that it is easy for officers, particularly junior members of staff, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or political office. Therefore, the usual point of contact for Members should be the relevant Chief Officer or Deputy Chief Officer.

(b) A Member should not request an officer to do anything that she or he is not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Officer or the Monitoring Officer.

(c) Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor to raise personal matters to do with their job, nor make claims or allegations about other officers. The Council has formal procedures for consultation, grievance and discipline.

11. Familiarity

(a) Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, e.g. personal details. Such familiarity can also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.

(b) For the above reasons, it is evident that close personal familiarity should be avoided, and in any event must be declared both by the Member and the officer. Such declarations should be made by the officer to the officer's Chief Officer and by Members to the Chief Executive.

12. Officers and Overview and Scrutiny

(a) Where an Overview and Scrutiny Committee exercises its powers to require officers to attend to answer questions or discuss issues it should also consider the seniority of officers it would be appropriate to require to appear before them, in order to ensure that more junior officers are not put under undue pressure. Guidelines on this matter are included in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

(b) Overview and Scrutiny Committees should always bear in mind that when officers appear to answer questions their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain what the policies are, the justification and objectives of those policies as the decision makers see them, the extent to which those objectives may have been met, and how administrative factors may have affected both the choice of policy measures and the manner of their implementation. They may be asked to explain and justify advice they have given to Members prior to decisions being taken and/or decisions they themselves have taken under delegated authority.

(c) As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Council's policies and decision makers' actions should always be consistent with the requirement for officers to be politically impartial.

13. Redress and Breach of this Code

(a) If a Member has a complaint about a junior or senior officer, it should be raised with the relevant Chief Officer. If the complaint concerns a Chief Officer it should be raised with the Chief Executive as Head of Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against Local Authority Chief Executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. Nor does it prevent Members at meetings of the Leader, Cabinet Member, Committees or Sub-Committees being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance in respect of mutual respect and courtesy at paragraph 2 of this Code.

(b) If a Member considers that he or she has not been treated with proper respect or courtesy by an officer or that an officer is otherwise in

breach of this Code, the Member may raise it with the officer's line manager or Chief Officer without delay if the Member fails to resolve it through direct discussions with the officer. A Member may raise the issue with the Chief Executive, after discussion with the relevant Chief Officer. If the issue still remains unresolved, appropriate disciplinary action may be taken against the officer.

(c) If an officer has similar concerns about a Member, the officer should raise the matter with his or her line manager or Chief Officer as appropriate without delay, especially if the officer does not feel able to discuss it with the Member concerned. In such circumstances the Chief Officer will take such action as is appropriate either by approaching the individual Member and/or party group leader. The Chief Officer will inform the Chief Executive and the Monitoring Officer if the party group leader or the Leader, a Cabinet Member, a Committee/Sub-committee Chairman becomes involved, or in any other case where that is appropriate. *Alternatively, any officer who feels that he or she has been bullied by a Member may invoke the Dignity & Respect at Work Policy.*

(d) If an officer is concerned that another officer is in breach of this Code, or if a Member is concerned that another Member is in breach of this Code, he or she should raise the issue directly with either their line manager or Chief Officer or with their party group leader. Similar redress may be sought as in the previous paragraph.

14. Conclusion

(a) Mutual understanding, openness and basic respect are the greatest safeguards of the integrity and reputation of the Council, its Members and officers.

(b) If Members or officers have any concerns about the content of this Code, or wish any interpretation or advice upon its contents, they should contact in the first instance the Monitoring Officer or the Chief Executive.

APPENDIX 1

ACCESS TO INFORMATION – THE "NEED TO KNOW"

1. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a "need to know". This was formulated before the establishment of executive powers for individual Members, but the principles have been extended appropriately in the note below.

2. Members are presumed to have a good reason for access to all written material relating to a function controlled by a Committee on which they serve or an executive function for which they have responsibility either as an individual or jointly with other Cabinet Members. Also a Member of a Committee would have a good reason for access to papers relating to the business of a Sub-Committee of that Committee.

3. A Member with a legitimate concern in a matter in which she or he is representing a constituent or other person or organisation may be able to demonstrate a "need to know" in relation to papers relevant to that matter, even if the Member concerned is not on the relevant Committee/Sub-Committee or does not have any related responsibilities as a Cabinet Member.

4. However, even where a Member is

   (a) a Member of a Committee/Sub-Committee and wishes to see papers relating to the work of that Committee or a Sub-Committee of it, or

   (b) wishes to see papers relating to his or her responsibilities as a Cabinet Member,

   there will not be an automatic right of access to papers if the Member's interest springs from something other than the wish to pursue rights as a Member of that Committee/Sub-Committee or a Cabinet Member.

5. Party leaders may be able to demonstrate a "need to know" in respect of written material relating to all Committees/Sub-Committees. A Cabinet Member may be able to demonstrate a "need to know" in respect of written material relating to functions of other Cabinet Members for any matter which is to be dealt with by a committee of Cabinet Members which includes that Member.

6. Not withstanding that the information requested may come within the above categories, an officer may refuse a request to provide the information if she or he has cause to think that the information may

have been requested for an improper purpose or is otherwise unreasonable or is of a personally sensitive nature.

7. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a Chief Officer's attendance at the office amounted to harassment.

8. An officer in judging whether a Member requesting information has a right to it is entitled to know the reasons for wanting it, and in the absence of cogent reasons is entitled to refuse. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.

9. Members are entitled to have enough information to be able to perform their functions properly and the Courts will protect this position. Members should however bear in mind that unreasonable requests or pressure for information may amount to a breach of the Code of Conduct for Members, for which the Council's Standards Committee or *the First-Tier Tribunal can* impose penalties.

10. Access to Confidential Cabinet and Cabinet Member Reports

10.1 Members' rights of access to Cabinet and Cabinet Member reports are set out in paragraph 24 of the Access to Information Procedure Rules. Without prejudice to any rights that Members may have under those rules, this guidance or the law, the following practice and procedure should apply.

(a) The Council's approach regarding access to Cabinet or Cabinet Member reports will be guided by the general principles of openness and transparency.

(b) In the practical application of the principles, the Council will have regard to any legal duty of confidentiality and the need to be able to run its business as a responsible authority.

(c) As far as possible, and to the extent that it is consistent with legal duties and good practice, the Council will endeavour to put as many of the reports as possible in the public part or, where this is not appropriate, to have an item in the open part that gives the public an indication of the nature of the issue.

(d) As general rule the Chairman of the Scrutiny Commission and all Group Leaders will be provided with copies of any part II reports to the Cabinet or Cabinet Member meetings and there will be a presumption in favour Group Leaders and relevant Scrutiny Chairmen having access to part II reports.

(e) In some cases, the matter under consideration may be such that it is necessary to limit the distribution of reports to Cabinet Members only or to restrict the copying, distribution, or retention of the reports by Members or Officers.

(f) In exceptional cases, if the Chief Executive and the Monitoring Officer are of the opinion that significant legal, financial or commercial reasons exist, then the distribution of the reports may be restricted to the person/s making the decision. In coming to such a decision, the Chief Executive and the Monitoring Officer will have regard to the following:

- Whether the distribution of confidential papers to persons outside the decision-makers would be likely to constitute a breach of any legal duty to which the Council is subject , whether such duty arises from legislation, court order, contractual duty or other express or implied legal obligation;

- Whether the disclosure of the information would be likely expose the Council to financial loss;

- whether the disclosure of the information would be likely to have a detrimental effect on any commercial negotiations;

- whether the report includes sensitive personal information the disclosure of which would expose the council to legal or reputational damage;

- whether the report contains matters relating to labour relations or negotiations with trade unions and the disclosure of such information would be likely to compromise those negotiations.

(g) steps taken to limit distribution or restrict the manner of use shall be proportionate to the perceived risk. Depending on the Chief Executive and the Monitoring Officer's assessment, any such measures may include, but are not limited to:

- Circulating the report to the decision makers only;
- Collecting the reports at the conclusion of the meeting;
- Making arrangements for relevant Members to read the report at a pre-arranged venue and not take the report away;
- Restricting any copying of the report.
- Marking reports

(h) Where a restriction or limitation on distribution is imposed under the above provisions, the Chief Executive or the Monitoring Officer shall inform the Group Leaders and the Chairman of the Scrutiny Commission.

(i) The procedure to restrict circulation of reports or the manner of use shall be applied only in exceptional circumstances and the presumption remains that Group Leaders and relevant scrutiny chairmen would be entitled see part II reports.

(j) The above procedures are without prejudice to any right that Members may have to access information and documents under the common law principle of “need to know.”

Council	Agenda Item 32
21 October 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Environmental Industries**		
Date of Meeting:		**21 October 2010**		
Report of:		**The Acting Director of Strategy & Governance**		
Contact Officer:	Name:	Tom Hook	Tel:	29-1110
	E-mail:	Tom.Hook@brighton-hove.gov.uk		
Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Council's Constitution requires reports from overview & scrutiny panels, together with the executive response to these reports, to be submitted to Full Council for information.

1.2 This report presents the Overview and Scrutiny Commission (OSC) scrutiny panel report on the "Environmental Industries" (**Appendix 1**) and the responses to the recommendations from the Executive (**Appendices 2&3**).

2. RECOMMENDATIONS:

2.1 That Member's note the OSC scrutiny panel report on Environmental Industries (**Appendix 1**) and the responses to the recommendations from the Executive (**Appendix 2&3**).

3. BACKGROUND INFORMATION

3.1 The panel was established to explore the growth potential of environmental industries in Brighton & Hove. It considered the economic, environmental and employment benefits to the city and what actions should be prioritised by the council and its key partners to support high growth potential existing businesses in the sector, diversification of others into the sector's work, and attract inward investors.

3.2 The Panel took evidence from 25 witnesses representing 21 organisations, among them the city council, both the city's universities, the Brighton & Hove Economic Partnership, BioRegional, the GMB trade union, the South East England Development Agency, EDF, the City College, local businesses and Transition Brighton & Hove.

3.3 Underpinning all the recommendations is the need for partnership working, sometimes beyond our city boundaries, which was advocated by everybody who gave evidence. Indeed, one early reward from the Inquiry's work has been bringing some of them closer together.

3.4 The need for the council to support environmental industries through its policies and procurement programmes is another central theme. It was also agreed that a network is needed to support this growing sector and that the council should appoint an environmental industries officer to support and promote new and growing businesses and to help retain successful companies in the city as they grow

3.5 Another critical issue raised by many witnesses is the need for work spaces to accommodate companies of all sizes – from fledging organisations to established and expanding businesses. Providing training to fill skills gaps is another area that must be addressed.

3.6 Appendix 1 is the formal scrutiny report, appendices 2&3 the executive response.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation with interested parties.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications for this report, as this report is purely for the Council to note

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 07 October 2010

Equalities Implications:

5.3 No specific implications for this report, as this report is purely for the Council to note.

Sustainability Implications:

5.4 No specific implications for this report, as this report is purely for the Council to note.

Crime & Disorder Implications:

5.5 No specific implications for this report, as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.6 No specific implications for this report, as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.7 No specific implications for this report, as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of OSC into Environmental Industries
2. The Executive Response
3. The Executive Response

Documents in Members' Rooms:

None

Background Documents:

The Council's Constitution

Brighton & Hove City Council

A report of the Culture, Tourism and Enterprise Overview and Scrutiny Committee Ad Hoc Panel

October 2009

ENVIRONMENTAL INDUSTRIES INQUIRY

Capturing the potential and economic benefits for Brighton & Hove

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7. **The way forward**

Appendix 1: The establishment of the Panel

Appendix 2: Dates of public meetings and witnesses who attended

1. Chairman's Introduction

The development of environmental industries is seen as one of the key drivers for ending the world recession. In the UK, all the main political parties recognise the economic potential of developing, designing and manufacturing the wind turbines, solar panels, insulation material and other hardware needed to tackle climate change, support waste management and recycling, reclaim contaminated land, deal with all forms of pollution and help Brighton & Hove become a low carbon city. At the same time, they argue, thousands of 'green collar' jobs could be created.

Brighton & Hove is already home to a growing number of companies involved in this second industrial revolution. However, believing there is huge potential for growth in environmental industries in the city, the council voted unanimously to set up an all-party Inquiry into their future development. This report is the fruit of its labours.

During the past six months, the Panel has taken evidence from 25 witnesses representing 21 organisations, among them the city council, both the city's universities, the Brighton & Hove Economic Partnership, BioRegional, the GMB trade union, the South East England Development Agency, EDF, the City College, local businesses and Transition Brighton & Hove.

The witnesses' belief that Brighton & Hove can be a major centre for the development of environmental industries was overwhelming, and their experience and expertise has been critical to producing this report. Underpinning all the recommendations is the need for partnership working, sometimes beyond our city boundaries, which was advocated by everybody who gave evidence. Indeed, one early reward from the Inquiry's work has been bringing some of them closer together.

The need for the council to support environmental industries through its policies and procurement programmes is another central theme. It was also agreed that a network is needed to support this growing sector and that the council should appoint an environmental industries officer to support and promote new and growing businesses and to help retain successful companies in the city as they grow

Another critical issue raised by many witnesses is the need for work spaces to accommodate companies of all sizes – from fledging organisations to established and expanding businesses. Providing training to fill skills gaps is another area that must be addressed.

There is, of course, a precedent for believing that environmental industries will be a Brighton & Hove success story. The city has proved its willingness to embrace and develop new ideas and technologies in the creative industry sector and, in particular, in the digital industries, where it is a national and international centre. There is every reason to believe it can do it again with environmental industries.

My thanks go to all those expert witnesses who, in giving evidence, gave the city a free and very valuable consultancy. I am also grateful to Councillor Melanie Davis and Councillor Steve Harmer-Strange for their work as Inquiry Panel members and to the many Brighton & Hove council officers who have supported us. In particular, my thanks go to Karen Amsden and Julia Riches from the Scrutiny team, who provided research and advice.



Councillor Bill Randall

2. Executive Summary and list of Recommendations

This section provides a summary of the report and then lists the full set of recommendations arising from the Inquiry.

A. Executive Summary

What are environmental industries?

The Inquiry used as a definition:

"…businesses operating in the broad disciplines of energy efficiency, recycling and waste, renewable energy, sustainable construction and maintenance, consultancy and other services".

The key focus of the report

The Terms of Reference for the Inquiry emphasised the need to:

"…explore the growth potential of environmental industries in Brighton & Hove. It will consider the economic, environmental and employment benefits to the city…"

A comprehensive report

The report covers the full range of policy and political developments in this emerging sector. It does justice to the quality and quantity of evidence, places the evidence in context and provides an update on developments in this sector, for example the successful bid for an Environmental Innovation Network.

Our key findings

- This growing sector provides an important enterprise and employment opportunity for the city. There are a significant number of potential major projects in the pipeline, including a wind farm.
- Brighton & Hove has many of the key attributes needed to attract environmental industries. These include the universities, the range of education and employment opportunities and the enterprise culture highlighted in the recent HSBC report on 'super cities'.
- The council can play an important role in developing this sector.
- There are opportunities for the council to work with other partners and localities to maximise the potential of this sector.
- There is a need to support this sector as it grows. This could include a network, facilitating clusters and helping to meet the need for suitable office accommodation.

Conclusion

This sector represents an important enterprise opportunity for the city. The council needs to work closely with key partners to develop and support a thriving environmental industries sector in this city.

Because of the work being done by the universities and the private sector, environmental industries seem set to grow in Brighton & Hove. The council recognises that it must seize the opportunity to become involved in the development of the sector, in order to influence it from the centre rather than the periphery. This report sets out some of the key ways it can do so.

The Panel recognises that other local authorities are preparing to maximise the chances offered by this sector and are developing the infrastructure to service these industries. So if our city fails to grasp this opportunity, then other locations will benefit.

Our recommendations

The Panel has developed 7 headline recommendations and 14 supporting recommendations. These aim to achieve the following outcomes:

- Making environmental industries a council priority
- The council leading by example to encourage this sector
- Working with our partners to maximise the potential of these industries
- Working with the city's universities
- Establishing an environmental industries network
- Growing the sector to create local jobs and training
- Providing funding advice for these industries
- Communicating the importance of this sector
- Monitoring the progress of this sector.

B. Recommendations

Headline Recommendations

1. The Panel believes the council should appoint a lead officer for environmental industries to be a key point of contact for those in this sector seeking information and support. (see p63)

2. The Panel welcomes the Business Retention and Inward Investment Strategy and Action Plan, and its commitment to the environmental industries. The Panel believes all other relevant strategies for the city should be refreshed to reflect the importance of environmental industries. (see p27)

3. The Panel believes the council should explore how more affordable work and office space could be made available in the city. This is particularly important to retain successful and growing companies who might otherwise leave Brighton & Hove. Clusters of workspaces are crucial to encourage the interchange of ideas. (see p57)

4. The Panel recommends the council plays an active role in supporting the new regional Environmental Innovation Network, which will be led by EnviroBusiness with key support from the University of Brighton and funded by South East Development Agency (SEEDA) and European Regional Development Fund (ERDF) S.E. Competitiveness Fund. The need for such a network was stressed by all those who gave evidence to the Panel. The network's regional focus reflects the general view that Brighton & Hove and other local authorities and organisations must work across a regional and sub-regional front to promote and develop environmental industries. (see p58)

5. The Panel welcomes the council's commitment to creating apprenticeships. It recommends that future bids for funding for apprenticeships take account of the environmental industries. It also welcomes the city's success in gaining Future Jobs Funding to create 350 jobs. Led by the council, the programme will create 100 recycling and 'green collar' jobs. The emerging environmental industries are highlighted as a potential area for the programme. (see p52)

6. The Panel was pleased to be able to forge relationships through its meetings, among them the new dialogue between City College and Kingston College. The Panel recommends that the council encourages inter-college partnering, where appropriate, to address the skills gaps in the environmental industries and in the retrofitting sector of the construction industry to meet demand for future employment. This will support local job creation across the employment spectrum from graduates to those leaving school with few qualifications. (see p 39)

7. The Panel recommends the council uses its procurement policy to promote the growth and development of environmental industries and to encourage innovative and environmentally conscious companies to tender for work. (see p74)

Supporting Recommendations

8. The Panel believes it is essential to produce an up to date directory of local and regional environmental industries. It recommends the council works with its partners to achieve this. The council should also update its own directories to take account of this, in conjunction with partners. (see p21)

9. The Panel believes the council's representative on the Economic Partnership should be a champion for this sector and work with and encourage our partners to implement the recommendations of this Inquiry and other initiatives. (see p26)

10. The Panel recommends the council ensures it's planning policies and practices, including the emerging Local Development Framework, support the growth and development of environmental industries. (see p27)

11. The Panel recommends that the council further strengthens its excellent relationships with the city's two universities and publicises their work. The lead officer for environmental industries (proposed in Recommendation 1) could be a key point of contact for the universities. (see p34)

12. The Panel believes an innovation centre should be established in collaboration with the universities and environmental industries. The aim would be help develop new technologies in the sector and support emerging and expanding companies. (see p43)

13. The Panel believes the council should be represented on the Environmental Advisory Group established by the East Sussex Enterprise Hub. This would facilitate coastal collaboration and enable the council to gather information about local innovation. (see p47)

14. The Panel recommends the council works with local organisations and other local authorities, regional and sub-regional bodies to help the development of environmental industries. Building on existing regional initiatives, it could explore, for example, the possibility of collaborating with neighbouring authorities that could provide manufacturing space. (see p48)

15. The Panel believes social enterprises have a significant role to play in developing environmental industries in Brighton & Hove. It recommends that the council and other organisations do all they can to support the social enterprise sector in this area. (see p49)

16. The Panel welcomes energy-saving and carbon reduction initiatives, such as the Community Energy Saving Programme and the Great British Refurb Campaign, and recommends the council investigates the full range of funding opportunities and schemes for supporting low carbon investment and environmental schemes in the city to create local jobs. (see p54)

17. The Panel recommends the council either undertakes, or contributes to, an assessment of how to help graduates gain employment in environmental industries, or contribute their knowledge to the council. (see p36)

18. The Panel believes the council should offer itself as a pilot authority when opportunities arise to support this sector. It should encourage its partners to do the same, to attract and assist innovative companies and products. (see p60)

19. The Panel believes that the council should work with its partners to increase the profile of the sector in the city. This could include: publicising existing organisations and projects, showcasing the council's own work, using companies as 'showrooms' and demonstration projects and organising events for the environmental industries. (see p62)

20. Many small and medium sized businesses find it very difficult to negotiate the funding labyrinth. The Panel recommends the council undertakes, or identifies a partner to carry out, an exercise to map the funding available for environmental industries. This information could then be made accessible to the sector. (see p72)

21. The Panel recommends that in 12 months time the council's Culture, Tourism & Enterprise Overview and Scrutiny Committee (CTEOSC) is provided with a report on the implementation of the Inquiry's recommendations. Thereafter, an annual update on progress would be given to CTEOSC. (see p75)

3. How this Panel was set up

The Panel was drawn from the Culture, Tourism and Enterprise Overview and Scrutiny Committee (CTEOSC) and consisted of Councillor Bill Randall (Chairman), Councillor Melanie Davis and Councillor Steve Harmer-Strange.

The Panel agreed its terms of reference as:

"…*to explore the growth potential of environmental industries in Brighton & Hove. It will consider the economic, environmental and employment benefits to the city and what actions should be prioritised by the council and its key partners to support high growth potential existing businesses in the sector, diversification of others into the sector's work, and attract inward investors."*

The Panel wish to thank all those who submitted evidence to them. Members were most impressed by the knowledge and expertise that was offered to them during the course of their Inquiry. The Panel has tried to take into account all the views expressed when making their recommendations. The recommendations do, however, remain those of the Panel.

Further information, on the setting up of the Panel and the witnesses involved, is attached to this report in Appendices 1 and 2.

Volume 2 of this report contains the written evidence submitted to the Panel and the minutes of the public meetings held between March and June 2009.

Witnesses who gave evidence (in order of appearance)

Paul Dickinson	CEO	**Carbon Disclosure Project**
Jae Mather	Director of Sustainability	**Carbon Free Group**
Nick Hutchinson	Director	**Ecosys**
Tony Mernagh	Director	**Brighton & Hove Business Forum**
Councillor Ted Kemble	Cabinet Member for Enterprise, Employment and Major Projects	
Zoe Osmond	Business Development Manager	**University of Brighton**
Professor Jim Lynch	Distinguished Professor of Life Sciences	**University of Surrey and Senior Advisor for SEEDA**
Gary Smith	National Secretary	**GMB Union**
Rob Macey	Regional Organiser	**GMB Union**
Mike Herd	Executive Director	**Sussex Innovation Centre**, **University of Sussex**
Alan Harris	Centre Manager	**Kingston College**
Sharon Greenaway	Director of Business Enterprise	**Kingston College**
Pooran Desai	Sustainability Director	**BioRegional**
David Porter	Environmental Enterprise Manager	**EnviroBusiness**
Jim Christy	Director	**East Sussex Enterprise Hub**
Dr Jim Watson	Director of the Sussex Energy Group	**University of Sussex**
Graham Tubb	Head of Energy Policy	**SEEDA**
Christine D'Cruz	Head of Business Development (Residential and SME markets),	**EDF Energy**
Maria Antoniou	Development Manager	**Friends Centre**
Martin Grimshaw		**Transition Brighton & Hove**
John Kapp		**Transition Brighton & Hove**
Greg Simmons	Technical Director	**Elektromotive**
Vernice Halligan	Head of Employer Engagement	**City College Brighton & Hove**

Michael Buckman	Curriculum Manager	**City College Brighton & Hove**
Steve Charter	Director	**SC2 Sustainability Consultancy**

4. The importance of environmental industries

This section places the evidence provided to the Panel in context. It explains what environmental industries are and the contribution they can make to tackling climate change. The importance of this sector to the economy is then considered - internationally, nationally, regionally and in Brighton & Hove (B&H).

4.1 What are environmental industries?

For this Inquiry, the Panel agreed the following definition of environmental industries:

" …businesses operating in the broad disciplines of energy efficiency, recycling and waste, renewable energy, sustainable construction and maintenance, consultancy and other services (furniture, printing, cleaning food, travel, design etc)."

The industry is very much an emerging sector and one that was not properly recognised five years ago. Therefore the Panel decided to use a broad definition of the sector to ensure they did not limit the scope of their Inquiry.

A similar approach is taken by the UK Forum for Environmental Industries (UKFEI) which believes:

"…a broad spectrum of business types make up the environmental technologies and services sector."[1]

They include the following industries:

- water and waste water treatment
- transport pollution control
- noise and vibration control
- contaminated land remediation
- energy management
- environmental consultancy
- landscape industries
- marine pollution control
- waste management and recycling
- air pollution control
- environmental monitoring
- air pollution control
- cleaner technologies and processes[2]

The sector contains organisations of varying sizes, ranging from large companies to micro businesses.

[1] UKFEI website http://www.ukfei.co.uk/
[2] ibid

4.2 Environmental industries and climate change

The highly influential *Stern Review: The Economics of Climate Change* concluded that:

"The scientific evidence is now overwhelming: climate change presents very serious global risks, and it demands an urgent global response."[3]

Paul Dickinson, the Chief Executive of the Carbon Disclosure Project, told the Panel of his concern that:

"*…it is a deeply held view by the public and general technical people that there is nothing to worry about. However … there is the potential for there to be such a significant change to the climate in our lifetime that it could lead to the loss of 80% of the population."*[4]

The Climate Change Act 2008 saw the UK become the first country to adopt a legally binding target to reduce carbon emissions - at least 26% by 2020 and 80% by 2050. One of the key aims underpinning the Act was to:

"…*improve carbon management and help the transition towards a low carbon economy in the UK."*[5]

The recently produced White Paper, the *UK Low Carbon Transition Plan,* outlined a comprehensive plan to deliver emission cuts of 18% on 2008 levels by 2020. One of the key aims was to:

"… make the UK a centre of green industry by supporting the development and use of clean technologies…"[6]

4.3 What environmental industries can contribute to the economy

The *Stern Review* emphasised how tackling climate change could promote economic growth and development:

"Action on climate change will … create significant business opportunities, as new markets are created in low-carbon energy technologies and other low-carbon goods and services. These markets could grow to be worth hundreds of billions of dollars each year, and employment in these sectors will expand accordingly."[7]

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[3] Stern review: 'The Economics of Climate Change', 2006
[4] Paul Dickinson, Carbon Disclosure Project, evidence 31st March 2009
[5] http://www.defra.gov.uk/environment/climatechange/uk/legislation/provisions.htm
[6] http://interactive.bis.gov.uk/lowcarbon/
[7] Stern review: 'The Economics of Climate Change', 2006 http://www.hm-treasury.gov.uk/d/CLOSED_SHORT_executive_summary.pdf

The *Stern Review* was followed by a significant number of international and national research reports and policy announcements; including reports by the UN, the Obama Administration and the main political parties in the UK.

The *Low Carbon Industrial Strategy*, recently published in parallel with the *Transition Plan*, agreed that:

"..*supplying the demands of the low carbon economy offers a significant potential contribution to economic growth and job creation in Britain, not only as part of the short term economic recovery, but also through sustainable growth over decades to come."*[8]

Internationally

The current global market for environmental goods and services is thought to be worth more than $1,300bn and could double by 2020.[9] The Panel heard that figures from the Organisation for Economic Co-operation and Development (OECD) put the value of the global environmental services sector even higher at $1.2 trillion, although this was later re-evaluated as $3trillion.[10] This would make it roughly the same size as the pharmaceutical market, although the spend on research and development (R&D) is significantly lower at around 10% of that of the pharmaceuticals.[11]

Europe and environmental industries

A recent study on the impact of renewable energy policy on economic growth and employment in the European Union reported that in 2005 the renewable energy sector employed 1.4 million people with a gross value added of €58bn. However, the significance of the sector varies strongly among Member States.

This report also calculated that:

"Achieving the 2020 RES [renewable energy sector] target will deliver [up to] 2.8 million jobs in the RES sector."[12]

The Energy Commissioner Andris Piebalgs said:

"This shows that benefits of renewables in terms of security of supply and fighting climate change can go hand-in-hand with economic benefits."[13]

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[8] www.hmg.gov.uk/lowcarbon. Department for Bus, Ent and Reg Ref and Dof E and CC
[9] 'Creating Green Jobs: developing local low carbon economies', LGA (2009)
[10] Professor Jim Lynch, University of Surrey & SEEDA, evidence 23rd April 2009. Later figure from Adrian Wilkes, Director of the Environmental Industries Commission.
[11] ibid
[12] 'The impact of renewable energy policy on economic growth and employment in the European Union', Employ-Res research project, (April 2009) http://ec.europa.eu/energy/renewables/studies/doc/renewables/2009_employ_res_summary.pdf
[13] http://www.euractiv.com/en/energy/eu-business-case-renewables/article-182792

The report also highlighted the need for stronger policies to reap the maximum economic benefits from renewable energy. While more innovative technologies such as photovoltaic, offshore wind, solar thermal electricity and second-generation biofuels require more financial support in the short term, they are key to achieving the EU's 2020 target. This, in turn, will help maintain the EU's current competitive position in the global market and increase employment and GDP in the midterm.[14]

Nationally

The growing economic importance of the environmental sector in the UK has been the focus of an increasing number of key national policy documents.

For example, one of the key objectives of the *Heat and Energy Saving Strategy* (2009) is:

"… to take advantage of the economic opportunities presented by the shift to a low carbon economy in the UK and in the rest of the world, helping us during the current economic downturn and over the long term."[15]

The key proposal is for:

"All homes to have received by 2030 a 'whole house' package including all cost-effective energy saving measures, plus renewable heat and electricity measures as appropriate. All lofts and cavity walls will be insulated where practical by 2015."[16]

The aim of this Strategy is to:

" …reduce annual emissions by up to 44 million tonnes of $C0_2$ in 2020 the equivalent of a 30% reduction in emissions from households compared to 2006."[17]

The recent White Paper on *UK Low Carbon Transition* declares its aim to:

"…build the UK's position as a global centre of green manufacturing in low carbon sectors such as offshore wind, marine energy, low carbon construction and ultra-low carbon vehicles."[18]

[14] 'The impact of renewable energy policy on economic growth and employment in the European Union', Employ-Res research project, April 2009 http://ec.europa.eu/energy/renewables/studies/doc/renewables/2009_employ_res_summary.pdf
[15] DECC website, Heat and Energy Saving Strategy, Executive Summary http://hes.decc.gov.uk/consultation/consultation_summary
[16] ibid
[17] ibid
[18] 'The UK Low Carbon Transition Plan' (2009) http://www.decc.gov.uk/en/content/cms/publications/lc_trans_plan/lc_trans_plan.aspx

The UK Low Carbon Industrial Strategy, produced in tandem with the White Paper, has calculated that:

''The UK low carbon environmental goods and services (LCEGS) market is worth £106 billion and employs 880,000 people directly or through the supply chain. It is estimated that over 1 million people will be employed in the LCEGS sector by the middle of the next decade."[19]

According to this Strategy, what makes the expansion of the sector so important is that:

"'These are skilled jobs with the average market value per employee well above the national average. The UK LECGS sector is one of the few areas of the economy expected to maintain positive growth rates through the downturn and is expected to grow by over 4% per annum up to 2014/15."[20]

Regionally

The South East England Development Agency (SEEDA), in its *Regional Economic Strategy for the South East 2006-2016*, stated that one of its key objectives was to:

"…achieve sustainable prosperity."[21]

Mr Graham Tubb, the Head of Energy Policy at SEEDA told the Panel that environmental industries were becoming increasingly mainstreamed, and formed a key area of his organisation's work. It had been identified as a:

"'…transformational opportunity for the region."[22]

A recent report looked at the sales of low carbon and environmental goods and services in the UK in 2007/8. It valued the sector at almost £13bn in the South East (or 12.09% of UK total). In this region there were 6,642 companies employing over 113,000 people (or 13.38% of the total number of people employed in UK in LECGS). In addition, 15% of the UK exports from this sector came from the South East.[23]

SEEDA had also calculated that by 2016, the region's share of this market would be around £26bn.[24]

[19] The UK Low Carbon Industrial Strategy (2009) http://www.berr.gov.uk/files/file52226.pdf
[20] ibid
[21] http://www.seeda.co.uk/RES_for_the_South_East_2006-2016/docs/RES2006-16-Summary.pdf
[22] Graham Tubb, SEEDA, evidence 10th June 2009
[23] 'Low Carbon and Environmental Services: an Industrial Analysis' http://www.berr.gov.uk/files/file50253.pdf
[24] Graham Tubb, evidence 10th June 2009

The Panel heard that there are a number of potential environmental industry growth areas in this region, including the use and sale of electric vehicles, tidal power and wind power.[25]

The Low Carbon Industrial Strategy includes a policy to create 'Low Carbon Economic Areas' which could benefit this region. The aim is to:

"…accelerate low carbon economic activity in areas where Britain's existing geographical and industrial assets give a locality clear strengths."[26]

The first of these Areas will be located in the South West of England and focus on the development of marine energy demonstration, servicing and manufacturing. The methods used to develop opportunities in this area will include:

"…investment in world class academic and research strengths; the creation of a network of science parks and business to generate growing momentum in the wave and tidal power sector; new port infrastructure … and the creation of an industry forum based in the region."[27]

The Panel heard that Brighton & Hove already possesses these academic and research strengths. The ways of assisting this sector which are outlined in the *Industrial Strategy*, such as the creation of an industry forum, were also suggested by a range of witnesses to this Inquiry as potential methods of stimulating the sector in the city.

The *Industrial Strategy* went on to announce that:

"Over the next six months, central government will work with national, regional and local partners to develop further Low Carbon Economic Areas, examining where key opportunities exist, where there are local and regional advantages and where local partners are strategically aligned and focussed on delivery. Sectors where we will particularly look to develop such areas will include offshore wind, marine energy generation, the nuclear energy supply chain, carbon capture and storage, and ultra-low carbon vehicles."[28]

[25] For example, evidence from Elektromotive and Pooran Desai
[26] 'The UK Low Carbon Industrial Strategy' (2009) http://www.berr.gov.uk/files/file52226.pdf
[27] ibid
[28] ibid

5. Environmental industries - an opportunity for the city

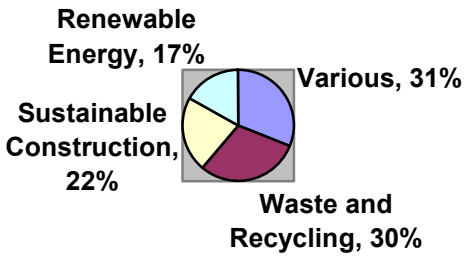
One of the aims of the Inquiry was to gain a fuller understanding of the environmental industries in the city and the support they may need. This section therefore contains:

- a brief analysis of environmental industries in Brighton & Hove
- an examination of the current policies of the council which support this sector

5.1 Environmental industries in Brighton & Hove

In 2007 a Sustainable Eco-Enterprise (SEE) Directory for East Sussex was produced by Ecosys, a local environmental consultancy. The pie chart below shows how the 185 SEE businesses they identified in the region, broke down into four categories:

Breakdown of SEE businesses in East Sussex



This Directory included 67 SEE businesses in Brighton & Hove, which represented 36% of the SEE businesses in East Sussex. [29]

Ecosys who provided a detailed data written submission to the Panel are seeking funding to produce an updated version of the SEE Directory for East Sussex. The Panel supports the development of an up to date directory of environmental industries to:

- enable potential consumers to contact environmental industries
- provide data to chart the growth of this sector
- map the number and location of these business
- enable networking

This directory could be produced on-line, which would enable it to be regularly updated.

[29] Written evidence from Ecosys to the Inquiry, March 2009

Recommendation: *The Panel believes that it is essential to produce an up to date directory of local and regional environmental industries. It recommends the council works with its partners to achieve this.*

Recent figures regarding the environmental industries sector come from the *Business Retention and Inward Investment (BRII) Strategy* commissioned by the council. The BRII reports that Brighton & Hove has:

"…around 75 businesses that fall within the definition of environmental technologies at the current time, as recorded by the City Council." [30]

Although no specific clusters of activity were identified in the BRII, key sub-sectors (based on number of firms) in Brighton & Hove included:

- Commercial Waste Disposal (20 businesses)
- Environmental Consultants (17 businesses)
- Domestic Waste Disposal (11 businesses)
- Energy Saving Consultants (7 businesses)[31]

Local companies in this sector include:

- Elektromotive – a 'leading provider of technology and engineering solutions for electric vehicle recharging stations'[32]
- Low Carbon Trust – a not-for-profit organisation that sets up, manages and promotes environmental projects[33]
- Magpie Recycling - a co-operative that also offers consultancy services, collection vehicle manufacture and a furniture project[34]
- Ultra Green, a renewable and clean tech company with a range of technologies that maximise energy efficiency[35]

The Panel heard evidence from some of locally based environmental industries, including Elektromotive and the Low Carbon Trust. While the majority of these organisations in Brighton & Hove are small and medium sized enterprises (SMEs), the city is also home to offices of EDF Energy. The larger companies in this sector have budgets for research & development. An example of how these can be used, is the work based Masters degree course being run at the University of Brighton for Southern Water.[36]

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[30] Business Retention & Inward Investment Strategy and Implementation Plan, Final Report (March 2009 http://www.brighton-hove.gov.uk/downloads/bhcc/economicdevelopment/BRIIFinalReport.pdf
[31] ibid
[32] Elektromotive website http://www.elektromotive.com/html/about.php
[33] Low Carbon Trust website http://www.lowcarbon.co.uk/
[34] Magpie Recycling website http://www.magpie.coop/about.php
[35] Ultra Green website is www.ultragreengroup.com
[36] Zoe Osmond, University of Brighton, evidence 23rd April 2009

The witnesses to the Panel emphasised the potential to encourage more industries to the city and create a thriving environmental business sector here. Innovative suggestions included Paul Dickinson, of the Carbon Disclosure Project, emphasising the importance of creating environmental jobs to protect our children and selling Brighton & Hove as:

"… the children's city."[37]

The Panel supported the gathering of additional information about this sector in Brighton & Hove which could be used to judge its future needs.

[37] Paul Dickinson, Carbon Disclosure Project, evidence 31st March 2009

5.2 Council Plans and Strategies

This section describes the key relevant council plans and strategies which have come to our attention during this Inquiry.

In addition, there are a number of other strategies drawn up by partner organisations. Although they are relevant to the issues raised in this Inquiry, there is not the space to include them in the report. For example, the NHS has recently published a consultation document *Saving Carbon, Improving Health*, a draft carbon reduction strategy for the NHS in England. The consultation closes on 30 September 2009.[38]

How the council already encourages environmental industries

The Core Strategy

This is the planning document which provides the overall strategic vision for the future of Brighton & Hove through to 2026. It sets out how the council will:

- respond to local priorities
- meet the challenges of the future
- identify the broad locations, scale and types of development needed together with the supporting infrastructure

It addresses important city-wide matters such as delivering more sustainable development and neighbourhoods and sets out the council's strategic approach to housing, the economy, shopping and transport. The *Core Strategy* explains that it must ensure that:

"… new development is delivered in a way which reduces the city's ecological footprint, contributes towards meeting the city's targets for reduction in carbon emissions and is resilient to the predicted local effects of climate change. It also means ensuring that all major new development in the city supports the regeneration of the city and contributes to the creation of high quality, sustainable communities and provides for the demands that it generates, supported by appropriate physical and social infrastructure."[39]

[38] This strategy aims to achieve two objectives, which are to: *"…support organisations, people and partners through the creation of a systematic and measurable approach to carbon reduction for the NHS; and position NHS organisations as leaders in the public sector, encouraging and challenging others, in a united front against climate change."* http://www.sdu.nhs.uk/page.php?page_id=94

[39] http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/Core_Strategy_Revised_Preferred_Options_June_08.pdf

A consultation paper: *A Core Strategy - proposed amendments* was published on 29 June 2009 (with a deadline for responses by 10 August 2009). The result of this process will be available in November 2009.

The Core Strategy will reflect the priorities set out in the Sustainable Community Strategy, and will help to deliver them.

The Sustainable Community Strategy

The Brighton & Hove Local Strategic Partnership (LSP) is responsible for preparing and implementing the Sustainable Community Strategy. The strategy sets out:

"… a long-term plan to improve the economic, social and environmental well-being of Brighton & Hove, now and into the future."[40]

It provides a framework for action for the partners involved in the LSP who are responsible for the strategy's development and implementation.

There are eight priority themes identified within this Strategy:

- promoting enterprise and learning
- reducing crime and improving safety
- improving health and well-being
- strengthening communities and involving people
- improving housing and affordability
- promoting resource efficiency and enhancing the environment
- promoting sustainable transport
- providing quality services

The draft Strategy notes that:

"…there is a unique opportunity for Brighton & Hove to pioneer the development of a Low Carbon Economy, which is essential if it is to achieve the medium and long term CO_2 cuts it is committed to. This can be achieved through exploiting our strengths in decarbonised industries... exploiting the growth potential of sustainable/environmental industries in the city; ensuring sustainable resource management by Brighton & Hove businesses and by building on widespread interest and commitment in business and wider communities."[41]

The Strategy was first published in 2003. During 2009, the LSP has been updating the strategy. A consultation period for the first draft is running until the 5th October 2009 and the Overview and Scrutiny Commission will hold a workshop on the draft plan in October 2009.

[40] 2009 1st Draft – Creating the City of Opportunities – A sustainable community strategy for the City of Brighton & Hove
[41] ibid

The Corporate Plan

The *Corporate Plan* for the council (2008-11) states that one of the key priorities is to:

"Protect the environment while growing the economy."[42]

The Plan notes that:

"Changing population patterns mean the city will need to create eight thousand new jobs over the next ten years just to maintain its current employment rate." [43]

This Plan also states the council's commitment to:

"…reduce the city's carbon footprint, and play a full part in tackling the international challenge of climate change."[44]

Economic strategy

The *Brighton & Hove Economic Strategy (2008-2016)* contains an action point to:

"Provide support and raise awareness of the environmentally focused businesses operating within the city in particular those that are engaged in environmental technology. Capture and grow this intellectual cluster of ethical/environmental businesses".[45]

This strategy was discussed at a full meeting of the Culture, Tourism and Enterprise Overview and Scrutiny Committee (CTEOSC) on 2nd April 2009.[46]

The *Economic Strategy* is key to the success of the city, so it will be vitally important to link the findings of this Panel to the work of the Economic Partnership.

Understandably, the Economic Partnership has not focused its attention on environmental industries until now. However, as this sector increases in size and importance to the city, the Panel felt that it would be an area worth highlighting and focusing attention on. A named person to champion the environmental industries and to work on their behalf could be advantageous to the sector.

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[42] http://wave.brighton-hove.gov.uk/LGCSDocumentLibrary/Management/Strategic%20planning/Corporate%20initiatives/Corporate%20Plan%202008-2011.pdf
[43] ibid
[44] ibid
[45] Brighton and Hove Economic Strategy, 'Raising our Game' (2008-2016) http://www.brightonbusiness.co.uk/secure/assets/ni20081207.377912_493d04f0a29.pdf
[46] See minutes from CTEOSC on 02.04.09 http://present.brighton-hove.gov.uk/Published/C00000137/M00001376/$$$Minutes.doc.pdf

Recommendation: *The Panel believes the council's representative on the Economic Partnership should be a champion for this sector and work with, and encourage, our partners to implement the recommendations of this Inquiry and other initiatives.*

Employment and enterprise strategies

The *City and Employment Skills Plan* (CESP) also highlights the need to create 8,000 additional jobs in the city to maintain the current employment rate or 16,000 further jobs, if the city was to reach the national aspiration of an 80% employment rate.[47]

The city also has a *Social Enterprise Strategy*[48] which defines social enterprise as:

"…a route to sustainable economic prosperity whilst meeting social needs and protecting the environment."[49]

The central proposition of the strategy is the formation of a facilitated membership network. The potential for establishing a network for the environmental industries, is considered in Section 6.3 of this report.

Business retention and inward investment

The council's draft final report of the *Business Retention and Inward Investment Strategy (BRII)* included a section on *'Environment Technologies and their Potential for Brighton & Hove'* because:

"…it is recognised that Brighton & Hove has specific opportunities to promote environmental technologies as a key occupier/business sector."[50]

The opportunities for this sector were identified on the basis of three key 'hooks':

- the sustainable cities index (Brighton & Hove was rated the number 2 city in 2008)
- research specialisms connected to both the universities
- existing and pipeline projects[51]

[47] 'City and Employment Skills Plan 2007/8-2010/11' http://www.brighton-hove.gov.uk/downloads/bhcc/economicdevelopment/CESP.pdf
[48] Local examples include Brighton and Hove Wood Recycling Project, PR company Green Rocket and Care Co-ops.
[49] 'Brighton and Hove Social Enterprise Strategy' (2008) http://www.bhbcp.org.uk/uploaded_files/news/Brighton_and_Hove_Social_Enterprise_Strategy_2008.pdf.
[50] 'Business Retention & Inward Investment Strategy and Implementation Plan', Commissioned by Brighton & Hove City Council, Final Report (March 2009) http://www.brighton-hove.gov.uk/downloads/bhcc/economicdevelopment/BRIIFinalReport.pdf
[51] ibid

The Panel, and other members of CTEOSC, have already commented on the *BRII* during a Scrutiny workshop on 15th January 2009. At a full CTESOC meeting on 2nd April 2009 the members were told that their concerns raised at the workshop had been addressed, by including environmental industries in the strategy as a '*potential sector*'.[52]

The Panel were pleased to hear from Cllr Ted Kemble, the Cabinet Member for Enterprise, Employment and Major Projects that he welcomed the Inquiry and looked forward to its recommendations.[53]

While it is recognised that the potential of environmental industries does feature in key polices and strategies, the Panel hopes that this report's recommendations are used to refresh local and regional strategies in a co-ordinated manner.

> ***Recommendation**: The Panel welcomes the Business Retention and Inward Investment (BRII) Strategy and Action Plan, and its commitment to the environmental industries. The Panel believes that all other relevant strategies for the city should be refreshed to reflect the importance of environmental industries.*

Planning

Planning policies and guidelines are crucial to the success of the city. As such, the Panel felt that any assistance which could be given to facilitate the growth of environmental industries would be welcomed.

> ***Recommendation:** The Panel recommends that the council ensures its planning policies, including the Local Development Framework, and its practices work to help find planning solutions to assist environmental industries: for example, enabling the co-location of such organisations where appropriate.*

[52] Minutes of CTEOSC meeting on 02/04/09 http://present.brighton-hove.gov.uk/Published/C00000137/M00001376/$$$Minutes.doc.pdf
[53] Ted Kemble, evidence 23rd April 2009

5.3 Environmental industries and economic recovery

A recent Argus headline, publicising a State of the City event to be held on 23rd June 2009, claimed that:

"Green industry is key to city's fast recovery." [54]

A local business representative when publicising this event, spoke of how the city could buck the trend of the recession:

"The big … hope is the environmental industries, such as low-carbon transport and renewable energy."[55]

Witnesses to the Panel were also keen to highlight the potential for creating jobs in this sector. However their views varied on the number and the nature of these possible jobs.

Could manufacturing for environmental industries happen here?

The Panel heard that there were three stages in how these industries grow, and that the business sector felt that each stage varied in its potential for Brighton & Hove to become involved:

- Research and development (R&D), both to develop the product and ongoing R&D to improve it *(it was suggested this could be a significant role for Brighton & Hove due to our knowledge based economy)*
- Construction *(Brighton & Hove are felt to be unlikely to have a role in this as it will probably be done in the Far East, unless it is highly technical construction)*
- Installing and maintaining *(where Brighton & Hove could have a big role)*[56]

When the issue of the potential for manufacturing in Brighton & Hove was raised, the Panel was told that:

"…the space is not here and can only be gained by collaborating with nearby towns."[57]

It was suggested that representatives from East and West Sussex needed to be invited to work with Brighton & Hove, both to enhance relationships and improve perceptions of the city. This kind of work could be encouraged in Adur and Newhaven which still have a manufacturing capacity, although mainly in low technology manufacturing.[58] The issue of the potential for coastal collaboration is discussed again further in this report.

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[54] The Argus, June 23rd, 2009
[55] ibid
[56] Tony Mernagh, Director Brighton and Hove Business Forum, evidence 31st March 2009
[57] Ibid
[58] ibid

Nick Hutchinson, the Director of Ecosys, agreed that Brighton & Hove was unlikely to be a big part of manufacturing and felt that the city needed to:

"…skill up for installation and maintenance. For example there are high level boiler functions and people do not know how to use them."[59]

Paul Dickinson believed that Brighton & Hove should not try to get involved in manufacturing. He highlighted the importance of the North Laines, in relation to retailing: the money earned here stays here.[60]

Pooran Desai, from BioRegional, told the Panel that whilst Brighton & Hove may not be the right place for manufacturing wind turbines, there is potential for undertaking this in Southampton and Shoreham Harbour. He felt that a lot of computer based jobs could be situated in Brighton & Hove. One example is the greener concrete developed for One Brighton, which could be used to construct wind farms. He believed that knowledge-based jobs could be sited in the city, as higher paid engineers and creative workers might prefer to be based in Brighton rather than Southampton.[61]

Supporting small and medium enterprises (SMEs)

Many of the environmental industries currently in the city are micro or small businesses and the issue of providing support to them was raised by the witnesses. Transition Brighton & Hove described their work with The Werks and Brighton Media Centre to identify spaces for small start ups to happen. They told the Panel about the need to offer:

"*…greater support to SMEs."*[62]

Jae Mather, of the Carbon Free Group, informed the Panel that if the council want to take a lead in this sector, it must support SMEs in the sector and buy their products.[63]

There is a widespread recognition of the role of SMEs in the economy, and the challenging issues they face. Central Government has recently announced it is putting together a package of support to help SMEs, who are particularly vulnerable during the economic downturn.[64]

[59] Nick Hutchinson, Ecosys, evidence 31st March 2009
[60] Paul Dickinson, evidence 31st March 2009
[61] Pooran Desai, BioRegional, evidence 13th May 2009
[62] Martin Grimshaw, Transition Brighton & Hove, evidence 10th June 2009
[63] Jae Mather, Carbon Free Group, evidence 31st March 2009
[64] http://www.dius.gov.uk/about_us/what_we_do/business_gateway/help_for_smes

6. Maximising the opportunities offered by environmental industries

6.1 The potential of Brighton & Hove

The Panel heard a significant amount of evidence regarding the positive attributes that Brighton & Hove can offer to this sector. According to Nick Hutchinson, from Ecosys[65], these include:

- a clear cluster of businesses
- a lot of good practice
- significant developments in the pipeline e.g. offshore wind farms
- a very good resource efficiency programme in the area
- significant active networking
- very good public transport systems
- strong council support
- an engaged public[66]

Other witnesses described the proximity to Gatwick and London, and the 'cultural offer' of the city as important.

The report will now consider the main attributes of Brighton & Hove grouped under the following headings:

- the reputation of Brighton & Hove as a sustainable city
- Brighton & Hove as a 'super city'
- the city's cultural offer
- a centre of knowledge
- an incubator of environmental industries
- a city able to benefit from collaborating with other areas.

A. Reputation as a sustainable city

The Sustainable Cities Index for 2008 assessed 20 cities, using a basket of indicators relating to:

- environmental impact e.g. air quality
- quality of life e.g. life expectancy
- future proofing e.g. local authority commitments on climate change

The report concluded:

"It was very close at the top, with Bristol just snatching the top spot from Brighton & Hove. With third-placed Plymouth, these are the cities which continue to outperform the rest of the group."[67]

[65] Ecosys is a small Brighton based consultancy that focuses on resource efficiency and supporting SMEs
[66] Nick Hutchinson, evidence 31st March 2009

One of the indicators in which Brighton & Hove scored well (5th highest) was the number of green businesses per capita.[68]

However, a report by the World Wildlife Fund on the ecological footprint of British City Residents ranked Brighton & Hove as having the fourth highest out of 60 cities. It was assessed as needing 3.47 planets to support its rate of consumption.[69]

B. One of the 5 'super cities'

HSBC recently published a report it had commissioned on the changing face of business in Britain. Its purpose was to map the:

"…new entrepreneurial landscapes."[70]

Renewable energies were identified as one of the eight key emerging industries. The report also predicted the rise of five 'super cities', one of them being Brighton & Hove:

"Our super cities promise to change the traditional national and regional power bases in the UK because of their proximity to the one thing that does not depend on natural resources: knowledge.

But this is knowledge in the 21st century – a notion driven by science, technology, culture, creativity, behavioural economics and, more importantly, an open-source approach to innovation that is turning creative towns, such as Brighton, into alternative economic and innovation powerhouses."[71]

While this report did not predict that Brighton & Hove would become one of the hot spots for renewable energies, the qualities of the city which are highlighted above could be crucial in encouraging and developing environmental industries.

C. The city's cultural offer

The 'brand' of Brighton & Hove is important. Pooran Desai of BioRegional, told the Panel that he felt that the right culture, lifestyle and intellectual capital was as important as the desire and policies to encourage the sector. He believed that only Brighton & Hove and Cambridge currently have this wider 'offer' and there were huge opportunities to be at the forefront of driving a 'green cluster'.[72]

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[67] http://www.forumforthefuture.org/files/sustainable_cities_051108_links_final.pdf
[68] http://www.forumforthefuture.org/files/sustainable_cities_051108_links_final.pdf
[69] The Ecological Footprint of British city residents, WWF Report, (2007) http://www.wwf.org.uk/filelibrary/pdf/city_footprint2.pdf
[70] http://www.hsbc.co.uk/1/PA_1_5_S5/content/uk/pdfs/en/future_of_business.pdf 'The future of business: the changing face of business in 21st Century Britain', HSBC, (2009)
[71] ibid
[72] Pooran Desai, evidence 13th May 2009

Ultra Green, a Brighton-based renewable and clean tech company told the Inquiry that they have benefited from the city's:

…'high quality of life'.[73]

Brighton & Hove has a widely acknowledged vibrant arts and culture scene, including the Brighton Festival. There is also the award winning Jubilee Library and the One Brighton development. All these contribute to providing Brighton & Hove with a cultural infrastructure which could be used to encourage further inward investment.

[73] Visit to Ultra Green, 18th September 2009

D. A centre of knowledge

Evidence given to the Panel highlighted the significant contribution of the two universities, and a range of further education providers, to the potential of Brighton & Hove.

The city's universities

According to Professor Jim Lynch of SEEDA:

"The universities are powerhouses in the south east and Brighton & Hove is very well served by its universities." [74]

University of Brighton

The Panel heard that the University of Brighton was business-facing and had been very successful in attracting Higher Innovation Funding – of around £1.5m. There were projects worth around £30.5m underway at any one time, with an additional £1.5m in the pipeline. The University has up to 22,000 students (18,000 undergraduates and 4,000 postgraduates), with students across the environmental sector including geography, science and technology.

Zoe Osmond, Business Development Manager at the University, believed that most of these students wanted to stay in the area and if the council could encourage the growth of the environmental industries, they would form an important part of the workforce.[75]

The University's areas of environmental expertise included:

- sustainable organisations
- environmental management
- low carbon technologies
- community engagement

They work with a range of businesses, such as:

- Rye Biofuels (developing performance and quality standards)
- Minelco (developing synthetic minerals using CO_2 in manufacture)
- Churngold Remediation (commercialising a soil clean up technology)[76]

The University's Centre for Sustainability of the Built Environment has an international reputation, and good links with Europe and Australia. This was felt to be important, as other countries are so far ahead of us in this sector.[77]

[74] Professor Jim Lynch, evidence 23rd April 2009
[75] Zoe Osmond, evidence 23rd April 2009
[76] See supplementary evidence supplied by Zoe Osmond in Volume 2
[77] Tony Mernagh, evidence 31st March 2009

University of Sussex

The Panel heard from Dr Jim Watson, Director of the Sussex Energy Group, that the University of Sussex was historically strong on energy conservation.[78] The Sussex Energy Group (SEG) forms part of the Science and Technology Policy Research Unit (SPRU). The SPRU is:

"…a global leader in research, consultancy and teaching of science, technology and innovation policy and management …[it]… is one of the world's largest specialised centres of its kind, located in the Freeman Centre, a purpose built space."[79]

> ***Recommendation:*** *The Panel recommends that the council further strengthens its excellent relationships with the city's two universities and publicises their work. The Lead Officer for Environmental Industries (proposed in Recommendation 1) could be a key point of contact for the universities.*

[78] Dr Jim Watson, Sussex Energy Group, evidence 13th May 2009
[79] University of Sussex website http://www.sussex.ac.uk/spru/index.php

CASE STUDY 1

The Sussex Energy Group (SEG), Sussex University

The SEG is currently core funded by a £2.7m award from the Economic and Social Research Council (ESRC), under the Towards a Sustainable Energy Economy programme. This funding runs from April 2005 to March 2010.

The Group is also a partner in the Tyndall Centre for Climate Change Research and the UK Energy Research Centre. It receives additional funding from the European Commission, UK government departments, private sector organisations and Non-Governmental Organisations. The SEG team currently employs includes 18 researchers and 15 doctoral students, led by Dr Jim Watson.

SEG seeks to identify ways of achieving the transition to sustainable, low-carbon energy systems whilst addressing other important policy objectives such as energy security. It undertakes academically rigorous, inter-disciplinary research that engages directly with policy-makers and practitioners.

SEG's researchers have a variety of backgrounds and employ quantitative and qualitative research methods informed by economics, political science and sociology. The Group's particular strengths include:

- policy analysis
- the study of socio-technical transitions
- the social choice of technology.

All projects focus on contemporary challenges in energy and climate policy and are frequently undertaken in collaboration with researchers in other UK and international organisations.

The Group actively engages with policymakers and other stakeholders through consultancy projects, invited presentations, responses to consultations and other fora. Recent examples include:

- presentations to the Parliamentary and Scientific Committee
- discussions in August 2009 with Lord Stern about low carbon technology transfer to developing countries
- a briefing for Ed Miliband (UK Secretary of State for Climate Change) in July 2009 on the future of energy and the built environment in the UK

Retaining and employing graduates

Given the importance of both the universities to the city, one needs to consider how to increase the retention of graduates in Brighton & Hove by ensuring that there is a supply of appropriate jobs. This lack of such jobs has been highlighted in the BRII as a *'weakness'* of the city, in that there are:

"…significant proportions of overqualified residents working in lower grade employment."[80]

This has the knock-on effect of taking jobs away from other sectors of the workforce.

While the issue of an overqualified workforce is beyond the remit of the Inquiry, it does need to be addressed when developing industrial sectors in the city. If environmental industries are encouraged to start-up in Brighton & Hove, it is vital to ensure that a relevantly skilled workforce is here. The Panel appreciates the contribution of the universities in helping graduates gain jobs in the city and encourages the council to offer any support that it can.

Recommendation: The Panel recommends the council either undertakes, or contributes to, an assessment of how to help graduates gain employment in environmental industries, or contribute their knowledge to the council.

Equipping the workforce with the necessary skills

The *Low Carbon Industrial Strategy* emphasises that the Government needs to ease this country's transition to a low carbon economy by:

"Equipping the British workforce with the skills that will allow them to seize the opportunities [of this sector]…"[81]

The Panel heard from a range of further education establishments about the training they provided to equip people to work in the sector. The training provided by these, and other, Further Education establishments is important as Brighton & Hove will be able to attract inward investment based on its well-trained work force.

City College

The witnesses from City College described its role in addressing the skills gap. It runs full and part time courses from basic entry to foundation degrees (for the University of Brighton).

[80] BRII http://www.brighton-hove.gov.uk/downloads/bhcc/economicdevelopment/BRIIFinalReport.pdf
[81] 'The UK Low Carbon Industrial Strategy – Executive Summary' (2009) http://www.berr.gov.uk/files/file52226

Sustainability was central to the ethos of the College and a number of courses relate to environmental industries, including environmentally sensitive design. However, it recognised the need to do more to engage with green industries and employers.[82]

A key focus of the College is on delivering apprenticeships, an issue which is growing in importance as young people are continuing to lose their jobs. They are concerned that Government funding has been reduced for colleges and was no longer available for adult apprenticeships. The College explained that it had put a £100m bid into the Learning and Skills Council (LSC) for a new campus at Pelham Street in Brighton as well as a college to be attached to Falmer football stadium. If this project was approved, it would provide a state of the art technical centre for training in engineering and construction.

At the time of writing this report, City College had recently learnt that they had been unsuccessful in their bid to the LSC for funding. However, the Panel understands that they are currently exploring other options.

The College told the Panel they would like the council to 'buy local' in terms of skills and training and encourage others to do so as well. The College expressed its wish to work with EDF, the Friends Centre and other organisations to provide such courses.

[82] Vernice Halligan and Michael Buckman, City College, evidence 10th June 2009

CASE STUDY 2

The value of a network for environmental industries and making the most of a networking opportunity

Vernice Halligan, Head of Employer Engagement, Brighton & Hove City College.

Vernice contacted the Overview and Scrutiny Team on 7 July 2009 to tell them that:

"The Scrutiny Panel was an important catalyst and gave me an excellent opportunity to learn about developments from all types of organisations and sectors. It's clear to me that some form of cluster / networking forum would be very valuable to drive through and promote developments in the green economy in this area. A number of people at the Scrutiny Panels discussed skills gaps - our College has a major role to play in addressing these gaps and we want to be positioned to do so. It's not just about training young people and apprentices, it's also about re-skilling adults whether through qualifications or through short courses to meet new economic opportunities.

Since attending the Scrutiny Panel I have set up a team within the college to focus on developing opportunities, creating links and developing new training products in the microgeneration technology and sustainability fields.

We have booked a visit to Carshalton and Kingston College to view their Power Assessment Centre (17th July). We are meeting with the Friends Centre to discuss both parties' plans for curriculum development (waiting for date from Friends Centre). I have had a conference call with EDF Energy to assess possible opportunities for the College in terms of developing a portfolio of training solutions to meet the growing developments and skills gaps in the microgeneration technology arena. We have booked a meeting with Brighton & Hove City Council in early September to discuss future economic developments and the College's role in the city as the leading skills provider. This will also include a discussion about the College's own sustainability plans. We are in the process of contacting various other organisations who attended the Scrutiny Panels." [83]

[83] Email from Vernice Halligan, dated 07.07.09

Recommendation: The Panel was pleased to be able to forge relationships through our Panel meetings, among them the new dialogue between City College and Kingston College. The Panel recommends that the council encourages inter-college partnering, where appropriate, to address the skills gaps in the environmental industries and in the retrofitting sector of the construction industry to meet demand for future employment. This will support local job creation across the employment spectrum from graduates to those leaving school with few qualifications.

Friends Centre

The Friends Centre is an independent Adult Education Centre that provides skills for life, such as literacy and numeracy, alongside services for job seekers. The Centre is in the process of expanding its number of courses and class rooms.

The Panel heard that the Centre was developing its skills training. It is in discussions with BioRegional and City College about the possibility of collaborating to run technical and professional courses, alongside those for people entering employment. It was suggested that three key areas of the Centre's training could assist environmental industries:

- developing the capacity to retrofit homes and provide training and re-skilling
- in recognition of the significant capacity for growing local foods and materials, developing courses to show how to market goods and to help partner individuals with others. Also skills in recycling and redeveloping materials
- a smaller area of provision would be to provide training and language courses for non-English speakers who could potentially work in jobs servicing the offshore wind industry (e.g. catering and loading)[84]

The Friends Centre currently provides training to 1,500 people a year, but they are moving into new premises which could double this figure.[85]

Kingston College

Kingston College and Carshalton College told the Panel that they have set up a new training centre. The Power Assessment Centre is based at Carshalton, in state of the art premises, and opened in September 2008.

The focus of the Centre is training and installation. It is now looking on from gas and electricity to include renewable energy. Since September 2008, the Centre had trained in excess of 500 adults. Rising unemployment is causing people to changing careers, so there is now more funding for Further Education (FE) colleges for both up-skilling and re-skilling.

The areas they offer training in include plumbing, gas and electricity, solar and hot water. The Centre was, for example, a training provider for Worcester, Bosch and Thames Water. Much of their work focuses on up-skilling people. A new course was starting for 25 new gas engineers for British Gas. People can be retrained to carry out this work, and existing engineers need to be up-trained every 5 years.[86]

[84] Maria Antoniou, Friends Centre, evidence 10th June 2009
[85] ibid
[86] Alan Harris and Sharon Greenaway, Kingston College, evidence 23rd April 2009

The witnesses from Kingston College expressed an interest in working in other localities, in a partnership role, to offer this kind of training. As noted in Case Study 2 on page 38, the Panel meetings had prompted City College to arrange to visit the Power Assessment Centre. Potentially, this could lead to a partnership being developed to provide skills and training which could be crucial to the growth of environmental industries in Brighton & Hove.

Section 6.2 of this report considers a number of the Government's initiatives and the training and job opportunities that may follow.[87]

[87] See section 6.2 Job opportunities and training

E. Business incubation

The Panel heard how successful business sectors have grown out of incubation units. The support offered to entrepreneurs, through access to tailored services and expertise, has helped a significant number of micro businesses to flourish.

Sussex Innovation Centre

Professor Jim Lynch, a senior advisor for SEEDA, described the Sussex Innovation Centre (SInC) as a well established technology incubator. It was set up by both the universities, the council, East Sussex County Council and EDF Energy. The Centre takes technology and knowledge based companies, usually start-ups, and helps them to establish themselves and improve their business. They were different from other incubator projects, because of their significantly larger in-house team. The Centre offers practical support to help companies establish a sound financial basis. There is a strong focus on customers, which includes creating a network of potential customers.[88]

Mike Herd, the Executive Director of SInC, gave the Panel an example of how the Centre had helped Elektromotive, by making the introductions for them and helped these entrepreneurs to reach the next level in their business.[89]

In his experience, the type of market which the company was aiming for could shape the future of each organisation. Innovations that are nationally, or internationally, important are more likely to be licensed and bought out. As a result:

"If … [the organisation]… stays in private hands, it will stay in Brighton & Hove: it will only leave if there was a trade sale or flotation."[90]

While SInC had no sectoral focus, it had found there were similarities between the support needed for different innovation areas. Also, if there were a whole range of technologies available at the Centre it would be easier for companies to go 'market hopping'.

Mike Herd explained that round 10% (of a total of 85) companies working with the Centre were environmentally focussed. He felt that there were issues:

"…around how erratic this market was."[91]

For example, if Elektromotive had been reliant on charging points coming to this city:

"…they would have gone bankrupt."[92]

[88] Jim Lynch, SEEDA, evidence 23rd April 2009
[89] Mike Herd, SInC, evidence 23rd April 2009
[90] ibid
[91] ibid
[92] bid

Instead the market for their charging points has been developed and expanded in London, other areas of England and abroad. Christine D'Cruz told the Panel that EDF was working closely with Elektromotive to install electric bays in London and:

"By 2020, around 2% of the car parks (600,000) in the UK would be electric or plug-in hybrid vehicles."[93]

When discussing what the council could do to help SInC further, Mike Herd of SInC told the Panel that often local authority partners treated the Centre like a 'zoo' – an interesting place to tour, but they did not engage with the companies.[94]

This evidence shows the importance of incubation units in developing this sector. It also highlights the importance of the council and its partners seeking to procure the services and products of these incubated businesses, where possible. Council procurement is described further in Section 6.5 of this report.

Innovation Centre

The Panel understand that there has been some work undertaken to look at the feasibility of establishing an innovation centre in the city. Jim Christy of the East Sussex Enterprise Hub also informed the Panel about the progress of the Enviro21 Innovation Park in Hastings[95]. Given the importance of innovation centres and the potential to harness the skills of the universities, the Panel is keen to see further work done on assessing the potential for establishing an innovation centre in the city.

> ***Recommendation:*** *The Panel believes an innovation centre should be established in collaboration with the universities and environmental industries. The aim would be help develop new technologies in the sector and support emerging and expanding companies.*

[93] Christine D'Cruz, EDF, evidence 10th June 2009
[94] Mike Herd, evidence 23rd April 2009
[95] Jim Christy, evidence 10th June 2009

F. Working beyond the city

Evidence given to the Panel highlighted that some initiatives and policy areas could benefit from being addressed at a level above that of a single local authority area.

How SEEDA could assist environmental industries

The Panel heard that SEEDA may be able to help encourage this sector in the city, because it had:

"…long recognised the importance of environmental industries … [and following the Stern Report, they now recognised] …that climate change was now economic as well as environmental - it was the change agenda."[96]

Environmental industries had been identified by SEEDA, as both a:

"…high value added opportunity …. and transformational opportunity for the region."[97]

SEEDA had commissioned a study of the environmental economy in the region. Using a broad definition, it identified that approximately 230,000 people were working in this sector in 2000. The environmental economy was found to have contributed over £7.8bn Gross Value Added (GVA) to the region's economy. This was the equivalent to just over 6% of the total regional economy and so:

"…the Environmental Economy contributed more to regional GVA than any other sector except financial services and education and health." [98]

Graham Tubb, of SEEDA, drew the Panel's attention to the Government's *New Industry New Jobs* report which had identified:

"… a huge business opportunity as demand expands for low carbon goods and services and for greater energy and resource efficiency."[99]

To accompany this report, it was announced in April 2009 that £250 million would be invested nationally in low carbon business opportunities and innovation. This would include initiatives on low carbon vehicles, as well as the nuclear and renewable energy industries.

[96] Graham Tubb, evidence 10th June 2009
[97] ibid
[98] The Environmental Economy of South East England, SEEDA, (2002) http://www.seeda.co.uk/Publications/docs/Environmental_Economy/Exec_Summary.pdf
[99] New Industry, New Jobs, BERR, (2009) http://www.berr.gov.uk/files/file51023.pdf

The Panel then heard that SEEDA is currently establishing eight Innovation and Growth Teams (IGT) to:

"Unlock the potential in businesses with real global ambition through targeted support in order to drive economic growth in the South East."[100]

Environmental industries could receive support from the IGT teams. However, it is not clear how many of these industries will receive assistance. They are likely to be treated in the same way as other businesses, rather than receive specialist assistance.

EnviroBusiness

David Porter, the Environmental Enterprise Manager, described EnviroBusiness as a not-for-profit company set up by SEEDA three years ago.[101] The purpose was to use this type of company (termed as sector consortia), to push forward strategic industries that they think are interesting and important to the region e.g. aerospace and digital media.

EnviroBusiness was the sector consortia for the environment. One of its key aims had been to create a network of early stage companies, including those dealing with water, waste, energy and environmental monitoring.

This network now has 700 companies which are often at an early stage and either looking to prove that their product works, increase sales or sell overseas. This was initially a two year project (with a focus on global competitiveness) which has been extended to 2011.[102]

EnviroBusiness will lead a new regional Environmental Innovation Network, with key support from the University of Brighton, which is to be funded by SEEDA and the European Regional Development Funding (ERDF) S.E. Competitiveness Fund. This Network is described in greater detail in Section 6.3 of this report.

East Sussex Enterprise Hub

Jim Christy, the Director of the East Sussex Enterprise Hub, told the Panel that this Hub had been set up by SEEDA to cover Brighton & Hove and East Sussex. It was one of twenty Hubs which aimed to fill the gaps in helping new technologies get to market. Their remit included making links with universities and applying for patents.[103]

[100] Invitation to apply for grant funding, SEEDA, 2008
[101] David Porter, EnviroBusiness, evidence 13th May 2009
[102] Ibid
[103] Jim Christy, East Sussex Enterprise Hub, evidence 13th May 2009

CASE STUDY 3

The work of the East Sussex Enterprise Hub

According to Jim Christy[104], the Enterprise Hub Network is the lynchpin between entrepreneurial ideas and commercial success. It helps to create new, innovative and prosperous businesses that can contribute to the economic growth and development of the South East. The aim of the East Sussex Enterprise Hub is to help provide the creative and technology-driven environment necessary to encourage innovation and ideas.

"*If we succeed in our ambitions then we will see more businesses relocating to East Sussex and we will help accelerate a growth in the employment prospects for our vibrant region that encourages innovation, creativity and technological excellence. We want to encourage businesses to develop new ideas by helping them to develop their creative and knowledge-based talents. We can help provide the infrastructure required to support them, with access to help, advice as well as potential routes to obtain grants and funding to support their ideas. We also facilitate a network of like-minded companies and individuals who are motivated by working with like-minded peers*".[105]

The East Sussex Enterprise Hub now has 67 portfolio clients with national, and international, growth potential. It also has a network of 850 members who come to them for general advice and are referred to organisations such as Envirowise, Business Link and the universities. Currently 12 of the businesses in their portfolio are environmental industries and the number is rising steadily.

The Panel heard that the Hub has undertaken a lot of good work in this area and offers a range of support to SMEs. They have recently established an Environmental Advisory Group to:

"…*collate their own Environmental Technology Cluster which will run off the Hub website."*[106]

A spreadsheet listing the companies they have identified in this sector can be found at http://www.eastsussexhub.co.uk/files/pdf/1246463293-Copy-of-1244198023-EnvironmentalCompanies.xls

In the early stages of this Inquiry, a Scrutiny Officer attended the initial meeting of the Advisory Group which was most informative. The Panel would like to see the council remain involved in the Advisory Group and nominate a relevant individual to attend the meetings.

[104] Jim Christy is the Director of East Sussex Enterprise Hub
[105] http://www.eastsussexhub.co.uk/what-is-an-enterprise-hub/how-can-we-help/
[106] Minutes of the meeting of the Environmental Advisory Group on 20th May 2009

Recommendation: *The Panel believes that the council should be represented on the Environmental Advisory Group established by East Sussex Enterprise Hub. This would facilitate coastal collaboration and enable the council to gather information about local innovation.*

Thames Gateway

Professor Jim Lynch of SEEDA, explained that the Thames Gateway had been identified as an area of great potential in relation to the environmental and sustainability sector. SEEDA, along with two Regional Development Agencies in the area (London and East of England), has joined with the Thames Gateway Corporation to develop an agency. As a result, two campuses are planned at Dartford and Dagenham. There was substantial government funding for the project and a massive opportunity for networking. Professor Lynch suggested that the universities' work could feed into the 'hub and spoke system' planned for the campus.[107]

Coastal collaboration

It was suggested to the Panel that both the region and the city could benefit from coastal collaboration (see also Section 5.3). Pooran Desai of BioRegional believed that Brighton & Hove could position itself as a centre for wind and tidal energy and that coastal locations were very important to these industries.[108]

David Porter of EnviroBusiness thought that there was a coastal strip in East Sussex which had already created a:

"…green cluster from Hastings to Southampton."[109]

He believed that this would make it possible to have a joined up initiative, despite the poor transport links along the south coast.

> ***Recommendation:*** *The Panel recommends that the council works with local organisations and other local authorities, regional and sub-regional funding bodies to help the development of environmental industries. Building on existing regional initiatives, it could explore, for example, the possibility of collaborating with neighbouring authorities that could provide manufacturing space.*

[107] Professor Jim Lynch, evidence 23rd April 2009
[108] Pooran Desai, evidence 13th May 2009
[109] David Porter, evidence 13th May 2009

F. Working with social enterprises

The Panel welcomes the recent publication of the council's social enterprise action plan[110] to build upon its strategy for this sector. Social enterprises already play an important role in the economic life of the city and could play a growing role in the development of environmental industries.

> ***Recommendation:*** *The Panel believes social enterprises have a significant role to play in developing environmental industries in Brighton & Hove. It recommends that the council and other organisations do all they can to support the sector.*

[110] 'Social Enterprise Strategy and Equalities Impact Assessment' http://present.brighton-hove.gov.uk/Published/C00000153/M00002147/$$ADocPackPublic.pdf

6.2 Training and job opportunities

Workforce

The lack of a skilled workforce was often cited as a barrier for the industry. According to the survey by Kent Business Link and Ecosys, 21% of SEE companies saw this as a main challenge[111] although this did provide an opportunity to up-skill the population.[112]

SEEDA had undertaken an analysis which found that in the South East there was a skills shortage in this sector.[113] A sustainable skills construction academy was to be built at Dartford to provide the necessary skills base, which should be underway by mid-summer 2009. Professor Lynch believed that there was nothing to prevent the work done at the Institute in Dartford being transferred across the region.[114]

Given the quality of the city's higher and further education sector, and the increasing interface between business and universities, the potential for developing the workforce is there.

There are a range of national and local initiatives which could be used to create jobs and offer retraining in this sector. The initiatives described below are a few examples of the many schemes which are available locally and nationally.

Initiatives to provide training and job opportunities

The Panel firmly believes in the importance of considering the full spectrum of jobs that could be created, when looking at how to support and encourage environmental industries. For example, the installation of insulation, efficient boilers, and smart meters can generate jobs for installers and fitters.

The draft national *Heat and Energy Saving Strategy* includes a proposal that all homes receive (by 2030) a 'whole house' package including all cost-effective energy saving measures, and renewable heat and electricity measures as appropriate. An aim is that all lofts and cavity walls will be insulated "where practical" by 2015. As a result of this:

"…there will be approximately 34,000 jobs installing and maintaining whole-house packages."[115]

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[111] 'Potential for Developing Environmental Industries in Brighton & Hove', Ecosys written submission to the Scrutiny Panel, see Volume 2
[112] Nick Hutchinson, evidence 31st March 2009
[113] Professor Jim Lynch, evidence 23rd April 2009
[114] ibid
[115] DECC website, 'Heat and Energy Saving Strategy' (Executive Summary) http://hes.decc.gov.uk/consultation/consultation_summary

The above figure does not take into account the further jobs that could be created in the supply chain, such as the manufacture of insulating materials.

Local apprenticeship schemes

There are a wide range of apprenticeship schemes running locally, regionally and nationally. The Panel heard evidence from three Further Education colleges, who are providing skills and training relevant to environmental industries.[116] The use of apprenticeships is seen as a key way of offering work experience and potentially creating jobs. City College told the Inquiry that their dedicated team had placed 400 new apprentices this year:

"…they were starting to find young people losing their jobs now, so they were doing a lot around this."[117]

The College were concerned that central funding for colleges had been reduced and was no longer available for older apprentices. To help address this issue, the College emphasised the importance of the public sector taking on apprentices, and was working with the council to help them achieve this.[118]

The council is running an apprenticeship scheme and according to the council's City Employment Initiatives Manager:

"Last year in the council, we achieved 21 Apprenticeships, with 19 of the apprentices completing. This year since April, we have arranged 20 Apprenticeships, with another 5 out to advertisement. The target for the year is 30, so the council is likely to more than meet this."[119]

The council has recently heard that it has been successful with the Future Job Fund bid that will provide £2.3million to pay for core salary funding. This will include a number of apprenticeship options both internally and externally to the council for local residents aged 18 to 24 who are long term unemployed.

Jae Mather, of the Carbon Free Group, told the Panel that a number of registered social landlords are planning large renovation projects and offering apprenticeships, some of which are in East Sussex.[120]

National apprenticeships

In April 2009 the National Apprenticeship Service (NAS) was launched. It reports to both the Department for Innovation, Universities and Skills (DIUS) and the Department for Children, Schools and Families (DCSF). The NAS is tasked with bringing about a significant growth in the number of employers offering apprenticeships.

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[116] See earlier in Section 6.1.d
[117] Vernice Halligan and Michael Buckman, evidence 10th June 2009
[118] ibid
[119] Email from Joe Davenport, City Employment Initiatives Manager, 27th July 2009
[120] Jae Mather, evidence 31st March 2009

Recent research was able to report on the benefits of apprenticeships to businesses and individuals, which included:

- Over 9 out of 10 apprentices are in work or education on completing their Apprenticeship, which compares favourably with the national unemployment rate
- Of those apprentices currently unemployed, just under two thirds (63 per cent) believe their Apprenticeship will directly help them find work
- Apprentices' earning power has increased significantly and over three quarters (76 per cent) of apprentices believe that without their Apprenticeship they wouldn't be earning their current salary
- An overwhelming majority (89 per cent) of apprentices would recommend an Apprenticeship to other people in similar circumstances to themselves[121]

Recommendation: *The Panel welcomes the council's commitment to creating apprenticeships. It recommends that future bids for funding for apprenticeships take account of the environmental industries. It also welcomes the city's success in gaining Future Jobs Funding to create 350 jobs. Led by the council, the programme will create 100 recycling and 'green collar' jobs. The emerging environmental industries are highlighted as a potential area for the programme.*

Smart Metering

The Government recently announced that by 2020, all energy meters would be 'smart meters'. These meters allow utility companies to remotely record gas and electricity usage and enable customers to see how much energy they are using. This programme will require visits to over 25 million households to replace up to 50 million meters.[122] Christine D'Cruz of EDF Energy reported that this programme would require people to be employed to change the meters starting in two years time. In addition, the two-way communications systems would need more communications experts.[123]

Government initiatives

Among the many schemes available, two of the largest - the Warm Front Scheme and the Community Energy Saving Programme – were brought to the Panel's attention.

[121] Research by BMG in January 2009. Press release 27 April 2009. http://www.apprenticeships.org.uk/About-Us/National-Apprenticeship-Service.aspx
[122] A Consultation on Smart Metering for Electricity and Gas, DECC, (2009) http://www.decc.gov.uk/en/content/cms/caonsultations/smart_metering/smart_metering.aspx
[123] Christine D'Cruz, evidence 10th June 2009

Warm Front Scheme

This scheme provides a package of insulation and heating improvements up to the value of £3,500 (or £6,000 if oil central heating is recommended). It is a Government-funded initiative and the scheme is managed by eaga.[124]

The GMB told the Panel that, whilst there was some good work arising from the scheme, they had been critical of the Government over the project. In particular, the issue of how many apprenticeships had arisen from the scheme. They believed that the contractors they used were often not local, although it had been hoped that the scheme would create new jobs in the area.[125]

An example of the potential impact of this scheme came in a recent press release, which announced:

"… eaga is creating a green collar workforce across the Midlands – helping to cut carbon emissions and save household fuel bills."[126]

Community Energy Saving Programme (CESP)

On 11 September 2008, the Prime Minister announced the launch of the £1bn Home Energy Saving Programme. The aim was to help families permanently cut their energy bills. A key part of the announcement was the creation of a new £350m Community Energy Saving Programme (CESP).

This Programme will target households across Great Britain, in given geographical areas, to improve energy efficiency standards and permanently reduce fuel bills. It will be funded by a new obligation on energy suppliers and, for the first time, a duty on electricity generators. CESP will promote a 'whole house approach', and be delivered through the development of community-based partnerships involving Local Authorities (LAs) along with energy suppliers and electricity generators. It will be carried out on a house-by-house, street-by-street, basis and benefit around 90,000 homes.[127]

The council has responded to the consultation paper on CESP and are working closely with energy companies to take this forward. Christine D'Cruz of EDF Energy told the Panel that EDF were looking for four areas to start the programme and asking local authorities to approach them with requests for funding. She welcomed the idea of the first CESP being in Brighton & Hove.[128] The Panel understands that negotiations are underway and hopes that they prove successful.

Great British Refurb

[124] eaga is the company contracted by the Government to deliver the scheme.
[125] GMB, evidence 23 April 2009
[126] eaga press release, http://www.eaga.com/media_centre/press/july09/green-jobs-across-the-midlands.html
[127] DECC website, http://www.decc.gov.uk/en/content/cms/consultations/open/cesp/cesp.aspx
[128] Christine D'Cruz, evidence 10th June 2009

The Great British Refurb Campaign was launched in April by Kevin McCloud of Grand Designs. It is asking Government to make it enable people to live in low carbon housing.[129] The campaign has held a number of press events to raise awareness of the issues.

Recommendation: The Panel welcomes energy-saving and carbon reduction initiatives, such as the Community Energy Saving Programme and the Great British Refurb Campaign, and recommends the council investigates the full range of funding opportunities and schemes for supporting low carbon investment and environmental schemes in the city to create local jobs.

[129] http://www.greatbritishrefurb.co.uk/about-the-campaign

6.3 Supporting and encouraging environmental industries

Supporting this sector

Having established that Brighton & Hove possesses many of the key attributes to attract environmental industries, this section of the report will consider the best ways to facilitate the growth of the sector.

A significant number of witnesses emphasised the importance of a 'vehicle' for identifying, supporting and potentially locating environmental industries. It was suggested that this 'vehicle' could be:

A. a cluster – where a significant number of related industries are linked geographically
B. a network –which works with the companies in a particular sector to help them develop and grow

This section will now consider both in turn - although they are not mutually exclusive.

A. The case for clusters

A significant number of witnesses spoke of the benefits of establishing environmental industries clusters in the city. Zoe Osmond, of the University of Brighton, believed it would help them by providing both a single point of contact and:

"…one forum for creating awareness."[130]

Jae Mather of the Carbon Free Group felt that sustainable business support could be tailored towards the creation of clusters, including making office space and offering meeting rooms.[131] Graham Tubb from SEEDA believed that:

"Clustering was a way forward [for Brighton & Hove] in terms of centres of excellence."[132]

The Panel heard that:

"…the Wired Sussex model of support and inward investment is a good model to work from for other potential clusters."[133]

According to Pooran Desai of BioRegional, many localities were assessing how they could become home to a green cluster. However, he believed that

[130] Zoe Osmond, evidence 23rd April 2009
[131] Jae Mather, evidence 31st March 2009
[132] Graham Tubb, evidence 10th June 2009
[133] Tony Mernagh, evidence 31st March 2009

Brighton & Hove (for whom a huge opportunity existed) and Cambridge (who were pushing ahead) were the only places in the United Kingdom that could meet the requirements of this sector.[134]

Nick Hutchinson of Ecosys believed that there was already a cluster in Brighton & Hove. While not as coherent as the digital media sector, it did include:

- renewables (installers rather than manufacturing)
- sustainable construction and maintenance e.g. sustainable building design and architecture, conversions
- consultancy
- waste and recycling
- materials recovery
- education and training
- other services (including furniture, printing, cleaning, food, travel and design etc.)[135]

He felt that the businesses in this cluster were at different stages, with the majority at the R&D stage.

Mike Herd of SInC told the Panel of the importance of the psychological cluster:

"…to put messages across about buying decisions."[136]

He highlighted the potential for using companies as *'showrooms'*[137] to attract more companies here. This would give Brighton & Hove a reputation as a place to pilot projects relating to environmental industries. For example, EDF Energy who considered that there were sufficient such businesses in the city to justify setting up an innovation centre.[138]

Pooran Desai told the Panel that to create a green cluster you need:

- low cost incubator units
- links to a 'quarter' - where there was a geographical concentration, a lot can happen through informal links
- light industrial units as part of a mixed use development, situated in town where people live and work, rather than an out of town industrial park[139]

He believed that the conditions outlined above can create a '*vibe*'.[140]

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[134] Pooran Desai, evidence 13th May 2009
[135] Nick Hutchinson, evidence 31st March 2009
[136] Mike Herd, evidence 23rd April 2009
[137] ibid
[138] ibid
[139] Pooran Desai, evidence 13th May 2009
[140] ibid

Pooran Desai then suggested that London Road could be a natural area for such a hub, encouraging a mixture of green businesses and green living. An environmentally sound makeover could be given to New England House (NEH), involving local business and green lifestyles. This could include car clubs and retro fittings on the buildings.[141]

Steve Charter, Director SC2 Sustainability Consultancy, told the Panel of his work on developing clusters. This included developing a proposal for a sustainable enterprise in Brighton. He believed that:

"…physical clustering made a big difference to virtual clustering – both are invaluable."[142]

> ***Recommendation:*** *The Panel believes the council should explore how more affordable work and office space could be made available in the city. This is particularly important to retain successful and growing companies who might otherwise leave Brighton & Hove. Clusters of workspaces are crucial to encourage the interchange of ideas.*

The above Recommendation (and Recommendation 1 regarding a Lead Officer – see p63) draw on the successful methods which have been used by the council to support and encourage the Creative Industries in the City over the last 8 years.

B. A network

When the Panel was scoping this Inquiry, the feasibility of establishing a network for environmental industries was identified as one of the issues to consider. This was due to the success of the 'Wired Sussex' network for creative industries.

[141] Pooran Desai, evidence 13th May 2009
[142] Steve Charter, SC2 Sustainability Consultancy, evidence 10th June 2009

CASE STUDY 4

South East Environmental Innovation Network

The University of Brighton and EnviroBusiness have submitted a successful bid for ERDF funding to set up a network. This will bring together 6 universities across the region with expertise in environmental technology and services and link them to businesses that are already working in, or planning to move into, environmental sectors.

The proposed South East Environmental Innovation Network is aimed at bringing universities, SMEs and large companies together via themed innovation events and managed partnering. Ricardo are supportive of the initiative: they recognised that they faced barriers to entering the renewable energy market, e.g. wind turbines and felt that it could not be done alone and wanted to interface with universities and other SMEs with relevant expertise.

According to David Porter:

"A lot of other companies could move into environmental sectors and this Network could help them secure European Union and UK funding for collaborative research and development."[143]

The Panel felt that the Environmental Innovation Network would offer a useful way for environmental industries to gain access to expertise and support.

Recommendation: *The Panel recommends the council plays an active role in supporting the new regional Environmental Innovation Network, which will be led by EnviroBusiness with key support from the University of Brighton and funded by South East Development Agency (SEEDA)/ European Regional Development Fund (ERDF) S.E. Competitiveness Fund. The need for such a network was stressed by all those who gave evidence to the Panel. The network's regional focus reflects the general view that Brighton and Hove and other local authorities and organisations must work across a regional and sub-regional front to promote and develop environmental industries.*

[143] David Porter, Evidence, 13th May 2009

How the council can lead behaviour change

Pooran Desai told the Panel that the key action the council could take is to create a vision for the future of Brighton & Hove. This would involve deciding what the city could be in 2050, and aligning all its policies to achieve this vision. It would not just cover the green economic future, but include areas such as transport and improving the quality of life to attract the brightest brains. The city has to become what it wants to be and:

"…dress for the person you want to be, not what you are."[144]

Brighton & Hove would have to behave as though it was the centre for renewables. He suggested that the council undertakes an assessment of where it wanted the city to be in both 2020 and 2050.[145]

According to Zoe Osmond, the council's key actions should include being:

"…a driver for initiatives such as green spaces and green transport and be recognised as a green city."[146]

The Panel also heard examples of where the council's leadership had succeeded in Brighton & Hove:

- the excellence of the bus service
- Jubilee Library
- One Brighton[147]

In many key areas, the needs and requirements of the environmental industries are the same as for any other sector. For example: office space, need for business support, workforce and help in identifying markets (the issue of resources is addressed in Section 6.4).

In other aspects, the environmental industries are unique. The sector is facing increasing demand, there is a large scope for development, it is a very broad market, and there are many opportunities for adapting existing skills to new markets.

Should environmental industries receive particular attention?

Several witnesses offered the Panel differing views on whether or not Brighton & Hove would benefit sufficiently from creating a 'centre of excellence' for the environmental industries.

[144] Pooran Desai, Evidence 13th May 2009
[145] ibid
[146] Zoe Osmond, Evidence 23rd April 2009
[147] Tony Mernagh, Evidence 31st March 2009

A business representative expressed his concern to the Panel that environmental industries should only be pursued if they are a good fit with the local economy.[148]

The GMB Union urged caution over the view that hundreds of jobs could be created. The Union emphasised the importance of the whole community having a buy-in across the environmental sector – there should be consideration given to how to create a wide range of jobs, not just graduate jobs.[149]

Pilot Schemes

The Panel heard that there could be significant benefits from publicising successful developments in the sector, to encourage potential investors and companies to come to the city.

Paul Dickinson suggested that some of the amazing stories in Brighton & Hove could be publicised to bring in more businesses.[150] The Panel felt this was an idea worth exploring.

> ***Recommendation:*** *The Panel believes the council should offer itself as a pilot authority when opportunities arise to support this sector. It should encourage its partners to do the same, to attract and assist innovative companies and products.*

[148] Tony Mernagh, evidence 31st March 2009
[149] Gary Smith and Rob Macey, evidence 23rd April 2009
[150] Paul Dickinson, evidence 31st March 2009

Branding Brighton & Hove for environmental industries

The Creative Industries

The success of the city in supporting, attracting and retaining the creative industries is well known. The sector accounts for 20% of businesses and around 10% of employment. Although not the largest employment sector, it is certainly the fastest growing and counted as a key employment sector.

Learning from Visitbrighton

Following wide consultation with partners, Visitbrighton, the council's Tourism arm launched a destination brand in 2006. A toolkit was produced which includes suggestions for language, images, and tone of voice as well as a logo. This kit is used by both Visitbrighton and tourism businesses throughout the city.

Those involved in developing the brand, told the council it was vital to ensure the new brand responded to the needs and awareness of visitors. Rather than reflecting what people who lived or worked here thought that visitors wanted to hear or see. Consequently, there was a lot of testing of ideas with actual visitors.[151]

A similar exercise could be set up by the council or its partners to brand Brighton & Hove as the place for environmental industries and provide information, news and promote successes.

Improving the interface between the council and environmental industries

The Panel heard that it could be hard for a developing company to work with the council. Elektromotive told the Panel of their difficulties two years ago, in persuading the council to provide them with 2 car parking spaces (out of 13,000 in the city). This had left them feeling at the time:

"'…there was no business to be done with the council."[152]

Fortunately, Elektromotive subsequently had a very constructive meeting with the council in June 2009 and they found a:

"…more cohesive approach with parameters to be set and goals to be achieved."[153]

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[151] The brand guidelines can be found here: http://www.visitbrighton.com/partners/marketing-and-sales/the-brighton-brand

[152] Greg Simmons, Elektromotive, evidence 10th June 2009

[153] ibid

The Panel asked Elektromotive what the council could do to assist environmental industries and was told:

- a nominated person/people in the council who can assist the company to find the right person to contact on a particular issue
- building on the help provided by SInC, which enables SMEs to call on administrative help and other services when things were busy
- assistance with networking[154]

Behaviour change

A number of witnesses testified to the importance of the council's role in changing behaviour. Pooran Desai suggested that the key to moving on was to create a 'buzz' and the council should communicate their excitement and openness to change.[155]

He told the Panel that 'One Planet Living' (a 'global initiative' of BioRegional) was called this because if everyone consumed as much as the average person in the UK did currently, we would need 3 planets. [156]

Public Awareness

A survey (undertaken by Business Link Kent and Ecosys) of SEE companies found that greater public awareness of the issue was viewed as an opportunity (by 34% of these organisations). An increase in promotions leading to enhanced public awareness was also highlighted as the main area of support requested by companies (52%).[157]

> ***Recommendation 20:*** *The Panel believes that the council should works with its partners to increase the profile of the sector. This could include: publicising existing organisations and projects in the city, using companies as 'showrooms', demonstration projects and organising events for environmental industries.*

The development of the creative industries in the city over the last 7 years has benefitted from a dedicated officer post functioning as a lead point of contact between the sector and the authority. Not only has this provided the sector with a focal point, but it has also acted as an advocate for the sector and

[154] Greg Simmons, evidence 10th June 2009
[155] Paul Dickinson, evidence 31st March 2009
[156] http://www.oneplanetliving.org/index.html
[157] Written evidence from Ecosys

provided both support and guidance, the development of the environmental industries sector would undoubtedly benefit from such support.

> ***Recommendation:*** *The Panel believes that the council should appoint a lead officer for the environmental industries to be a key point of contact for those in this sector seeking information and support.*

6.4 Creating demand and enabling environmental industries to grow in Brighton & Hove

A. Offering support

The *Low Carbon Industrial Strategy* recognises the need to provide support to innovative environmental industries:

"Companies commercialising innovative low carbon concepts will be central to the transition to a low carbon economy in Britain. While the range of innovations that will underlie … [this shift]… is ultimately very wide, the innovations that will drive sustainable economic growth will be those that develop a low carbon concept into a commercial product or service." [158]

To achieve this, the Government has developed a suite of polices including:

- increased financial support for the early stages of innovation
- closing the financing gap for growing low carbon companies by creating a UK Innovation Investment Fund
- greater co-ordination of public support for low carbon innovation so that businesses are better able to access this support[159]

B. Retaining industries as they expand

Mike Herd from SInC highlighted the trend that once environmental SMEs expand, they might move away from their original location. In his experience if a company stays in private hands, it will stay in Brighton & Hove; the organisation will only leave if there is a trade sale or flotation.[160]

Elektromotive was an example of a company where the work would all be done locally. A combined heat and power company in Lancing were undertaking work for Elektromotive, so the local area has kept the work. However there was a question over how long this would remain the case, depending on how the organisation expands. Elektromotive told the Panel they would remain in the UK, even as they moved towards manufacturing 10,000 vehicles. They were:

"…intending to stay local … At the moment, they can get to all their key suppliers within an hour which was crucial in providing the ability to respond quickly to problems."[161]

They have found that as a small company, when recruiting new staff, it is important to select the right person first time. The accessibility of Brighton &

[158] The UK Low Carbon Industrial Strategy – Executive Summary (2009) http://www.berr.gov.uk/files/file52226.
[159] ibid
[160] Mike Herd, SInC, evidence 23rd April 2009
[161] Greg Simmons, Elektromotive, evidence 10th June 2009

Hove means that one can attract applicants from around the region. Recruitment has become even easier with the recession.[162]

Understanding the challenges that the sector faces

In a survey undertaken in 2006/7 of over 100 Sustainable Eco-Enterprise (SEE) organisations, the main opportunities for them included:

- public sector contracts recognising the economic benefits of using green organisations (40%)
- economic benefits of SEE (39%)
- greater public awareness of the issue (34%)

The key challenges for them included:

- small size of SEEs and finding it difficult to grow (43%),
- fluctuations in public perception or prioritising e.g. due to the recession (40%)
- disreputable suppliers (28%)
- inconsistent government policies (26%)
- public procurement processes (26%).

The main areas of requested support were:

- promotions/increasing public awareness (52%)
- planner/regulator awareness (36%)
- professional/trade awareness (28%)
- general business advice (26%)[163]

C. Future environmental industries

Wind farms

According to Pooran Desai, generating energy from wind and wind power will become a massive industry.[164]

When asked about the potential for existing businesses to switch to environmental industries, David Porter of EnviroBusiness predicted that:

"…offshore wind is going to be the big thing for the next ten years and there will be real growth opportunities."[165]

Tony Mernagh told the Panel that wind was the only realistic option open to UK in the short term, although other regions such as Yorkshire are more

[162] Greg Simmons, evidence 10th June 2009
[163] Written evidence submitted by Ecosys, see Volume 2
[164] Pooran Desai, evidence 13th May 2009
[165] David Porter, evidence 13th May 2009

advanced in the field. He felt that investment in wind could be precarious, as the London Array experience has shown.[166]

Nuclear

Whilst the Panel did not look specifically at the nuclear industry, it was mentioned by several witnesses. Gary Smith of the GMB felt that jobs would be created in the environmental sector, but they would be jobs in the nuclear industry.[167] Christine D'Cruz of EDF Energy described the range of EDF Energy's work, which included building four new European Pressurized Reactors, with the first one due to be operational by 2017. She believed that:

"…this would provide considerable commercial opportunities for the supply chain and workers."[168]

Other Sectors

While Research and Development are likely to be key areas for the city in the future. There may also be opportunities within other industries such as electrical vehicle infrastructure, or solar industries that should be followed and capitalised upon.

Tidal/marine renewables

Pooran Desai told the Panel that he believed that tidal energy would be bigger than wave power, because it is more predictable. While wind power projects are progressing now, tidal technologies need more development and there were more ecological issues. He predicted that tidal technologies could be ready in 5-10 years time, alongside algae for biofuels.[169]

Other low carbon and resource efficiency measures

During the drafting of this report, the Panel became aware of Ultra Green, a renewable and clean tech company in the city that was developing a range of technologies that maximise energy efficiency. For example, they have developed a portable power plant to turn waste into clean energy. Although we had concluded our public evidence sessions, Ultra Green agreed with the key recommendations in this report, in particular the creation of a network, a named contact for the industry, and additional help to find environmentally friendly premises. (see case study 6)

[166] Tony Mernagh, evidence 31st March 2009
[167] Rob Macey, evidence 23rd April 2009
[168] Christine D'Cruz, evidence 10th June 2009
[169] Pooran Desai, evidence 13th May 2009

CASE STUDY 5

SeaRoc - a company which has grown significantly in size and is committed to remaining in the city

SeaRoc are a consultancy specialising in:

- Marine management
- Engineering
- Health and Safety
- Environment department (newly created)
- Data Management

The company has experienced rapid growth from just one person in 2002 to 70 people in 2009. Brighton & Hove was chosen as the location, due to:

- Ability to fly to Europe
- Proximity by train to London
- Good public transport in the city for employees

In June 2008, The Crown Estate announced proposals for the third round of offshore wind farm leasing. This round could lead to the creation of between 80,000-100,000 new jobs.

The competitive tendering process closed in March 2009 and SeaRoc have been acting as consultants to bidders in various round 3 sites around the UK. There was considerable interest and a healthy short list of strong bidders for each site, including Brighton & Hove, and there should be more definitive news before the end of this year.

Despite future plans to expand as the offshore wind sector grows in size, SeaRoc believe that they will remain in Brighton & Hove because:

'I love living here and think our people like living and working here'.
Peter Hodgetts, Chief Executive, SeaRoc

They believe that Brighton & Hove has been:

'…nothing but a positive experience.'
Peter Hodgetts, Chief Executive, SeaRoc

CASE STUDY 6

Ultra Green (www.ultragreengroup.com) - a growing company which has benefited from being located in Brighton

Ultra Green described themselves as

"*a Brighton-based renewable and clean tech energy company with a range of technologies that maximize energy efficiency. Ultra Green specializes in five key industry sectors: advanced energy, agriculture and biofuel, construction, oil management and waste management. In-house, Ultra Green boasts scientists, engineers and business strategists who are international pioneers in their field with many of them having worked in the energy industry for over thirty years. We have offices in New York and Rio de Janeiro and we are in the process of opening a manufacturing plant in Indiana, USA. Currently, Ultra Green has contracts under way in Brazil and the Philippines. As we expand our workforce in Brighton, we will be seeking larger and more environmentally friendly work premises in the city."*

When asked why they located their business in Brighton, the response was:

"*Ultra Green has grown from a research and development company into a burgeoning commercial business in part thanks to its location in Brighton. Ultra Green benefits from the cheaper business overheads in Brighton while taking advantage of the city's proximity and excellent connections to London and Gatwick International Airport, familiar haunts for many of Ultra Green's MDs. Ultra Green has benefited from the city's well-documented 'high quality of life' and cheaper living costs, which continue to attract and retain high-calibre individuals. Lastly, Brighton's increasing reputation as a creative hub and flagship 'supercity' complements Ultra Green's brand well. For these reasons, we aim to continue our growth and investment in the city*".

Specifically, Ultra Green stated that would help them to improve their business locally would be:

- A broad-ranging network of those working in the local environmental industry. The network would need to extend to local businesses seeking environmental solutions.
- A personal contact at the council for help navigating support systems, available funding, local/central government.
- Help looking for new environmentally friendly premises where we could showcase our technologies.

For more information contact Ultra Green at www.ultragreengroup.com

D. Key issues to address

The Panel heard that when deciding to locate to Brighton & Hove, there were a number of factors that a company would typically take into account. Their key considerations would be:

- the availability of the workforce
- the quality and availability of the physical workspace
- Affordable accommodation for the workforce
- standard of living or 'cultural offer'.[170]

The quality of workspace

The lack of affordable and adaptable work space was raised as in issue in the Inquiry. Cllr Ted Kemble informed the Panel that the Business Retention and Investment Board (which he chairs) would be looking at spaces, facilities and business support.[171] The issue of appropriate workspace was at the heart of discussions about a 'physical cluster' of environmental technologies.

The Panel heard that the quality of physical workspaces and capacity for expansion was an area which Brighton & Hove:

"…falls down badly on."[172]

Plans to address the issues of workspace and accommodation

The Council's Business Retention and Inward Investment (BRII) plan has emphasised the need for the city to:

"…maximise the benefits associated with its strong entrepreneurial and start up culture that is so evident within the local economy. Essential to this is the identification and development of sufficient and appropriate start-up and grow-on business floor space, alongside appropriate business support (including marketing, business planning, financial and legal advice, recruitment etc), that will facilitate growth of small indigenous businesses (including their employment base and contribution to the local economy in terms of monetary turnover)."[173]

Further work in understanding this sector and the role it plays in the city is a key priority for the BRII 1st year action plan and research is currently underway with regards the needs of this sector.

While these conditions apply to any company deciding where to locate, the evidence given to the Panel demonstrated their relevance to environmental

[170] Tony Mernagh, evidence 31st March 2009
[171] Ted Kemble, evidence 23rd April 2009
[172] Tony Mernagh, evidence 31st March 2009
[173] BRII http://www.brighton-hove.gov.uk/downloads/bhcc/economicdevelopment/BRIIFinalReport.pdf

industries. The key issues to address are the workforce, the workspace, and accommodation (for information on the workforce see section 6.2).

The *Brighton & Hove Economic Strategy (2008-2016)* has also identified a number of issues facing the city which include high residential property prices and a lack of affordable and family housing, office accommodation that is inadequate for the needs of business and an insufficiently diverse economy with a heavy reliance on the public sector and business and financial services.[174]

With the above in mind, the *Brighton & Hove Economic Strategy Action Plan* identifies a number of key activities that can assist in addressing the issues. These include;

- A11 - the provision of flexible incubation space in the city for university spin out businesses and move on business accommodation;
- A12 - working with SMEs to ensure technology advances are being used effectively to enable them to compete and introduce cost saving flexible working practises,
- A17 – bring forward development sites to satisfy the need for commercial space and new homes, exploring alternative means e.g. through special delivery vehicles,
- D10 – provide support and raise awareness of the environmentally focused businesses operating in the city, in particular those that are engaged in environmental technology. Capture and grow this intellectual cluster on ethical/environmental businesses,
- D11 – lobby for the definition of 'key worker' to be widened to include some private sector employees so that it is more appropriate to the needs of the Brighton & Hove economy
- R8 – increase the supply of affordable homes and family homes in the city available to the workforce[175].

[174] Brighton & Hove Economic Strategy
http://www.brightonbusiness.co.uk/documents/economic_strategy_2008-2016.pdf
[175] Economic Strategy Action Plan
http://www.brightonbusiness.co.uk/documents/B&H_strategy_action_plans.pdf

6.5 Securing funding for the sector

The Panel heard that whilst this was a well funded area, the funding is often hard to find. A lot of SMEs are unaware of the opportunities available and the timescales for applying for funding are often tight. Professor Lynch felt that, even after eighteen months working with SEEDA, it was difficult to understand where the support and money was for this sector.[176]

A recent government report *New Industry, New Jobs* also identified the funding difficulties faced by innovative companies in this sector:

*"…it will also be necessary to pay particular attention to **technological change** where this is reshaping industries and demanding high levels of innovation, skills and investment from those businesses who will ultimately lead in these markets. These include…a range of low carbon technologies... Businesses attempting to innovate in these areas will in many cases face particular challenges of finance, and the need to sustain development programmes over the long timeframes required to commercialise new technologies."*[177]

The Panel was very impressed by the work carried out by organisations such as the East Sussex Enterprise Hub and EnviroBusiness, to help SMEs to access funding in this difficult area.

Mike Herd, of SInC, suggested there was quite a lot of funding available: including investment funds and grants available for green technologies. It was probably one of the best funded areas of research, but the problem lay in managing the companies and understanding markets.[178]

Jae Mather, of the Carbon Free Group, told the Panel that economic stimulus packages are a key method of delivering carbon free buildings and living. However, in Great Britain we have the second lowest level of governmental economic stimulation of environmental industries.[179]

Pooran Desai, of BioRegional, believed it was necessary to come out of the recession clean and green. In the UK only 10% of the stimulus packages are directed towards green industries, compared to 80% in Korea.[180] Regardless of environmental drivers, renewable energy was needed due to the volatility of oil prices.

There have been a number of Government announcements in this area, for example, the £1bn DWP Future Jobs Fund. This enables local authorities and other organisations to bid for funding to create around 150,000 new jobs. In July 2009 Brighton & Hove were successful with a bid that will provide

[176] Professor Jim Lynch, evidence 23rd April 2009
[177] New Industry, New Jobs, BERR, 2009 http://www.berr.gov.uk/files/file51023.pdf
[178] Mike Herd, evidence 23rd April 2009
[179] Jae Mather, evidence 31st March 2009
[180] Pooran Desai, evidence 13th May 2009

£2.3million to pay for core salary funding (see 6.2 for further information on apprenticeships).

Knowledge Transfer Funding

Zoe Osmond, of the University of Brighton, told the Panel that here was a huge range of Knowledge Transfer Partnerships (KTP). These exist to form a relationship:

"…between a company and an academic institution … which facilitates the transfer of knowledge, technology and skills to which the company partner currently has no access. Each partnership employs one or more recently qualified people (known as an Associate) to work in a company on a project of strategic importance to the business, whilst also being supervised by the Knowledge Base Partner.

Projects vary in length between 12 and 36 months. The Associates are either postgraduate researchers, university graduates, or individuals qualified to at least NVQ (Level 4) or equivalent."[181]

Zoe Osmond had around 10-15 ongoing knowledge transfer projects, with another 20-30 in the pipeline. A paper was provided to the Panel with some case studies and examples of funding (see Volume 2 of this report). She remarked that often the intervention was to keep companies growing: it may start with a student project or a placement initiative. One knowledge transfer project (Phlorum) had created an extra post in the company and the idea was that they would grow a whole new business area for that company.[182]

It became clear to the Panel that there was no easy route for small companies, or entrepreneurs, to access funding. Despite the good work of SEEDA, the Enterprise Hub and others; there are still a vast array of schemes and potential funding opportunities, but no clear and simple way of accessing them.

> ***Recommendation:*** *Many small and medium sized businesses find it very difficult to negotiate the funding labyrinth. The Panel recommends the council undertakes, or identifies a partner to carry out, an exercise to map the funding available for environmental industries. This information could then be made accessible to the sector*

[181] http://www.ktponline.org.uk/faqs/faqs.aspx
[182] Zoe Osmond, evidence 23rd April 2009

Procurement

The *UK Low Carbon Industrial Strategy* emphasised the need for:

"Driving demand for low carbon products through procurement…This includes the use of tools such as 'Forward Commitment Procurement".[183]

A newsletter from the Department for Business Innovation and Skills defined the key features of Forward Commitment Procurement (FCP) as:

- a practical supply chain tool
- stimulating innovation in response to customers' 'unmet' needs
- addresses environmental challenges cost effectively
- managing innovation risk[184]

"Meeting the public sector's sustainability objectives often requires new and innovative solutions, including ones that aren't actually yet available on the market. Because they aren't available no one demands them, and because there is no demand the private sector doesn't invest in supplying them. It's stalemate, Catch 22…"[185]

This can be resolved with:

"… the incentive of a Forward Commitment: an agreement to purchase a product or service that may not currently exist, at a specified future date , providing it can be delivered to agreed performance levels and costs."[186]

The Panel heard a number of witnesses talk about the importance of the council using its power as a key procurer in the City, to lead by example and support innovation by forward procurement. This could particularly support SMES by providing funding upfront to help bridge the gap between innovation and making a profit, which was known as the:

"…valley of death."[187]

Jae Mather of the Carbon Free Group, which is a consortium formed out of the top 10 organisations in the Eco sector in Kent and East Sussex, told the Panel that prize winning businesses are in danger of going out of business because the Government does not procure their products or services.[188]

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[183] The UK Low Carbon Industrial Strategy – Executive Summary (2009) http://www.berr.gov.uk/files/file52226.pdf
[184] Forward Commitment Procurement newsletter, BIS http://www.dius.gov.uk/~/media/publications/C/CS01_FCP
[185] ibid
[186] ibid
[187] Graham Tubb, evidence 10th June 2009
[188] Jae Mather, evidence 31st March 2009

He felt that this was:

"…the most important function that a council could carry out in this sector."[189]

The public procurement process was also cited in the Ecosys survey as one of the key challenges facing the sector.[190] Mike Herd, of SInC, told the Panel that the area of public sector demand was problematic – for example, when selling to the NHS it is often easier to sell to another country like Holland which then sells to the NHS.[191]

The Panel supports the case for council procurement of local environmental industries products and services - where there is also an identifiable economic benefit for the city in terms of business growth and improvement.

Recommendation: *The Panel recommends the council uses its procurement policy to promote the growth and development of environmental industries and to encourage innovative and environmentally conscious companies to tender for work*

[189] ibid
[190] Nick Hutchinson, evidence 31st March 2009
[191] Mike Herd, evidence 23rd April 2009

7. The way forward

Once this report has been agreed by the Culture, Tourism & Enterprise Overview and Scrutiny Committee (CTEOSC), it will be forwarded on to the council's Executive.

The Executive will write a response which will address each of the recommendations. This report, and the response of the Executive, will then be discussed at the appropriate Cabinet Member Meeting or Cabinet Meeting.

The Panel looks forward to hearing the Executive's response to its recommendations.

As is customary with Ad Hoc Panel reports, it is requested that the CTEOSC would then receive an annual update on the progress of this report's recommendations.

> ***Recommendation 21:*** *The Panel recommends that in 12 months time CTEOSC is provided with a report on the implementation of the Inquiry's recommendations. Thereafter, an annual update on progress would be given to CTEOSC.*

Appendix 1

The Establishment of the Panel

The impetus to set up this Inquiry came from a notice of motion (NOM) from Cllr Bill Randall on the development of 'green industries' in Brighton & Hove. This NOM was unanimously agreed at Council on 9 October 2008 (with both Labour and Conservative amendments).[192] Next a letter was sent from the Chief Executive of BHCC to the South East England Development Agency (SEEDA) to enquire about funding for the promotion of green industries. SEEDA responded to the Chief Executive on 11th November 2008 by expressing their delight at the council motion and outlining their 3 main methods of supporting green industries.[193]

On 13th November 2008 the Culture, Tourism & Enterprise Overview and Scrutiny Committee (CTEOSC) agreed to set up an ad-hoc Scrutiny Panel to consider the potential for supporting and encouraging the development of environmental industries in Brighton & Hove.[194]

The Panel held two private scoping meetings to agree the terms of reference for the review.

At the first scoping meeting held on 28th January 2009, the Panel discussed the definition of 'green industries'. Whilst noting that there are a number of terms that could be used (for example green tech or clean tech) the Panel agreed to use the term 'environmental industries'. For the purpose of the Inquiry, the Panel agreed the following definition of environmental industries:

"…businesses operating in the broad disciplines of energy efficiency, recycling and waste, renewable energy, sustainable construction and maintenance, consultancy and other services (furniture, printing, cleaning food, travel, design etc)."

The Panel also considered the scope of the enquiry and resolved, due to the breadth of the subject, that the Inquiry was **not** about 'greening' the existing industries but about helping the existing environmental industries and attracting new businesses into this area.

At the second scoping meeting, held on 9th February 2009, the Panel agreed the title of the Inquiry would be "Environmental Industries Enquiry: Capturing the potential and economic benefits for Brighton & Hove". They also decided upon the following terms of reference:

> *"The Panel will explore the growth potential of environmental industries in Brighton & Hove. It will consider the economic, environmental and employment benefits to the city and what actions should be prioritised*

[192] See Volume 2
[193] See Volume 2
[194] http://present.brighton-hove.gov.uk/Published/C00000137/M00001374/$$$Minutes.doc.pdf

by the council and its key partners to support high growth potential existing businesses in the sector, diversification of others into the sector's work, and attract inward investors."

Evidence gathering

Meeting stakeholders
To prepare for this Panel, Scrutiny Officers met with a number of stakeholders. This included:

- A visit to the East Sussex Environmental Hub to meet Jim Christy (20.01.09) and then met Rhodri Alexander, Creative Sector Advisor of the Enterprise Hub on 05.02.09.
- A scrutiny officer was then invited to attend the newly created Environmental Technology Advisory board (facilitated by East Sussex Environmental Hub). The inaugural meeting was held in Hastings on 11.03.09.
- A visit to the University of Brighton to meet Zoe Osmond (11.02.09)
- Attending a Carbon Free Group seminar on Sustainable Development (11.02.08)
- Meeting with David Porter and Tom Fourcade of EnviroBusiness on 08.12.08
- Visit to SeaRoc on 1st July 2009 by Cllr Randall and Karen Amsden
- Visit to Ultra Green on September 18th 2009 by Julia Riches.

These stakeholders, then subsequently contributed to the public evidence sessions.

Evidence gathering meetings
The Panel then held four meetings in public to which they invited a range of expert witnesses from various sectors, including:

- Environmental industries
- Environmentally focussed consultants
- Business forums
- Universities
- Further education
- Adult education
- Unions
- Funding bodies e.g. SEEDA
- Community organisations

These public meetings were held on 31st March 2009, 23rd April 2009, 13th May 2009 and the 10th June 2009. Full copies of the minutes for each of the public meetings can be found in Volume 2 of the report.

Appendix 2: Dates of Public meetings and witnesses who attended, plus dates of private meetings

28th January 2009
Private scoping meeting with the following officers from Brighton & Hove City Council (BHCC)

- Thurstan Crockett, Head of Sustainability and Environmental Policy
- Paula Murray, Head of Culture and Economy
- Adam Bates, Head of Tourism

9th February 2009
Private scoping meeting with the following officers from BHCC:

- Thurstan Crockett, Head of Sustainability and Environmental Policy
- Paula Murray, Head of Culture and Economy
- Adam Bates, Head of Tourism

Public meeting on 31 March – Hove Town Hall, Committee Room 2, 1pm to 3pm

Name	Job Title	Organisation
Paul Dickinson	CEO	Carbon Disclosure Project
Jae Mather	Director of Sustainability	Carbon Free Group
Tony Mernagh	Director	Brighton & Hove Business Forum
Nick Hutchinson	Director	Ecosys

Public meeting on 23 April – Brighton Town Hall, Committee Room 2, 10am to 12 noon

Name	Job Title	Organisation
Cllr Ted Kemble		Cabinet Member
Zoe Osmond	Business Development Manager	University of Brighton
Professor Jim Lynch	Distinguished Professor of Life Sciences	University of Surrey and Senior Advisor to SEEDA
Gary Smith & Rob Macey	National Secretary and Regional Organiser	GMB
Mike Herd	Executive Director	Sussex Innovation Centre (SInC)
Alan Harris (Manager, Power Centre) and Sharon Greenaway	Sharon is Director, Centre of Business Enterprise,	Kingston College

Public meeting on 13 May – Hove Town Hall, Committee Room 1, 10am to 12 noon

Name	Job Title	Organisation
Pooran Desai	Sustainability Director	BioRegional
Jim Watson	Director of the Sussex Energy Group	University of Sussex
David Porter	Environmental Enterprise Manager	EnviroBusiness
Jim Christy	Director	East Sussex Enterprise Hub (SEEDA)

Public meeting on 10th June –Learning Centre, Jubilee Library 10am to 12 noon

Name	Job Title	Organisation
Greg Simmons	Technical Director	Elektromotive
Graham Tubb	Head of Energy	SEEDA
Christine D'Cruz	Director of Business Development, Residential and SME Markets	EDF Energy
Maria Antoniou	Development Manager	Friends Centre
Martin Grimshaw and John Kapp		Transition Brighton & Hove
Vernice Halligan and Michael Buckman	Head of Employer Engagement and Curriculum Manager	City College Brighton & Hove
Steve Charter	Director	SC2 Sustainability Consultancy

Monday 20th July 2009
Private de-brief meeting

Wednesday 26th August 2009
Private de-brief meeting

	Council Agenda Item 32 **Appendix 2**
ENTERPRISE EMPLOYMENT & MAJOR PROJECTS CABINET MEMBER MEETING	**Agenda Item 43** Brighton & Hove City Council

Subject:		**Executive Response to Scrutiny Ad Hoc Panel on Environmental Industries**		
Date of Meeting:		**26th January 2010**		
Report of:		**Director of Culture and Enterprise**		
Contact Officer:	Name:	**Paula Murray**	**Tel:**	**29-2534**
	E-mail:	paula.murray@brighton-hove.gov.uk		
Key Decision:	**No**			
Wards Affected:	**All**			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report outlines the Executive response to the Ad Hoc Scrutiny Panel on Environmental Industries established in November 2008 by the Culture and Enterprise Overview and Scrutiny Committee.

2. RECOMMENDATIONS:

(1) To congratulate the panel on the detailed and well informed work undertaken to produce their report.

(2) To mandate officers to implement the service changes needed to accommodate the major recommendations of the Scrutiny report as outlined in the body of this report.

(3) To request an update on the implementation of the recommendations in 12 months time

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The Culture, Tourism & Enterprise Overview and Scrutiny Committee (CTEOSC) agreed to set up this ad-hoc scrutiny panel to consider how to capture the potential and economic benefits of environmental industries for Brighton and Hove in November of last year.

3.2 The panel comprised of Councillors Bill Randall (Chair), Steve Harmer-Strange and Melanie Davis. Over a six month period, the Panel interviewed 25 witnesses representing 21 organisations. The final report from the Panel was received and endorsed at the last CTEOSC in October of this year and forwarded for an Executive response.

3.3 The report outlined 7 major recommendations and it is these that the Executive Response is structured around:

3.3.1 **Recommendation One**: The Panel believes the council should appoint a lead officer for environmental industries to be a key point of contact for those in this sector seeking information and support.

The approach of designating a development officer to a particular business sub sector can be very successful as has been demonstrated with the council's appointment of a Creative Industries Officer in 2001. For a sub sector to have a single point of contact is clear and useful. However, in the current financial climate for Brighton and Hove, as for other local authorities, a growth strategy for new posts is extremely difficult. Therefore, the executive proposal would be to re-shape the current Creative Industries post which sits within the Economic Development Team and is to be held vacant until the new financial year. The post would become an Economic Development post which is asked to specialise in subsectors, probably two at any one time. In the first instance, the post would be required to focus on the continued development of the Creative industries sector and Environmental Industries. The model of creating a new post every time a subsector needs particular time or attention is unsustainable, however, a flexible post that can turn to different subsectors at different times is within the capacity of current resources.

3.3.2 **Recommendation Two**: The Panel welcomes the Business Retention and Inward Investment Strategy and Action Plan, and its commitment to the environmental industries. The Panel believes all other relevant strategies for the city should be refreshed to reflect the importance of environmental industries.

It is within the scope of this Executive response to agree to the inclusion of the development of environmental industries as a priority within certain relevant strategies directly. The further development of the Business Retention and Inward Investment Strategy for example, service plans of the Economic Development Team, Directorate or Corporate policy documents. In terms of strategies that sit with partner organisations such as the Brighton and Hove Economic Strategy led by the Economic Partnership or the Regional Economic Strategy led by the Regional Development Agency or the Community Strategy led by the Local Strategic Partnership the undertaking in

this response differs. In these cases, the proposal from the executive would be for the designated officer to take a lead role in promoting the inclusion of environmental industries in those strategy and policy documents as they fell due for refreshing or as new policy documents were developed. This is not likely to be a difficult task or to meet with stony ground as there is a broad and growing understanding and acknowledgement of the importance of this industry subsector as evidenced in the ad-hoc panel report itself.

3.3.3 **Recommendation Three**: The Panel believes the council should explore how more affordable work and office space could be made available in the city. The executive response agrees with this recommendation and would factor this task into the role of the Economic Development post designated to support subsectoral development. The needs of the Environmental industries as outlined here are not dissimilar from those identified by the Creative Industries subsector in this respect. There is clearly a need to work with partners such as the universities in terms of this objective, the potential to look at council owned sites for development, the council's own property portfolio and partnerships with developers. The caveat on this aspiration would be that the council's influence is limited in respect of market forces.

3.3.4 **Recommendation Four**: The Panel recommends the council plays an active role in supporting the new regional Environmental Innovation Network, which will be led by EnviroBusiness.

The council has already played an active role in the support of this Network by submitting a letter of support as part of the bid application for funds to establish it. This support would be continued by active participation via the Economic Development post appointed.

3.3.5 **Recommendation Five**: The Panel welcomes the council's commitment to creating apprenticeships. It recommends that future bids for funding for apprenticeships take account of the environmental industries.

The current Futures Jobs Fund bid being co-ordinated by the council's City Employment Initiatives team already contains a significant number of environmental industries jobs. Future applications for funding for job creation or apprenticeships will contain this element also as a priority.

3.3.6 **Recommendation Six:** The Panel recommends that the council encourages inter-college partnering, where appropriate, to address the skills gaps in the environmental industries and in the retrofitting sector of the construction industry to meet demand for future employment.

The council has already begun dialogue with City College in terms of the skills development agenda as one of the city's major providers of skills for employment. The continued encouragement of this area of skills development will also be driven forward via the City Employment and Skills Plan delivery.

3.3.7 **Recommendation Seven:** The Panel recommends the council uses its procurement policy to promote the growth and development of environmental industries and to encourage innovative and environmentally conscious companies to tender for work.

This recommendation falls within the scope of Corporate Procurement within the Cabinet portfolio of Finance and Resources and will be referred accordingly.

3.4 The ad-hoc panel report also makes a further set of minor recommendations around the further development of sector specific data, funding information, profile development and advocacy. These would be included in the development of the role of the Economic Development post with responsibility for sub sectoral development.

3.5 In addition to the recommendations in the report, it is also proposed by the executive to include in the Economic Development role an objective to make applications for external funding for the development of this sector. There are a number of international funding opportunities in this area which would be prioritised by the lead officer with support from the International Team.

4. CONSULTATION

4.1 There has been consultation with the Executive Member for Enterprise and Major Projects and senior officers.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:
All actions proposed in this executive response are within the scope of current financial resources. Any additional activity would need to be subject to external funding raised

Finance Officer Consulted: Anne Silley *Date: 4th January 2010*

5.2 Legal Implications:

There are no adverse legal implications arising from this report.

Lawyer Consulted: Bob Bruce, Principal Solicitor Date: 05.01.10

5.3 Equalities Implications:
Job creation schemes such as the Futures Jobs Fund would prioritise those in long term unemployment and skills development opportunities would be accessible to a full range of people including those facing barriers to employment and training.

5.4 Sustainability Implications:
The implementation of all of the proposed recommendations in the ad-hoc panel report would have positive implications in terms of sustainability.

5.5 Crime & Disorder Implications:
Any initiatives or programmes implemented that reduce unemployment and benefit the city's economy would be likely to have a positive impact in reducing the likelihood of crime and disorder.

5.6 Risk and Opportunity Management Implications:
If the ad-hoc panel report recommendations are not implemented, there is a risk that job creation and skills and training opportunities will be lost for the city. There would also be a risk of increased negative impact of climate change. The opportunities that have been identified by the panel report in terms of economic development in particular will have to be maximised, with partners and within available resources.

5.7 Corporate / Citywide Implications:
The implementation of the recommendations in the ad-hoc panel report would have a positive impact on both climate change and employment in the city and therefore would be citywide.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The option to create a new post in response to this ad-hoc panel report was considered but was not possible within current financial constraints.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The ad-hoc panel report drew on a detailed level of expertise and current information on the development of the environmental industries. The resulting recommendations were extremely well informed and offer a number of useful and pragmatic ways forward for the development of this key subsector.

7.2 In the view of all of the witnesses who presented to the ad-hoc panel, this subsector is one that Brighton and Hove should actively develop both because of the inherent opportunities and because it would flourish well in this city. Many of the preconditions for growth for this subsector were identified in Brighton and Hove by the panel's findings.

SUPPORTING DOCUMENTATION

Appendices: **None**

A report of the Culture, Tourism and Enterprise Overview and Scrutiny Committee Ad Hoc Panel weblink below:

http://www.brighton-hove.gov.uk/downloads/bhcc/CTEOSC_version_for_7th_oct.doc

	Council Agenda Item 32 **Appendix 3**
CABINET	**Agenda Item 50** Brighton & Hove City Council

Subject:		**Executive Response to Environmental Industries Scrutiny Report**
Date of Meeting:		**22 July 2010**
Report of:		**Director of Finance & Resources**
Contact Officer:	**Name:**	**Claire Jones** **Tel: 291408**
	E-mail:	**claire.t.jones@brighton-hove.gov.uk**
Key Decision:	**No**	
Wards Affected:	**All**	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Environmental Industries Ad Hoc Panel Scrutiny Report completed in October 2009, made a series of recommendations about how the council could support Environmental Industries. The majority of these were put to the Executive Member for Enterprise, Employment and Major Projects and received a response in January of this year. The following recommendation was made in relation to procurement:

"The Panel recommends the council uses its procurement policy to promote the growth and development of environmental industries and to encourage innovative and environmentally conscious companies to tender for work"

This report sets out the executive response to this recommendation.

2. RECOMMENDATION:

2.1 That Cabinet notes the response to the Environmental Industries Scrutiny Report

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The procurement function supports the objective of encouraging innovative and environmentally conscious companies to tender for work. However all public sector procurement above certain thresholds (£156K for supplies and services and £3.9 Million for construction) is bound by the EU Procurement Directives. The directives are specific about what is and what isn't allowed in relation to sustainability issues and therefore care is taken to ensure that the directives are followed whilst supporting the council's objectives.

3.2 Throughout the procurement lifecycle environmental objectives are supported by:

- Pre tender risk appraisals for major contracts. This is a process used prior to commencing procurement to draw out any relevant issues. Sustainability and the potential opportunities to incorporate associated objectives are considered in a discreet section. This will lead to the development of a procurement strategy that will best suit the particular project.

- All suppliers completing pre qualification questionnaires are asked a set of sustainability questions (please see appendix 1) as standard. Where environmental considerations are material to the delivery of the contract additional questions are asked and evaluated.

- Contract officers develop specifications to incorporate relevant environmental considerations e.g. recycled content, numbers of deliveries etc

- All suppliers completing Invitation to Tender documents are requested to respond to the following question as standard:

  Tenderers should provide in no more than 1000 words details of how their sustainable practices will be brought into the day-to-day management and delivery of the contract and the benefits this will bring.

  Where environmental considerations are material to the delivery of the contract additional questions are asked and evaluated

- During the evaluation of tenders Whole life Costing is used where appropriate. This is a method of looking at the costs associated throughout the life of the product or service. an example could be where energy costs, spares and disposal of a product are considered.

- Large scale construction projects are procured in line with BREEAM (Building Research Establishment and Environmental Assessment Method) this covers the whole life of the building including design, construction and use. Additionally it is compulsory for contractors to produce a site waste management plan to increase the recycling of materials and the reduction of landfill.

Sharing Best Practice

3.3 To ensure that contract officers understand the principles of sustainable procurement and its importance an e-learning module has been developed and is available on Surf2Learn.

3.4 Further guidance on environmental issues in procurement is also provided via a Sustainability Code of Practice available on the council's Intranet.

3.5 Staff from Corporate Procurement and Property & Design are regularly updated on environmental best practice and provide advice to contract officers on its application throughout the procurement process.

4. CONSULTATION

4.1 The Assistant Director of Property and Design, and the Procurement Strategy Manager have been consulted over the contents of this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Environmental issues and sustainability form part of the quality weighting in tender evaluation. For each contract he weighting for each element of the tender will be agreed and set out in the tender documents. The tender that demonstrates the greatest value for money will score the highest marks as part of the financial evaluation. Financial implications are assessed for individual contracts.

Finance Officer Consulted: *Alasdair Ridley* *Date: 23/06/10*

Legal Implications:

5.2 All Council procurement is subject to the Council's contract standing orders and to the EC Treaty principles of transparency, fairness and non-discrimination. In addition where relevant thresholds are exceeded (as stated in paragraph 3.1 above) procurement procedures must comply with the Public Contracts Regulations 2006.

Lawyer Consulted: *Sonia Likhari* *Date: 23/06/10*

Equalities Implications:

5.3 There are no direct equalities implications in this report

Sustainability Implications:

5.4 Encouraging environmental industries to tender for council contracts will mitigate the risk of the council supporting a supply chain with poor environmental practices. Additionally it will encourage the wider business community to adopt these practices so that they are more likely to be successful when tendering.

Crime & Disorder Implications:

5.5 There are no direct crime and disorder implications in this report

Risk & Opportunity Management Implications:

5.6 Encouraging environmental industries to tender for council contracts will mitigate the risk of the council supporting a supply chain with poor environmental practices. Additionally it will encourage the wider business community to adopt these practices so that they are more likely to be successful when tendering.

Corporate / Citywide Implications:

5.7 The encouragement of environmentally sustainable industries will ensure that the impact of council contracts on the local environment is minimised whilst promoting good environmental practices amongst the local business economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 N/A

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The report is an executive response to Environmental Industries Scrutiny Report

SUPPORTING DOCUMENTATION

Appendices:

1. Mandatory questions in the council's standard Pre Qualification Questionnaire

Documents in Members' Rooms

None

Background Documents

1. The report of the Culture, Tourism and Enterprise Overview and Scrutiny Committee Ad Hoc Panel - ENVIRONMENTAL INDUSTRIES INQUIRY

2. Sustainability Code of Practice

Council	Agenda Item 33
21 October 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Street Access Issues**		
Date of Meeting:		**21 October 2010**		
Report of:		**The Acting Director of Strategy & Governance**		
Contact Officer:	Name:	Tom Hook	Tel:	29-1110
	E-mail:	Tom.Hook@brighton-hove.gov.uk		
Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Council's Constitution requires reports from overview & scrutiny panels, together with the Executive response to these reports, to be submitted to Full Council for information.

1.2 This report presents the Overview and Scrutiny Commission (OSC) scrutiny panel report on "Street Access Issues" (**Appendix 1**) and the responses to the recommendations from the Licensing Committee and Environment Cabinet Member Meeting (**Appendix 2**).

2. RECOMMENDATIONS:

2.1 That Member's note the OSC scrutiny panel report on Street Access Issues (**Appendix 1**) and the responses to the recommendations from the Licensing Committee and Cabinet Member Meeting (**Appendix 2**).

3. BACKGROUND INFORMATION

3.1 Chaired by Councillor Sven Rufus the panel comprised Councillors David Watkins, Jayne Bennett, Pat Hawkes and Brian Pidgeon.

3.2 This scrutiny review was established following concern over how accessible public highways within the city are. It sought to take into account and balance the competing needs of different groups of highway users. Evidence was heard from disability advocacy groups, residents associations, business associations and private residents.

Members also undertook site visits to areas identified as hotspots around the city.

3.3 Public highways allow people to move around the Brighton and Hove, they also however are used to display goods, provide external seating, and advertise products and services; the council and other public bodies place signs and other infrastructure on the highway, and residents use the highway to store waste, park and secure bicycles.

3.4 The council seeks to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests to prevent this from happening.

3.5 This review has focused on traders' items especially advertising boards (A boards), tables and chairs, bicycles and bins. The panel developed 16 recommendations to improve accessibility around the city.

3.6 The scrutiny panel report was endorsed by OSC at its April meeting and the response to the recommendations was agreed at Licensing Committee and Environment Cabinet Member Meeting in July.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation with interested parties.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 As this report is to note only there are no direct financial implications, however members should be aware of the implications outlined in the appended reports.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 07 October 2010

Equalities Implications:

5.3 None specific to this report for information. Please see the implications on the attached report to Cabinet.

Sustainability Implications:

5.4 None specific to this report for information. Please see the implications on the attached report to Cabinet.

Crime & Disorder Implications:

5.5 None specific to this report for information. Please see the implications on the attached report to Cabinet.

Risk and Opportunity Management Implications:

5.6 None specific to this report for information. Please see the implications on the attached report to Cabinet.

Corporate / Citywide Implications:

5.7 None specific to this report for information. Please see the implications on the attached report to Cabinet.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of OSC into Street Access Issues
2. The Executive Response

Documents in Members' Rooms:

None

Background Documents:

The Council's Constitution

Brighton & Hove City Council

Report of the Street Access Issues Scrutiny Panel

March 2010

Street Access Issues

Volume One

Panel Members

Councillor Sven Rufus (Chair)
Councillor Jayne Bennett
Councillor Pat Hawkes
Councillor Brian Pidgeon
Councillor David Watkins

CHAIR'S FOREWORD

This scrutiny review was established following concern over how accessible public highways within the city are. We have sought to take into account and balance the competing needs of different groups of highway users. We have heard evidence from disability advocacy groups, residents associations, business associations and private residents. Members also have undertaken site visits to areas identified as hotspots around the city.

It was immediately obvious that the issue of traders' items placed upon the highway is the most controversial and pressing for the majority of those giving evidence. It is clearly an issue that stirs emotion and divides opinion.

A boards, tables and chairs and displays of goods are all placed upon the pavement by businesses and depending on your point of view are either an important part of our city's culture and vital to business success or a menace to residents and visitors trying to live their lives and move around the city.

The panel has listened, questioned and contended with what is a difficult issue. We have I think come to a reasonable compromise solution that builds upon current council policy but seeks a more consistent and slightly tougher enforcement regime.

Other issues that were highlighted as areas of concern included flyparking of bicycles and the location of commercial and communal bins. We also made recommendations in these areas consistent with those relating to traders' items.

I would like to express my thanks to my fellow panel members and to the witnesses whom gave their time and expertise to the panel; I hope they think it has been useful exercise and that our recommendations will have a positive impact upon the city.



Councillor Sven Rufus
(Chair, Scrutiny Panel on Street Access Issues)

CONTENTS

Executive Summary

1. **Introduction**
2. **Methodology**
3. **General Principles & Traders' Items**
4. **Bikes, Bins and Parking**
5. **Enforcement**
6. **Utilities**
7. **Alternative Advertising and Moving Forward**
8. **Monitoring**
9. **Conclusion**

Volume Two contains all of the evidence and appendices

EXECUTIVE SUMMARY

Public highways allow people to move around the Brighton and Hove, they also however are used to display goods, provide external seating, and advertise products and services; the council and other public bodies place signs and other infrastructure on the highway, and residents use the highway to store waste, park and secure bicycles.

The council seeks to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests to prevent this from happening.

This review has focused on traders' items especially advertising boards (A boards), tables and chairs, bicycles and bins. Chaired by Councillor Sven Rufus the panel consisted of Councillors Jayne Bennett, Pat Hawkes, Brian Pidgeon and David Watkins.

Evidence was received from business representatives, disability charities, local resident groups and private residents. The panel has developed 16 recommendations, outlined below to improve accessibility around the city.

General Principles

1. In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

Traders' Items

2. The panel supports the use of licensing zones for traders' items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33), namely:

   A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

   i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

3. In addition to the licensing criteria above businesses seeking to place an A Board on public land should be required to:
   a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
   b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the council.

4. Clusters of A boards should be combined into a single standard advertising board. The council should provide these in a single City-wide design livery that can be added to by individual retailers.

5. Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

6. The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

Bikes, Bins and Parking

7. Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

8. Commercial bin storage on the highway should in general not be tolerated:
    a. No new planning permissions should be granted that do not include on-site waste storage
    b. Business that fail to utilise on-site storage facilities should be prosecuted quickly
    c. Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities

9. Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate a communal bin.

10. Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

Enforcement

11. The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

12. Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council that place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

13. Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

14. The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

15. Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this

should be acted upon and the council should facilitate on-going dialogue between different groups to review:

a. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the city's culture
b. How the city's café culture can meet the needs of mobility impaired residents and visitors

16. Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.

1. INTRODUCTION

1.1 Public highways are subject to a variety of competing uses; most obviously they allow people to move around Brighton and Hove. They are also however used by businesses to display goods, provide external seating, and advertise products and services; the council and other public bodies place signs, furniture and other infrastructure on the highway, and residents use the highway to store waste, park and secure bicycles.

1.2 The council has a number of policies in place that seek to ensure that public highways are used in a manner that maximises the benefit to the most number of users. However in the busiest areas of the city competing interests can come into conflict. It is the council's responsibility to manage these interests to prevent this from happening.

1.3 This scrutiny review was established following concern that the accessibility of public highways within the city was being reduced. Whilst established to look at street access issues in a widest context evidence received from the public and groups with an interest in access issues has meant the review has focused to large extent on traders' items placed upon the highway. Given the publicity around this issue locally this is perhaps unsurprising. However many of the principles looked at in respect of traders' items hold true for other items placed upon the highway.

1.4 Throughout its work the panel has sought to understand and balance the needs of competing interests with the understanding that items placed upon the public highway should improve the general streetscape for users. The recommendations from this panel aim to improve the environment within the city and accommodate the needs of everyone.

1.5 At the 10 March 2009 Overview and Scrutiny Commission (OSC) meeting Members discussed a letter from Councillors Elgood and Watkins regarding the implementation of recommendation 10 of the 2006 Access Scrutiny Review. The letter and minutes of this meeting are attached to this report as appendices 1 and 2. Recommendation 10 stated:

1.6 *'That in consultation with sensorily-impaired people, officers give priority to achieving as wide, safe and straight access as possible in planning, licensing and enforcing all forms of street/pavement furniture and obstructions for pedestrians.*

That there be a presumption in favour of a clear straight pathways in line with Department for Transport guidance on the width of footways, footpaths and pedestrian areas.'

1.7 It was therefore agreed to establish a scrutiny panel to look at the issue of street accessibility. At its 21 April meeting OSC was presented with information regarding the progress made against recommendation 10 by the council's Highway Enforcement Team.[1]

2. METHODOLOGY

2.1 Chaired by Councillor Sven Rufus the panel consisted of Councillors Jayne Bennett, Pat Hawkes, Brian Pidgeon and David Watkins. The Panel met to scope the topic, agreeing the terms of reference as:

- To gain an understanding of the issues relating to street accessibility within Brighton & Hove
- To review current Council policy relating to items placed on public walkways
- To seek a balanced range of views as to the impact of current policy and practice
- To develop recommendations for the future development of council policy on these issues

2.2 Initially the panel issued a general invitation to give evidence. Over the course of the review over 40 responses were received. From these initial responses the panel selected a number of individuals and organisations to give oral evidence.

2.3 Meeting three times in public the panel heard evidence from:

- Federation of Disabled People
- RNIB
- Openreach (part of the BT Group)
- North Laine Traders Association
- Western and Church Road Traders Association
- Brighton and Hove Youth Council
- Rottingdean Parish Council
- Regency Square Area Society
- Tom Chavasse[2]
- Older People's Council
- Cllr Juliet McCaffery
- Christina Liassides, Head of Network Management
- Ian Denyer, Senior Highway Enforcement Officer

2.4 Additional evidence was received from a number of different individuals and organisations including:

- Cllr Paul Elgood
- Paula Murray - Head of Culture and Economy, Brighton and Hove City Council

[1] Appendix 3, Volume 2.

[2] Representing the Lansdowne Area Residents Association, Friends of Brunswick Square and Terrace, Friends of Palmeira and Adelaide, East Brunswick Residents, Association, Dudley Mews/Brunswick St. West Residents Association, The Hove Civic Society and Brighton Society, Montpelier & Clifton Hill, Regency Square and Kingscliffe Society

- Unique to Brighton
- National Federation of the Blind
- Impetus
- Friends of Brunswick
- East Brunswick Residents Association
- Brighton and Hove Low Vision Committee
- Rottingdean Traders Association
- Lansdowne Area Residents Association
- Over 20 private residents of Brighton and Hove

2.5 Using the information provided by those giving evidence a list of site visits was developed. Each member visited a different area of the city, with the Chair visiting all areas; sites were chosen to ensure that examples of different types of obstruction were viewed and a reasonable geographic spread covered.

2.6 Site visits took place to Washington Street, Scotland Street, Jersey Street, St. James's Street, Wakefield Road, Lewes Road, Western Road, Little Preston Street, Regency Square, Church Rd, George Street, Blatchington Road, Goldstone Villas, Sackville Road and Boundary Road.

2.7 Photographic evidence was obtained during the site visits and from a number of members of the public whom send in photos of their local area. The photos obtained have been used throughout the report to illustrate access issues around the city.

2.8 The following council policy documents were obtained:

- Communal Container Siting Guidelines[3]
- Commercial Waste – Council Policy[4]
- Traders' Items Licensing Policy[5]
- Draft Streetscape Design Guidelines
- HP 4-6 Provision of Traffic Signs and Roadmarkings
- HP 4-8 Provision of Traffic Signs – Direction Signs
- HP 4-9 Provision of Traffic Signs – Warning Signs
- HP 4-10 Provision of Traffic Signs – Regulatory Signs
- HP 4-12 Provision of Traffic Signs – Private and Tourist Signs
- HP 8-9 Charity or Event Signs on the Highway
- HP 8-8 Transport Abandoned on the Highway
- HP 8-7 Provision of Highway Bollards
- HP – Pavement Parking
- HP 4-15 Resident Parking Schemes Assessment

2.9 It was agreed that the panel would seek to be flexible as to the issues covered and respond to evidence received.

[3] Appendix 8, Volume 2
[4] Appendix 9, Volume 2
[5] Appendix 7, Volume 2

2.10 The evidence received from residents and residents groups, members and interested organisations meant the focus of this review has been:
- Traders' items – most notably A boards and tables and chairs
- Flyparked bicycles
- Commercial and communal bins

2.11 This is perhaps unsurprising given publicity and interest in A boards and other traders' items including articles and letters in the Argus such as *'Brighton traders fear street furniture ban'*.[6]

2.12 A short comparative study looking at the approach taken in other local authorities towards aspects of street accessibility was undertaken.[7]

2.13 From all of the evidence obtained 16 recommendations have been produced.

3. GENERAL PRINCIPLES

3.1 The foreword to the Legibility Study 'Public Space, Public Life' states streets should enable residents and visitors to move safely, quickly and easily around the city. It also sets out twelve key criteria common to well functioning public spaces one of which, Opportunities to Walk, includes the need for no obstacles and accessibility for everyone.[8] It continues that this must include children, adults, the elderly and people with special needs and highlights that at some point everyone is a pedestrian.[9]

3.2 This review has received submissions of evidence from individuals, groups and organisations for whom this is clearly an emotive and important issue. Of the wide number of possible issues that this review could have looked at A boards and other traders' item have time and time again been raised as the issue that most affects residents ability to move around the city.

3.3 The competing needs of the different groups of users were very apparent in the evidence received. However also apparent was a willingness to engage with the scrutiny process and seek a compromise solution to the issues. This is to be welcomed.

3.4 Whilst items placed upon the highway can be an obstacle to everyone those experiencing reduced mobility or sight are disproportionately disadvantaged, something clearly shown in evidence from the RNIB and Federation of Disabled People and others. In its recommendations

[6] Appendix 6i, Volume 2
[7] Appendix 11, Volume 2
[8] Legibility Study. Page 9
[9] Legibility Study. Page 42

the panel has been aware that often these groups are already at risk of exclusion and has sought to reflect this in its approach.[10]

3.5 Evidence from charities supporting partially sighted individuals highlighted the fact the many of the objects licensed are movable in nature and therefore cause significant problems.[11]

3.6 Navigation of the highway by partially sighted people is aided by fixed landmarks which can be learnt and therefore help in the understanding of exact location. Having items on the highway that move on a day-to-day basis is therefore a double problem in that they represent a collision hazard but also distort the mental map that has been memorized.

3.7 Paradoxically if traders items were to be of a more fixed location they would actually aid the passage of partially sighted individuals around the city adding to the mental map of the area.

3.8 These basic needs however should to be balanced with the needs other users of the highway. Businesses throughout the city have indicated throughout the review that use of the highway is integral to their survival. The city has developed a vibrant out doors café culture that necessitates some encroachment onto the pavement by traders.

Recommendation 1
In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

TRADERS ITEMS BACKGROUND

3.9 Items placed upon the public highway by traders are monitored by the Highway Enforcement Team; these items include shop displays such as fruit and vegetables, advertising boards (A boards) and tables and chairs.

3.10 The law states that some items placed upon the highway must be licensed e.g. skips and scaffolds. Other items placed upon the highway can be tolerated; local circumstance and highway usage dictating what is acceptable.

3.11 Brighton and Hove is currently split into two zones, one licensed and one not. Licenses are required in the following areas.

- The Lanes
- The North Laines

[10] Appendix 4b, Volume 2
[11] Appendix 4b, Volume 2

- George Street, Hove
- Rottingdean Village Centre
- St. James Street area of Kemptown
- Stretches of Western Road

3.12 All traders wishing to place items on the highway in these areas must apply for a licence. The licence specifies where items can be placed and the maximum area to be taken up. The licence is similar in appearance to a tax disc and must be displayed in the shop window.

3.13 Positions licensed for objects to be placed aim to produce the best compromise possible between the competing highway users. Photos illustrating the approach taken by the Highways Enforcement Team presented to the Overview and Scrutiny Commission are attached as Appendix 3.

3.14 Traders may place items on the highway in areas outside the licensed zone without the need for a license. If complaints are made to the council cases are looked at on an individual basis.

3.15 The council's current policy regarding traders' items was agreed at the meeting of Licensing Committee on 24th April 2009. The policy states that:

A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must

be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

Recommendation 2
The panel supports the use of licensing zones for trader's items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33).

ADVERTISING BOARDS

3.16 A number of business organisations submitted written evidence to the panel and the North Laines Traders Association and the Western and Church Road Traders Association gave evidence directly to the panel. All of the businesses represented were unequivocal regarding the importance A boards to their businesses[12] and that they represent a cost effect manner in which to attract passing trade being relatively cheap to purchase.

3.17 The question was raised that during a period of economic uncertainty should the council be looking to limit the ability of businesses to attract customers. Whilst the Panel were presented with this anecdotal evidence it has not been possible to find any solid independent evidence that assesses the impact of having A boards on businesses.

3.18 Members were concerned that rather than A boards adding value to individual businesses there exists an advertising 'arms race' scenario where businesses only require an A boards because competing businesses have them. It is not however possible to stop the arms race as so many A boards are on private land.

3.19 There was also debate as to whether larger chain businesses need to advertise utilising A boards. In the case of small scale independent retailers, there is an argument to be made for an A Board advertising what exactly the retailer has on offer, or in the case of restaurants the daily specials.

[12] Appendix 4c and 4d, Volume 2

3.20 However the question must be asked does a large major retailer need to advertise their products in the form of an A board, for example a number of supermarkets in the city centre have a boards outside their premises even though there products and services are well known. Also related to this argument is the need for businesses located in twittens to be able to advertise their presence. This is rightly reflected in current council policy.

3.21 The expertise of the street enforcement team was obvious throughout this enquiry and the panel were appreciative of their efforts in dealing with what is clearly a complex issue.

3.22 It became evident during the review the many of the items considered to be causing obstruction of the pavement are located on what is actually private land or at the very least disputed land with no clear owner. During site visits with officers from the enforcement team the complex nature of identifying what is private land and what is public land were highlighted to the Panel Chair; this issue is well highlighted in the original report to the Overview and Scrutiny Commission.[13]

3.23 Whilst in some cases differences in the appearance of the pavement indicates the boundary between private and public land in many instances this isn't the case. The council has very few powers regarding items placed on private land and therefore the recommendations and focus of this report are on the public highway.

3.24 The evidence put forward by those campaigning for an increase in the minimum gap required to 2meters, and a reduction in general street clutter, is fairly compelling that movable items placed upon pavement do have a detrimental impact upon the ability of people to navigate around the city. This is especially the case for those with visual impairments or mobility problems. Figure 1 below highlights how poorly placed A boards can obstruct the highway.

3.25 In considering a move towards a total ban, 2 meter gap, or an increase in the 1.3 meter provision, the panel were mindful of the number of areas were pavements aren't of that width to begin with and what impact such as draconian approach would have. There was also concern amongst panel members that the current policy has yet to be fully bed-down with support from a strong enforcement regime.

3.26 Having debated the arguments put forward the panel has decided that the current policy as agreed at the Licensing Committee is logical, represents a good balance and therefore endorses much of the approach. The Panel also took into account that the enforcement of the policy to date has been sporadic to date, through no fault of officers, rather a series of circumstances have meant a consistent enforcement

[13] Appendix 3, Volume 2

regime has been difficult to implement. The Panel have however sought to make some focused changes.



Figure 1 – Badly Placed Advertising Boards

3.27 It is worth noting that the original policy was developed following consultation with a large number of groups listed under section 4 of the original report.[14]

3.28 The panel considered asking businesses to develop a short business case to explain why they require an A board, however it was felt this would be very subjective and overly bureaucratic. The panel did however agree that businesses should evidence that there is no space for the A board on their private curtilage.

3.29 The panel also supported the licence requirement for A boards to be of a standard size between 0.75m and 1.2m high and between 0.5m and 1.1m wide only.

3.30 Discussion on marking the location of items placed on the highway recognised that there may be opposition to this as it will mean occasions where the marks are visible during non-trading hours. The Panel however felt marking the pavement would make enforcement easier and that it could then be undertaken by a larger number of officers. Please see enforcement section below.

3.31 Having A boards in fixed positions should also make the pavements easier to navigate for the partially sighted. Evidence from the RNIB and

[14] Appendix 3, Volume 2

others showed how fixed items enable mental maps of an area to be learnt to aid navigation.

3.32 The panel briefly investigated alternative forms of advertising some of which are attached to this report as appendix 10. Business representatives were open to exploring further the suitability of different options available to them.

3.33 Some of the different types of advertising available could become quite iconic in themselves and dovetail well with the reputation of the City. The panel felt this was best taken forward by the businesses themselves along with representatives from disability groups, supported by council officers. (See Recommendation 15 below).

Recommendation 3
In addition to the licensing criteria businesses seeking to place an A Board on public land should be required to:

a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the Council.

3.34 A number of witnesses highlighted the fact that it is often clusters of items placed on highway that create a problem. This can often be the case in areas such as the Lanes, at the entrance to twittens or near side streets, as shown in figure 2 below.

3.35 The Panel believes these hot spots can best be tackled by a joint A board for all businesses in the alley/street/twitten. These could be developed in a single city-wide livery complementing information signage.



Figure 2 – Multiple Advertising Boards

Recommendation 4
Where there are 'clusters' of A boards they should be combined into a single standard advertising board. The Council should provide these in a single City-wide design livery that can be added to by individual retailers.

OTHER TRADERS' ITEMS

3.36 The rationale for having tables and chairs on the highway is more obvious than A boards as the value they bring to a business can be seen in increased capacity and as a part of the vibrant 'café culture' that the city enjoys. This view was prominently reinforced by business representatives as well as the Head of Culture and Economy at the council.[15]

3.37 There is however a strong argument that a clear, clean streetscape is more attractive to customers and will therefore increase trade. A number of witnesses also pointed out the importance of attracting disabled visitors to the City and the spending power this group would bring, the Federation of Disabled People highlighted that fact that nationally spending power of disabled people is £80bn.[16]

3.38 More space for pedestrians on our pavements is desirable and would encourage greater usage and footfall. The Legibility Strategy: Public Space Public Life advocates some good principles of urban design particularly in terms of decluttering public spaces.

3.39 As with A boards the panel endorsed the council's agreed policy position with however only two changes as in recommendations 5 and 6 below.

3.40 Marking the space designated for tables, chairs and the display of goods should help to prevent these items taking over the pavement and will allow easier enforcement, will be easier for businesses to adhere to and facilitate the passage of all highway users.

3.41 Following some debate it was agreed to recommend that tables and chairs on the highway should be required to be partitioned as in figure 3 below. This is to clearly demarcate the area set aside and prevent customers from moving items around as they utilise them. The design of the partition's feet needs to be a low profile to ensure they do not create a trip hazard. Barriers can themselves cause a problem if the feet are badly designed and stick out across the highway and as such the council should provide guidelines for businesses.

[15] Appendix 4d, Volume 2
[16] Appendix 4b, Volume 2

3.42 The panel were of the opinion that if there is not enough room for the partitions, then there probably isn't enough room for the tables and chairs in the first place.



Figure 3 – Partitioned Seating Area

3.44 The Panel acknowledge that partitions will add additional cost to businesses but feel barriers are necessary to prevent encroachment across the whole pavement and reduce trip hazards.

Recommendation 5
Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

Recommendation 6.
The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

5. BIKES, BINS AND PARKING

Flyparked Bikes

4.1 A number of witnesses highlighted that the widespread practice of chaining bicycles to items of street furniture, 'flyparking', can seriously affect the accessibility of some streets, [17] especially when the bicycle falls over.

4.2 In line with the desire to increase the number of people cycling and with the award of Cycling Town status in 2005 the panel has taken the approach of recommending increased provision for secure cycle

[17] Appendix 4 , Volume 2

storage, rather than a more vigorous and heavy-handed campaign against inconsiderately secured bicycles. The highway enforcement team do have powers to remove abandoned bicycles, there is however an exhaustive process to be gone through.

4.3 The Legibility Study highlights that 'a lack of proper cycle parking leads to bicycles parked in appropriate places.[18] The council's own website acknowledges the problem of flyparking of bicycles that can reduce accessibility. The council has embarked upon a programme of increasing the number of Pedal Cycle Parking Places (PCPPs) around the city with 13 priority sites identified as below, to be completed in early 2010. Each PCPP holds five Sheffield Stands and 10 bicycles as seen in figure 4 below.

- Beaconsfield Road
- Farm Road
- George Street
- Kemp Street
- Kensington Place
- Lansdowne Place
- Lansdowne Street
- Norfolk Road
- Norfolk Square
- North Road
- St George's Road
- Sussex Square
- Tidy Street

6.4 The panel welcomed the approach taken in prioritising PCPPs and the ability of residents to request their installation. It was felt this should be more widely publicised, both directly to the public, but also to Members.



Figure 4 – Pedal Cycle Parking Place

[18] Page 45, Legibility Study

4.4 Increasing the amount of secure cycle storage available, especially in areas of high occupancy housing and in areas where residents have highlighted this as a problem should reduce the amount of flyparking.

4.5 The panel support increasing the amount of secure bicycle storage available across the city as a whole. Individual and multiple Sheffield Stands as shown above should be installed at more points across the city; however when selecting the location of the stands care should be taken not to impede highway accessibility.

4.6 Site visits to Hanover showed that it is not only central areas that suffer from flyparked bicycles and could benefit from more cycle parking.

4.7 The panel were of the opinion that in areas of significant pedestrian movement PCPPs should be installed in the road, rather than the pavement; the inclusion of on-road cycle parking within future controlled parking zones is a welcome development.

4.8 Whilst the panel would like to see an increase in the number of PCPPs there was recognition that this will require additional resources. However the cost of a PCPP is only around £5000, a modest increase in funding in this area could therefore have a significant effect.



Figure 5 – Fallen Cycle

4.9 The council is currently in the process of developing Street Design Guidelines that are relevant to much of content of this review. It is hoped that the recommendations within this report are taken forward in this guidance. The guidance relates specifically to those items placed on the highway by the council.

Recommendation 7
Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

Commercial Bins

4.10 A number of members of the public highlighted commercial bin storage as an issue impacting on their ability to access certain streets, areas identified were typically city centre areas, often near food establishments.

4.11 The Regency Square Area Society provided photographic evidence of the issue and their dealings with the council in trying to resolve the matter.[19] Figure



Figure 6 – Commercial Waste on the Pavement

4.12 The Panel are supportive of current council policy in that it seeks to limit the number of businesses that are allowed to store waste on the highway.[20] However they would like officers to investigate those instances where currently businesses are allowed to store waste on the highway and see if other options are available.

4.13 There was some debate within the panel that seeking to change refuse storage could result in a return to black sacks being torn open by seagulls and the resulting mess this creates. However it was felt that asking officer to look at the issue again would provide an avenue to resolve the issue without being prescriptive as to the outcome.

[19] Appendix 6h, Volume 2
[20] Appendix 9, Volume 2

Recommendation 8
Commercial bin storage on the highway should in general not be tolerated:

a. **No new planning permissions should be granted that do not include on-site waste storage**
b. **Business that fail to utilise on-site storage facilities should be prosecuted quickly**
c. **Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities**

Communal Bins

4.14 The placement of communal bins was raised as an issue of some concern. Evidence was presented highlighting bins placed on pavements that made accessibility hard.

4.15 The siting guidelines contain within them limits to as to how the width of available pavement can be reduced as below:

Containers may be sited on pavements. *Where it is not operationally possible to site containers directly on the highway, they may be sited on pavements providing they do not reduce the available pavement width to below the legal requirement. After seeking advice from Brighton & Hove's Walking & Cycling Officer at the start of this process back in 2004, the distances used was a recommended minimum width (after the placement of a container) of no less than 1.2m and an absolute minimum width of no less than 1.0m*[21]

4.16 Whilst supportive of the general thrust of the policy in terms of accessibility the panel felt the limits should be the same as those prescribed to traders in the licensing policy; namely a limit of 1.3 meters. It was felt by the panel that a standard limit on pavement width was required and having different rules for traders and the council was inequitable. Indeed if 1.3 meters is being treated as the minimum for all officer issued licenses then this should be considered as the minimum for all items the council places on the highway too.

4.17 Discussions with officers responsible for communal bin placement highlighted a number of issues that the panel considered in making this recommendation. Increasing the limit to 1.3 may actually have detrimental impact on accessibility. Forcing the removal of some communal bins which reduced the usable pavement to less than 1.3 meters may result in rubbish being left on the highway in an indiscriminate manner; this could mean that the amount of usable pavement actually decreases and the risk of needle sticks and glass injuries will increase.

[21] Appendix 8, Volume 2

4.18 However in making their recommendation the panel felt that a consistent line was required for all items that may cause obstruction.

Recommendation 9
Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate communal bins.

Parking

4.19 A number of residents raised parking on pavements as an issue and figure 7 below supports this view. The Panel however felt there was insufficient time to properly evaluate parking as an issue given its complexity.



Figure 7 – Photo of Wakefield Road

Recommendation 10
Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to

look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

5. ENFORCEMENT

5.1 As highlighted earlier the Scrutiny Panel were generally supportive of the balance struck by the existing council policy with regard to licensing traders' items. However there is currently a gap between council policy and enforcement action taken.

5.2 Enforcement action on highway obstructions needs to be consistent and members of the public assured that when an issue is raised it receives sufficient attention.

5.3 Officers within the Highway Enforcement Team are responsible for a number of different types of licensing. Quite rightly they have prioritised limited resources to focus on those items that represent the most danger to the public such as scaffolding and abandoned cars.

5.4 The current Highway Enforcement Team are overstretched for the current areas of responsibility required of them. Given the number of different council officers, other public servants and enforcement officers that are patrolling the central areas of the city the panel are of the opinion there is merit in closer working between the different agencies and indeed within the council.

5.5 Marking the pavement for the position of items placed on the pavement with a minimal amount of paint should help businesses ensure they are locating items in the correct place. All members of staff within a business can easily identify where the items should be placed. This will have two benefits; it will allow for easier, quicker enforcement and by ensuring items are in the right place will ease passage for the visually impaired.

5.6 The panel would also like to build upon the manner in which these issues are coordinated across the council. There is a Public Space Public Life Strategy Group which facilitates a degree of coordination of work. The Panel however would like to go further and give named responsibility for access issues to a single officer.

Recommendation 11
The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

Recommendation 12
Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council the place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

5.7 The panel were happy to support existing powers with regard to the confiscation of items in breach of licensing agreements.

Recommendation 13
Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

6. UTILITIES

6.1 The panel heard evidence form Openreach, part of the BT group. They are responsible for installing and upgrading communication infrastructure and do place items on the highway.

6.2 Whilst highlighting that the myriad of subterranean obstacles do limit where some items can be placed on the highway Openreach were happy to work with the council where access 'hotspots' are identified. This would enable the group to consider moving infrastructure as part of routine maintenance/upgrading work.

Recommendation 14
The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

7. ALTERNATIVE ADVERTISING AND MOVING FORWARD

7.1 A number of innovative forms of advertising were shown to the panel which could be used as alternatives to A boards. In many cases these would require businesses to collaborate, however the panel believes this could be accomplished through groups such as the North Laine Traders Association.

7.2 The panel believes there is also a useful dialogue to begin between the city's business community and those representing disability groups. Clearly issues such as cost implications are best considered by businesses themselves.

Recommendation 15
Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this should be acted upon and the Council should facilitate on-going dialogue between different groups to review:

a. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the City's culture

b. How the City's café culture can meet the needs of mobility impaired residents and visitors

8. MONITORING

8.1 As with any scrutiny review once a response to its recommendations has been received monitoring of any agreed actions will be paramount to achieving success. The Panel will be asking for OSC to monitor these recommendations after 6 and 12 months.

8.2 The panel did debate linking the size of accessible gap required on highways to the level of footfall in any given area. Whilst not recommending this approach they were in agreement that if these recommendations do not help alleviate the problem then this should be considered in future.

Recommendation 16
Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.

9. CONCLUSIONS

9.1 This review has led to the development of the 16 recommendations outlined below. Whilst these are broadly supportive of current policy they do highlight the need for an increased focus on enforcement measures.

9.2 The panel is asking for the various interest groups who gave evidence to be involved the monitoring of improvements to street accessibility. If it becomes apparent that the recommendations do not improve the situation further measures may have to be considered such as linking the width of gap required to footfall in an area, or a standard increase in the size of the gap from 1.3meters.

9.3 In conclusion therefore the Panel recommends:

General Principles

1. In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.

Traders' Items

2. The panel supports the use of licensing zones for traders' items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33), namely:

   A. That no licensed traders' items should be permitted to reduce the width of a footway to less than 1.3 meters except where:

   i) A formal pedestrian zone has been established in a road by Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   ii) A road is closed to vehicular traffic by virtue of a temporary Traffic Order and the whole of the carriageway is kept clear for pedestrian use;

   iii) A road is considered to be shared space and the whole carriageway is generally available for pedestrian use.

   B. That where a footway is reduced to a width of 1.3 meters (or less) by objects (whether these objects be traders' items of fixed street furniture such as lamp posts, bins etc.) 'turning areas' for manual wheelchair users and guide dogs must be established at regular intervals. These turning areas shall not be less than two meters in length and shall be the full width of the footway. Such areas must be maintained at intervals of no more than six meters along the length of any restricted footway.

   C. That, except in the case of items within large, waiter-serviced sitting-out areas, no traders' item shall be permitted to be placed more than 5 meters from the licensed premises. All objects must be within sight from a window or door of said premises or in clear visual range of CCTV camera(s) monitored from within the licensed premises. This provision will mainly affect advertising boards.

   D. That where an application is refused by Officers, an applicant may appeal to the Licensing Sub-Committee (the Licensing Panel).

E. That applications for A-Boards shall be restricted to 1 per premises (excluding those situated on private land), but that:

i) Special consideration will be given to those premises situated in twittens and alleyways regarding this policy.

3. In addition to the licensing criteria above businesses seeking to place an A Board on public land should be required to:
    a. Evidence that there is insufficient private curtilage for A board to be kept off the public highway
    b. Commit to ensure the A board will be placed on an agreed area on the pavement marked by the council.

4. Clusters of A boards should be combined into a single standard advertising board. The council should provide these in a single City-wide design livery that can be added to by individual retailers.

5. Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked.

6. The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction.

Bikes, Bins and Parking

7. Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.

8. Commercial bin storage on the highway should in general not be tolerated:
    d. No new planning permissions should be granted that do not include on-site waste storage
    e. Business that fail to utilise on-site storage facilities should be prosecuted quickly
    f. Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities

9. Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate a communal bin.

10. Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations.

Enforcement

11. The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.

12. Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council that place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.

13. Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.

14. The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.

15. Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this should be acted upon and the council should facilitate on-going dialogue between different groups to review:
    c. Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the city's culture
    d. How the city's café culture can meet the needs of mobility impaired residents and visitors

16. Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.

Rec #	Recommendation	Response	Date
1	In regulating and licensing the use of public highways the council should seek to strike a balance between the needs of competing interests. However this should be based on the premise that there should be free, unfettered access for all to public highways in Brighton and Hove.	Agreed	Ongoing
2	The panel supports the use of licensing zones for traders' items in specific areas of the city. Subject to its other recommendations, the panel endorses the policy regarding traders' items that was agreed at the meeting of Licensing Committee (Non Licensing Act 2003 Functions), Friday, 24 April, 2009 (Agenda Item 33).	Agreed	Already in place
3	In addition to the licensing criteria above businesses seeking to place an A Board on public land should be required to: a) Evidence that there is insufficient private curtilage for A board to be kept off the public highway b) Commit to ensure the A board will be placed on an agreed area on the pavement marked by the council.	Agreed	Undertaken during new licensing period for April 2010 - Mar 2011. Each licensed area is currently shown on shop display diagram/photo rather than marked on ground. Will need to explore best type of markings for licensing year 2011-12
4	Clusters of A boards should be combined into a single standard advertising board. The council should provide these in a single City-wide design livery that can be added to by individual retailers.	Recognise the issue the recommendation seeks to address. In taking this forward however the cost of the board should be met by traders. Legal advice is that the design/wording of the board would need to be carefully thought out as the council cannot be seen to be promoting any particular business. Suggest that this is progressed with recommendation 15. Practicalities of this need to be explored further including what can be reasonably accommodated in narrow streets, regular maintenance, etc. With regards to planning considerations, a single standard board advertising businesses in a street or block may be acceptable, subject to their number, size and location and approval of advertisement consent. A single hanging sign to each business premises, rather than an A board, may also be acceptable, subject to their size, appearance and location, the detailed policy guidance in Supplementary Planning Document SPD07 Advertisements and, where necessary, approval of advertisement consent.	Will explore possibilities for new licensing year 2011-2012

5	Businesses with tables and chairs on the public highway should be required to partition their external seating from the footway. Areas licensed for tables and chairs should be marked	Agreed with the addition that this should not apply in exceptional circumstances. Exceptional circumstances would apply to small single operators with less than 4m2 licensed area. This is because of the concerns for very small businesses on smaller streets such as little single shop-front cafes where just 2 chairs or one table may be placed outside. Officers believe this will add to street clutter rather than contain or reduce it in some circumstances particularly for smaller placements. In order to be safe, barriers need a large base and therefore a large footprint. Where there are small placements on quite narrow pavements, the addition of barriers may narrow down the width to less than 1.3 metres and therefore mean that some businesses will be refused a licence. Whilst appreciating that this is a means of controlling overspill, it may disproportionately affect small local traders who have never posed a problem. An alternative is agreeing to barriers being fixed to the highway but this is not a route recommended by officers because of the problems this causes e.g. when placements aren't out as well as for liability and mair	For new licensing year April 2011 subject to final operational policy decisions regarding officer/Scrutiny recommendations
6	The council should provide compulsory guidance on the most appropriate design of partition to prevent them from causing an obstruction	Agreed	For new licensing year April 2011
7	Bicycles secured to inappropriate street furniture present a challenge to many people moving around the city. Investment in more on-street cycle storage should be prioritised.	Agreed. Pedal Cycle Parking Places (on-carriageway cycle parking) provision in the city is increasing following significant public demand. 14 sites (140 cycle parking spaces) having been delivered across the city in 2009/10. Another 10 PCPPs are due for implementation during 2010/11 following discussions with local residents and councillors.	Ongoing
8	Commercial bin storage on the highway should in general not be tolerated:a) No new planning permissions should be granted that do not include on-site waste storageb) Business that fail to utilise on-site storage facilities should be prosecuted quickly c) Council officers should investigate alternative arrangements where businesses are already trading and do not currently have on-site waste storage facilities	Agreed within the constraints of existing regulatory requirements. With regard to enforcement of bins on the pavement this can be done under city clean enforcement but consideration will need to be given to restrospective action. Fixed penalties can be issued to those not complying with Duty of Care legsislation prior to full enforcement action. Under planning regulations, the provision of adequate refuse and recycling storage facilities on site would be required when considering planning applications for new development. Brighton & Hove Local Plan policies TR7, SU2 and QD27 require such facilities for reasons of safety to highway users, sustainability and the protection of amenity. Such facilities should be provided for new business uses in existing properties that require planning permission for change of use; however this could not be insisted on if it was not practical to provide facilities on-site and there was no material harm resulting from increased refuse/recycling generation.	

9	Communal bins should not be permitted to obstruct public highway to less than 1.3 meters (as per the minimum agreed in recommendation 2). Where this is the case communal bins should be relocated. Accessibility of the public highway should be of greater importance when deciding where to locate a communal bin.	Agreed. Communal bins are sited with a minimum of 1.3 m gap on the highway. Consideration is given to visibilty of road users and access when sites for communal bins are considered. Where possible, these are not located in parking bays.	Ongoing
10	Whilst parking was raised a number of times throughout the review members felt that this was too big an issue for this panel to look at. It is however recommended that where changes are made to parking regulations accessibility issues are considered as part of consultations	Agreed. Accessibility and safety issues are always considered when parking regulations are changed or introduced. However, there must be a period of consultation when introducing any sort of parking controls (from a double yellow line to a residents' parking scheme) so it cannot be guaranteed that the controls will always be accepted.	Ongoing
11	The panel considers a robust, consistent enforcement regime of street access issues vital. Consideration should be given to utilising additional staff resource in monitoring and enforcing the streetscape. There should be given increased cross directorate/team working with officers able to undertake multiple enforcement regimes. This could include consideration of the use of civil enforcement officers, cityclean officers and PCSOs.	Agreed. Initial contact with the police has been positive and this will be followed up as soon as possible. Timescales for cross directorate/team working may take longer as may be affected by outcome of intelligent commissioning and new council structure before this can be fully put in place. However, discussions will take place with in-house teams and the police over the next 6 months. For enforcement, relevant delegated authority, correct training and good communication between teams are essential. Please note that teams already work in partnership e.g Environmental Health, Civil Enforcement Officers, and Highway Enforcement with problematic or complex sites. Highway Enforcement has not been at full team complement over past 12 months so will make a difference to enforcement activity with properly resourced team.	Initial meetings to take place soon in-house and with the police
12	Communication and coordination between officers undertaking work that affects the street-scene needs to improve. There appears to be a lack of coordination between different parts of the council that place items on the highway, license items to be placed on the highway and use items placed upon the highway. Overall responsibility for highway accessibility should be given to a named officer.	Agreed in relation to improved communication - council officers across various sections have been working together on a Street Design Manual which sets out principles and practices for good urban design and accessible streets so some of this recommendation has already been progressed through this route, and through "Public Space Public Life" meetings. With regard to a overall responsibility to a named officer, the council needs to identify who this is and where this best sits. It may not work if simply "added on" to existing work without the correct mandate (e.g. over other teams' work) and capacity to do this. This will need to be progressed properly over the longer term especially given current restructure subject to practical considerations.	

13	Where traders' items are in breach of license condition two written warnings should be issued. Upon the third occasion of breach of license immediate confiscation by council officers should be undertaken.	Agreed for majority of A-boards but magistrates' court & rescinding of licensing is also an option and may be a better route for certain placements. Legal advice is needed around the removal of perishable goods. Storage and removal costs will be an issue for larger placements - the council does not have the facilities to remove or store numerous tables and chairs. Any enforcement actions are subject to the council's corporate enforcement policy which provides for a range of sanctions in order that officers can use the most appropriate enforcement for the circumstance.	In place where practical to do so
14	The panel welcomes the willingness of Openreach to work with the council on the siting of utility boxes and supports the idea of creating a list of 'hotspots' where the re-siting of an existing box would be beneficial. The panel believes this could be usefully extended to other utility providers that locate items on the pavement.	Agreed. Highways & Planning are currently working with Openreach regarding the siting of new cabinets.	In progress
15	Considerable good will and a desire to work together was evident from traders and disability group representatives. The panel believes this should be acted upon and the council should facilitate on-going dialogue between different groups to review: a) Alternative forms of advertising that will reduce the impact on street accessibility and could become part of the city's culture b) How the city's café culture can meet the needs of mobility impaired residents and visitors	Agreed. The Communities & Equalities Team have agreed to facilitate this work.	Within next 12 months
16	Implementation of recommendations arising from the scrutiny review should be monitored by OSC after six and twelve months with an invitation extended to those involved in this review to comment upon any impact.	Agreed	6 - 12 months

Council	Agenda Item 34
21 October 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Winter Service Plan**
Date of Meeting:		**21 October 2010**
Report of:		**The Acting Director of Strategy & Governance**
Contact Officer:	Name:	Tom Hook Tel: 29-1110
	E-mail:	Tom.Hook@brighton-hove.gov.uk
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Council's Constitution requires reports from overview & scrutiny panels, together with the Executive response to these reports, to be submitted to Full Council for information.

1.2 This report presents the Overview and Scrutiny Commission (OSC) scrutiny panel report on the "Winter Service Plan" (**Appendix 1**) and the responses to the recommendations from the Cabinet Member Meeting (**Appendix 2**).

2. RECOMMENDATIONS:

2.1 That Member's note the OSC scrutiny panel report on the Winter Service Plan (**Appendix 1**) and the response to the recommendations from the Environment Cabinet Member Meeting (**Appendix 2**).

3. BACKGROUND INFORMATION

3.1 The Met Office reported the winter of 2009/2010 to have been the coldest in 30 years, punctuated by severe snow events during 16-21 December 2009 and 6-13 January 2010. High levels of snowfall during the Christmas period caused severe disruption across both Brighton & Hove and the country as a whole.

1.2 Deposits of up to 15cm of snow fell across the city throughout the evening of Thursday 17 December and early morning of Friday 18 December 2009. This was followed by an unusually prolonged period of day time temperatures consistently below freezing. The resulting

impacted frozen snow and ice resulted in very difficult driving and walking conditions throughout the city on treated and untreated routes, including footways. This in turn led to criticism that the Council hadn't met its service obligations, in spite of 'gritting' and pavement clearance operations undertaken in accordance with normal 'Winter Service' procedures.

1.3 Following the extensive disruption caused by the severe snow and ice over the Christmas and New Year period, a cross-party scrutiny panel of councillors have reviewed how the council and other partners responded using the Winter Service Plan as a starting point.

1.4 Chaired by Councillor Warren Morgan the panel consisted of Councillors David Watkins, Tony Janio and Sven Rufus. The panel held a one-day information gathering session with witnesses from the council, partners such as the PCT, bus company and residents.

1.5 The panel made a number of recommendations as to how working practices could be improved, often building-upon and formalising changes that were implemented between the two snow events. They also made recommendations on how the council might better prepare and equip itself in terms of resources, finances permitting.

3.6 The scrutiny panel report was endorsed by ECSOSC at its June meeting and the response to the recommendations was agreed at Environment Cabinet Member Meeting in July.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation with interested parties.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications for this report, as this report is purely for the Council to note

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 07 October 2010

Equalities Implications:

5.3 No specific implications for this report, as this report is purely for the Council to note.

Sustainability Implications:

5.4 No specific implications for this report, as this report is purely for the Council to note.

Crime & Disorder Implications:

5.5 No specific implications for this report, as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.6 No specific implications for this report, as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.7 No specific implications for this report, as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of OSC into the Winter Service Plan
2. The Executive Response

Documents in Members' Rooms:

None

Background Documents:

The Council's Constitution

Brighton & Hove City Council

Report of the Winter Service Plan Review Scrutiny Panel

March 2010

Winter Service Plan Review

Volume One

DRAFT

Panel Members

Councillor Warren Morgan (Chair)
Councillor Tony Janio
Councillor Sven Rufus
Councillor David Watkins

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Volume Two contains all of the Evidence and Appendices

Chairs Foreword

Following the extensive disruption caused by the severe snow and ice over the Christmas and New Year period, a cross-party scrutiny panel of councillors have reviewed how the council and other partners responded using the Winter Service Plan as a starting point.

We have made a number of recommendations as to how working practices can be improved, often building-upon and formalising changes that were implemented between the two snow events. We have also made recommendations on how the council might better prepare and equip itself in terms of resources, finances permitting. It will be up to the Administration to judge what further expenditure is essential, affordable or proportionate to the risk of further significant winter weather events occurring.

Whilst everything may not have been perfect, recognition needs to be given to the council officers and others who worked long hours in often very difficult conditions to try and keep the city moving.

We have not sought to criticise the response, rather suggest positive service developments that will mean the council and our partners are better prepared for events of a similar nature in the future. The preparedness for, and response to, events such as this should be kept under review and compared to that of other comparable authorities.

Particular thanks are offered to the witnesses who gave their expertise to the panel, and especially to the Head of Network Management and her team for their advice. Finally I would like to thank my scrutiny colleagues Councillors Tony Janio, Sven Rufus and David Watkins for working on this scrutiny review panel.



Councillor Warren Morgan
Winter Service Plan Review Panel Chair

Introduction

1.1 The Met Office reported the winter of 2009/2010 to have been the coldest in 30 years, punctuated by severe snow events during 16-21 December 2009 and 6-13 January 2010.[1] High levels of snowfall during the Christmas period caused severe disruption across both Brighton & Hove and the country as a whole.

1.2 Deposits of up to 15cm of snow fell across the city throughout the evening of Thursday 17 December and early morning of Friday 18 December 2009. This was followed by an unusually prolonged period of day time temperatures consistently below freezing. The resulting impacted frozen snow and ice resulted in very difficult driving and walking conditions throughout the city on treated and untreated routes, including footways. This in turn led to criticism that the Council hadn't met its service obligations, in spite of 'gritting' and pavement clearance operations undertaken in accordance with normal 'Winter Service' procedures.

1.3 Accumulations of snow of up to 10cm on higher ground were experienced from the 6 January 2010. There were repeated snowfalls from 6 through to 9 January and again on the 12 & 13 January, with each snowfall bringing between 2–10cm of additional accumulation. There were accompanying strong winds leading to significant snow drifts on outlying roads. Less ice was formed than during December, however repeated snowfalls meant that gritting was needed continually on the same routes after each snowfall.

1.4 Despite significant improvements in the response provided between the two snowfalls there was recognition within the council that there would be benefits from reviewing how the council and its partners responded, lessons learnt and whether good practice from other authorities could be replicated. It was therefore agreed by the Environment & Community Safety Overview & Scrutiny Committee (ECSOSC) on 8 February 2010 to undertake a short scrutiny review of the Winter Service Plan.

1.5 The council received large number of complaints regarding the support offered to residents during the snow. A summary of these is available as Appendix G. A constant theme was that residents felt isolated, their area had been forgotten and that insufficient gritting had been carried out across the city. The remit of this panel was not to examine or make judgements on any individual incidents or cases; those were for the appropriate departments and legal processes within the council to deal with in.

1.6 The recommendations in this report suggest improved working practices for the council and its partners to consider as part of the

[1] http://www.metoffice.gov.uk/corporate/pressoffice/2010/pr20100301.html

Winter Service Plan (WSP). In many cases these seek to formalise and build upon changes initiated between the two snowfalls. There is a theme of 'Communications' and 'Information Sharing' throughout the recommendations.

1.7 The WSP details the actions the council will undertake to ‘prevent or remove accumulations of ice and snow from the Public Highway’. It was prepared in accordance with LGA’s Code of Good Practice for Highway Maintenance and Winter Maintenance Supplement and Best Value Code of Practice.

1.8 The requirement to prepare a WSP stems from legal obligations on the Highway Authority from the 1980 Highways Act, the Railways & Transport Act 2003 and Traffic Management Act 2004 that requires removal of snow and ice on the public highway as far as is reasonably practicable. This is to permit the safe movement of traffic on designated roads and to minimise accidents and delays brought about by adverse weather conditions.

1.9 The Council treats 40% of its highway network exceeding the Audit Commission Target of 24 – 38%. The current Winter Service Plan was approved with no objections at the Environment Cabinet Member meeting on 5 November 2009.

1.10 Winter Service is undertaken from November to March encompassing the predicted coldest temperatures and treats a priority network of approximately 250km of the council’s 630km of public highway with rock salt and grit using vehicle mounted spreaders or ‘gritters’.

1.11 The priority network of roads encompasses all A, B and C roads, all bus routes as well as key strategic destinations such as hospitals and premises related to emergency services.

1.12 Pavements are cleared and treated in exceptional circumstances such as severe and prolonged snowfall and arrangements exist with highway subcontractors to undertake this in specified areas in the Winter Service Plan. There are 350 grit bins located across the City.

Methodology

2.1 Chaired by Councillor Warren Morgan the cross-party panel consisted of Councillors Tony Janio, Sven Rufus and David Watkins. Unlike most previous scrutiny panels, the panel was set up as a one-off meeting. It was agreed at Environment & Community Safety Overview & Scrutiny Committee (ECSOSC) on 8 February 2010 to supplement the extensive report and discussion undertaken at that meeting with a one-day scrutiny panel, with a view to it reporting back to its parent committee with recommendations by the early summer. Agenda Item 46 of the 8 February ECSOSC meeting agreed the terms of reference as:

- The council's Highways Winter Service Plan
- The predicted regularity of severe winter weather
- The council's response to the initial snowfall
- Changes to the council's response at the time of the second snowfall
- Suggestions for alterations to service provision
- Comparative information available from other local authorities
- Financial implications of any service modifications[2]

2.2 In order to address the terms of reference, the panel issued invitations to council officers and representatives of organisations throughout the city who had involvement or experience of the severe winter weather.

2.3 Primarily, the panel wanted to hear from the Highways and Cityclean departments, as they oversaw the running of the Winter Service Plan. In addition it was felt necessary to hear from both frontline council services that were affected by the snowfall (in particular Adult Social Care) and teams that deal with future planning and preparation for severe weather and the impact of climate change.

2.4 The WSP relates to public highways and all service providers should have emergency/contingency plans in place for severe disruptive events. The panel therefore took evidence from service providers in the city that had been disrupted by the severe weather. These included Sussex Police, East Sussex Fire Authority, the PCT and the Brighton & Hove Bus Company. Additionally the panel wished to hear from the business and third sectors.

2.5 Other local authorities were sent a questionnaire about their WSPs. Information collected from 9 authorities is contained within Appendix L.

2.6 Finally, the panel sent out a press release inviting members of the public who wished to, "contribute innovative ideas or constructive views

[2] See Appendix F, 3.8

on how the council could improve its policy in response to severe weather in the future"[3].

2.7 On the day of the meeting, the panel heard evidence from:

- Councillor Geoffrey Theobald, Environment Cabinet Member
- Thurstan Crockett, Head of Sustainability and Environmental Policy
- Mark Prior, Assistant Director, Sustainable Transport
- Christina Liassides, Head of Network Management
- Gillian Marston, Assistant Director, Cityclean & Cityparks
- Paul Martin, General Manager, Adult Social Care
- Sally Howard, Director of Operations, Brighton & Sussex University Hospitals Trust
- Juliet Warburton, Head of Primary and Community care, PCT
- Mike Best, Operations Director, Brighton & Hove Buses Company Ltd
- Lynne Henshaw, GMB Representative
- 3 members of the public

2.8 Additional evidence was received from a number of different council departments, organisations and individuals including:

- Councillor Pete West
- Councillor Bill Randall
- Robin Humphries, Civil Contingencies Manager
- Brighton & Hove City Council Legal Services
- Brighton & Hove Economic Partnership
- Brighton & Hove Older People's Forum
- Community Voluntary Sector Forum
- East Sussex Fire Authority
- Sussex Police
- Hangleton & Knoll 50+ Steering Group
- North Moulsecoomb Tenants and Resident's Association
- Chair of Governors, Carden Primary School
- 2 members of the public
- 9 local authorities

2.9 From the evidence obtained 10 recommendations have been produced.

[3] See Appendix I

FINDINGS AND RECOMMENDATIONS

3.1 During the course of a 'normal' winter the WSP has proved sufficient for ensuring the city remains free of ice and snow, so much so it was agreed at the November Environment Cabinet Member Meeting without any significant debate.[4] The WSP can therefore been seen as fit for purpose during the normal course of events.

3.2 However over the Christmas and New Year period events threw the response of the council to the severe weather into the spotlight and attracted considerable criticism.[5] This review has focused on what is required to ensure the WSP is capable of withstanding abnormally severe winter weather. The findings below are based upon the evidence presented to the panel, and many of the recommendations build upon improvements in response which were developed between the two snow events.

3.3 In making recommendations the panel have been acutely aware that a balance needs to be struck between being sufficiently prepared to cope with severe winter weather, and the need to be proportionate in allocating resources to cope with eventualities that happen only infrequently. For example there are 3,880 roads in Brighton and Hove; it is not possible to grit them all without diverting funds from other essential council activities. Nor is it feasible in terms of practical effectiveness within reasonable timescales.

3.4 Key to deciding how much resource to commit is an understanding of the probable frequency of such severe winter weather. During questioning the Head of Sustainability highlighted that it is 'difficult and dangerous to predict weather beyond the short term'.[6] A scrutiny review is currently being undertaken on climate change adaptation, a recommendation of which will be the allocation of resources to help the council and partners better understand future climatic trends, including through the Local Climate Impacts Profile (LCLIP). According to a range of projections and probabilities, it is, however, more likely that severe weather events will occur more frequently in future.[7] The panel are supportive of future work being undertaken to allow the city to better understand future climatic patterns.

Partnership Working

3.5 A lot of the evidence heard by the panel related to the manner in which service providers across the city worked together, and how effective this was. The issues can be broken down into two main areas:

[4] See Appendix B
[5] See Appendix G
[6] See Appendix M, p.133
[7] Ibid. p.135

- Understanding each others priorities and how these can be mutually supported and resourced.
- Actual lines of communication during the snow fall.

3.6 Evidence presented to the panel highlighted that there was good partnership working between the council and the Brighton and Hove Bus Company (BHBC).[8] Buses are used by a large number of people to get to work and so keeping them moving is vital to keeping the city moving. Additionally, heavy vehicles such as buses are very useful in ensuring the salt and grit is properly spread and worked into the road surface.

3.7 There were clear and regular communications between the BHBC and the council as to which routes were gritted and when, and which needed further treatment. The council was praised for, amongst other things, allowing the buses to continue running by opening up its Traffic Control Centre to the BHBC. Representatives of the BHBC and the council agreed that there should be greater co-ordination with regards to clearing bus stops of snow and ice in the future. The council should work to emulate this level of cooperation with other partners

3.8 The PCT recommended the creation of a joint 'communications hub' where agencies could feed back proactive messages to residents, hospitals and other partners that severe weather was coming.[9] It was felt, especially during conversations with health service providers during the meeting, that people should know who to turn to and who to call within each partner organisation. To some extent the health services had practiced this with their conference calls but its scope could be extended.

3.9 It was apparent from evidence given during the review that there was a general lack of understanding of the (sometimes) limited effects of gritting as a way of ridding highways of ice and snow. This was particularly true of instances where the temperature drops below a certain level and remains there throughout a period of several days and nights with no intervening thaw. As a result some partners and the public were under the assumption that the highways had not been fully gritted, when in fact they had.

3.10 A more streamlined chain of command during severe weather was deemed necessary to avoid the problem officers faced when all partners were on the same high alertness level. It was pointed out that the Sussex Resilience Forum had a similar set-up and that the balance of the chain of command needs to be such that it is senior enough to make key decisions but not too high so as to be moved too far from the operational level.

[8] See Appendix L, p.95-96 & Appendix M, p.145-147
[9] See Appendix M, p.142

3.11 Evidence from health partners showed that there was good communication within the health sectors to keep bed spaces open to treat a high number of fall victims. Regular conference calls between health partners ensured resources were coordinated and so bed spaces were kept open for emergencies.

3.12 There was a considerable discussion regarding the notion of prioritising support for partners' services during severe weather; namely that all partners (PCT, East Sussex Fire Service, Brighton & Hove Bus Company etc.) could consider themselves a priority and in most need of support from the highways team. This was recognised as being unsustainable on the grounds that:

- The Highways Team could not clearly differentiate between partners as to who to prioritise and who was most affected.
- No contingencies are made by the Audit Commission for additional salt supplies to anything other than the highways during severe weather.
- Clearing small roads, forecourts, cemeteries etc. means that main routes are invariably neglected.

3.13 It was proposed that each partner should provide the council with a snow resilience plan, laying out what their own responsibilities would be and under what circumstances they would need support and to what extent it would be needed. The Highways Team could then prioritise them accordingly. The snow resilience plan should be extended to internal departments such as ASC who require assistance during severe weather.

3.14 The panel also discussed that supporting partner organisations in prioritising gritting routes may necessitate exploring the viability of partners providing additional resource. It was mentioned by a panel member that Durham PCT had paid the County Council £1 million to such ends.

3.15 Other coordination of resources was discussed and the panel were supportive of following up the PCT's idea of a transport hub[10] to co-ordinate the purchasing and distribution of 4x4 vehicles amongst partners.[11] It was mentioned that the Civil Contingencies Team would be best placed to co-ordinate such an initiative. This idea was to be discussed at the PCT's Brighton & Hove Winter Planning Review seminar.

RECOMMENDATIONS

1) Greater coordination within the council and between partners is required, building upon examples of good practice. The WSP should be developed with input from partner organisations.

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[11] See Appendix M, p.143

2) All relevant services should have regularly updated snow resilience plans that feed into the WSP.

Gritting Routes

3.16 A review of gritting routes is undertaken on an annual basis. The current gritting routes already cover all bus routes and main roads. The WSP sets out a priority network of approximately 250km of the Council's 630km of Public Highway with rock salt and grit using vehicle mounted spreaders or 'gritters'.

3.17 The priority network of roads encompasses all A, B, and C roads, all bus routes as well as key strategic destinations such as hospitals and premises related to Emergency Services.

3.18 Pavements are only cleared and treated in exceptional circumstances such as severe and prolonged snowfall, and arrangements exists with highway subcontractors to undertake this in specified areas in the WSP. The panel was supportive of the prioritisation approach taken in the WSP; however there was debate as to increased importance being place upon treatment for pavements.

3.19 Staff were drafted in to assist with snow clearance from other teams within the council, for example Cityparks. This was a welcome and necessary step which should be formalised and extended to increase the resource available.

3.20 During the severe weather there were competing demands for routes to be gritted with various organisations contacting the council requesting specific roads be prioritised. Gritting routes are developed to cover those roads that are deemed most important to priority services. Future reviews of gritting routes should ensure that partners feed their priority service requirements into the review of gritting routes. A similar scheme was carried out for the WSP in 2009-10 whereby the plan was sent to all emergency services, the NHS, some internal sections and the Bus Company with invitation to comment and update. Following recent experiences, this procedure can now be refined.

3.21 It was suggested by the Adult Social Care team and the PCT that information of accident black spots be reported to the Highways team to assist with post-treatment. Health statistics (to the extent they were available) showed most pedestrian falls to have occurred on areas that were already prioritised for footpath post-treatment – for example North Laines and Churchill Square.[12] However because only post-treatment is currently viable as an option, there would always be a time lag between the formation of snow and ice and its removal. Moreover,

[12] See Appendix E

post-treatment is only viable itself if the footfall is high enough to allow the grit and salt to work, it is labour intensive and has sustainability implications. Nevertheless, health statistics could be a useful tool for reviewing gritting routes in the future.

3.22 It was also discussed that partners of BHCC could aid the Highways team in their job of clearing the road network. Then BHCC in turn could extend its help to its partners. The BHBC was particularly keen to do this, wanting to see more snow and ice clearance at bus stops and improved turnaround points for its fleet and offering to expand the use of buses as heavyweight vehicles to aid the gritting process.[13] It was also suggested that snow ploughs could be used by vehicles owned by partners such as Churchill Square, although the suitability of snow ploughs was questioned.

RECOMMENDATION

3) A review of gritting routes is made on an annual basis. This review should explicitly ask partners whether existing gritting routes support their priority services. This review should also take into account health statistics available regarding accidents during the severe weather.

Cross Team Working

3.23 It was clear from the evidence presented to the panel that a large number of council staff worked extremely hard during what were clearly challenging conditions. Staff in a number of teams were overstretched and demand for information, support and services outstripped capacity to deliver.

3.24 The panel were presented with a number of good examples of staff being drafted in from other areas of the council to support various services.[14] The panel feel that the council should formalise the ad hoc practice of drafting in extra staff from other departments such as Cityparks and parking attendants to help the Highways team.

3.25 The ability to do this should be set out in the WSP, with lists of staff available to cover specific roles established. By necessity however it will need to remain an operational decision as to whether staff will be needed or kept on standby. Clearly decisions of this nature can have significant training, financial and health & safety at work implications. Discussions with unions will need to be held in order to take this recommendation forward.

3.26 A very clear example of where this approach would have benefits can be seen in that call centre capacity was exceeded during the snowfall.

[13] See Appendix M, p.145-147
[14] See Appendix D, p.30-38 & Appendix M, p.136-141

Other departments could cover calls during future spikes in call traffic. A list of staff prepared to answer diverted calls could be provided up front and the necessary procedures and technical steps necessary should be put in place.

RECOMMENDATION

4) Building upon action taken during the severe weather events, policies and procedures regarding the temporary transfer of staff to support specific services in the event of snow should be agreed across the council and wider public sector. Lists of staff available to support other services should be compiled, for example call centre capacity needs to be enlarged during periods of prolonged snowfall to deal with the increased volume of calls.

Schools

3.27 Evidence was presented to show that greater clarification as to when and why schools would be closed is needed, and that this should be communicated clearly to parents.

3.28 There was an underlying frustration and confusion as to why some schools remained open whilst others closed. In a number of cases this was due to staff being unable to journey to work.

3.29 The panel decided that the CYPT should be asked to work with schools to produce clear guidance to headteachers on school closures that can be communicated to staff and parents.

RECOMMENDATION

5) Schools closure policy in the event of snow should be clarified and then communicated to all school heads and parents.

Communication

3.30 Much of the feedback the council received following the initial snowfall indicated that there was a need for improved communications; such as which roads were being gritted, advice on clearing snow, which schools were likely to be open and changes to waste collection.

3.31 The panel noted that the levels of communication offered by the council improved greatly between the first and second snow falls. There are, however, a number of learning points.

3.32 It was agreed that, as in January, the initial message to people should be, “all information is on the website” as a means of streamlining the council’s response to the public’s queries.

3.33 However the panel noted that the website could not be updated on weekends because staff were unable to get into work to do so. This problem was acknowledged by the Communications Team and needs to be addressed.

3.34 The use of social media as way of quickly and conveniently communicating with residents was supported. However more traditional media such as radio also need to be used to ensure all residents have access to the necessary information.

3.35 It was agreed that information should be published in Citynews in the autumn offering advice to people on what to do during severe weather and how to obtain information from the council.[15]

3.36 BHBC explained how their RealTime bus signs would soon be able to update residents on route alterations once their software was updated later in 2010.[16] This is to be welcomed.

3.37 There was also a clear need for advice as to liability for snow removal. An urban myth was in evidence that residents clearing snow from the pavement outside their property would be liable should any accidents occur.

3.38 Legal clarification was published between the snow events which stated 'the claimant would have to show that:

- The way the householder tried to clear the ice created or made the situation worse
- The injury sustained was the result of the actions of the householder and not just snow/ice
- The actions of the householder were not what one would expect a reasonable householder to have undertaken
- It was reasonably foreseeable that their action would cause damage or injury to passers by

"It is therefore unlikely that any such claims would succeed.'[17]

3.39 Had this been communicated to residents earlier it seems likely that a greater number would have cleared the pavements, the cumulative affect of which would be to substantially increase the accessibility of the city.

3.40 It was discussed during the meeting how residents tended to understand and support council decisions (such as buses terminating at earlier points on their routes) if they were communicated to them. It was recommended that links should be established with the CVSF, LATs, Older Peoples' Councils, Residents Associations and shopkeepers to help disseminate information and mobilise communities

[15] See Appendix M, p.133
[16] Ibid. p.147
[17] See Appendix K, p.90

to help their neighbours and vulnerable people during severe weather or similar emergencies.

RECOMMENDATION

6) Consideration needs to be given to communication with the public both during and prior to snow events:

- **a) Regular updates during periods of severe weather are required, thought needs to be given as to how this occurs if staff cannot reach their place of work.**
- **b) Use of social media should be expanded as it allows for frequent updates to reach large numbers of people. People should be directed towards the website for information, but that every effort should be made to maintain a sufficient call centre capacity to deal with calls from people who do not have internet access.**
- **c) Traditional media such as radio should also be used to communicate with residents.**
- **d) City News in the autumn should contain information on what to do during severe cold weather.**
- **e) Clear legal advice regarding liability for clearing snow from the pavement should made widely available.**
- **f) Discussions should be held with the CVSF and other third sector organisations so that information could be passed on to residents prior to or during severe weather to reassure, inform and mobilise them.**

Supporting Residents

3.41 The panel received a suggestion regarding the purchase of a large number of plastic shovels for use by communities in the event of significant snowfall where people were unlikely to be able to store their own.[18] Community sheds as a depot for such shovels were also mentioned but were deemed unadvisable due to the possibility of vandalism. The panel were however supportive that the council has a role in encouraging local communities to have the capacity and resources to take independent local action during severe weather events. Further discussions should be held through LATs as to the best way to support local communities in this regard.

3.42 Over 450 requests for grit bins have been made following the snowfall. There are already 350 bins in the city located in areas off gritting routes, precisely to allow residents to grit their local area. They are however comparatively expensive to stock, taking around 10 days to replenish the existing network, and are often the subject of complaints by resident associations as eyesores and the target for vandalism. This has resulted in a significant number being removed in recent years.

[18] See Appendix J, p.70

3.43 A strong desire was voiced by many residents, both directly to the panel and in much of the social media commentary that accompanied the snow, that whilst they didn't expect the council to grit everywhere they wanted support in being able to grit their own areas.[19]

3.44 The panel has chosen to recommend that gritting stations should be established. These would be locations where grit will be deposited by the council immediately prior to expected severe snow/ice. Further research will need to be carried out by officers as to the best way to integrate this into the WSP.

RECOMMENDATION

7) There is a need to support local residents in being able to clear and grit roads not on gritting routes. Gritting points should be established and marked where grit will be dropped off by the council when required.

Capital Investment

3.45 The replacement of the current fleet of gritting vehicles was agreed as part of the capital budget for 2010/11 and the need for acquisition of a new fleet was clearly illustrated to the panel. The current gritting vehicles are 10 years old and are less effective than modern vehicles, especially post-snowfall. A complete replacement of the fleet is needed and whilst a staggered purchase programme has some advantages this would eventually leave the fleet with some vehicles up to 15 years old.

3.46 Therefore the panel were supportive of the purchase of a new gritting fleet. However they were also of the opinion that in future a rolling programme of replacement should be timetabled to avoid the requirement for such large one-off capital purchase.

3.47 The exact type and specification of vehicles to be purchased is being investigated and the panel is concerned that officers are given sufficient time to research and market test the best options. The possibility of multi-purpose vehicles that could be used for other roles in Cityclean and Cityparks was discussed, creating a more flexible fleet and the panel felt this was worth further investigation.

3.48 The panel discussed investment in additional vehicles such as snow ploughs. However, they were dissuaded from recommending this course of action following advice that the topography of Brighton & Hove renders them ineffective. Whilst they can aid the passage of cars by depositing snow to the side of roads they negatively impact bus travel and pedestrian access.

[19] See Appendix L, p.123-127 & Appendix M, p.150-152

3.49 It was agreed that a covered salt barn would provide both environmental storage and cost benefits to the council. The shelf life of uncovered salt can be seriously reduced compared to covered salt due to the affects of moisture on the consistency of the salt over time. It was also agreed that a covered salt barn would need to be in the centre of the city to maximise the efficiency of the gritting machines' routes. However recognising constrained resources a covered salt barn would be considered an aspirational recommendation due to its high cost.

3.50 It was agreed that the suggestion by the GMB of providing Highways, and possibly ASC, staff with studded shoe attachments would be beneficial in the event of further prolonged freezing of footways. Other winter clothing was considered adequate.

RECOMMENDATIONS

8) A new fleet of gritting vehicles is recommended and the panel support the agreed allocation of funds for this; in future vehicles should be replaced on a rolling programme and reviewed more frequently than every 10 years. Adequate staff time should be given to research the best available vehicles. This should include adaptations to existing pavement sweeping vehicles to enable them to clear snow if appropriate.

9) A covered salt barn at the Hollingdean Depot would be of benefit. This should be prioritised as part of any future upgrades to the Depot.

10) There should be immediate investment in relatively inexpensive equipment such as shoe adaptors for priority council staff to enable them to work during severe snow events.

Rec #	Recommendation	Comments	Date
1	**Greater coordination within the council and between partners is required, building upon examples of good practice. The WSP should be developed with input from partner organisations.**	Agreed. Can use the Brighton and Hove Resilience Forum to do this. This group contains all category 1 responders and major local employers.	Meeting to be arranged summer 2010
	All relevant services should have regularly updated snow resilience plans that feed into the WSP.	Agreed. Will form part of the Business Continuity review now being carried out which will specify high risks	In progress
3	**A review of gritting routes is made on an annual basis. This review should be undertaken with partners and take into account the needs of priority services. This review should also take into account health statistics to identify problem areas not already on gritting routes.**	Agreed. Will utilise information from the Resilience Forum and will also engage with specific partners on more complex issues e.g. health statistics or how best to service outlying bus routes that may need alternative routing during extreme conditions.	Hoping to appoint a project officer by mid June to lead on this work. Consultation complete by 1 November but if major changes to gritting routes are required this will require introduction of additional resources including staff time, route re-mapping, IT/GPS technology and possibly additional vehicles. Therefore timescales for actual change may be longer

4	**Building upon action taken during the severe weather events policies and procedures regarding the temporary transfer of staff to support specific services in the event of snow should be agreed across the council and wider public sector. Lists of staff available to support other services should be compiled, for example call centre capacity needs to be enlarged during periods of prolonged snowfall to deal with the**	Agree in principle although further work needed corporately across the council. This is already being investigated within Sustainable Transport, Cityclean and Cityparks. Bringing in additional staff across the council will require a greater level of co-ordination and may need HR involvement & Communications to make arragements with unions, etc. To preplan staff redeployment during severe winter weather will require a strategic corporate decision. Will also need to	In progress - being undertaken within existing resources for council teams with lead roles in winter e.g. Environment, Business Continuity and Adult Social Care.
5	**Schools closure policy in the event of snow should be clarified and then communicated to all parents.**	Schools have been issued with guidance on emergency closure and been provided with a model letter to send to parents if snow/closure is likely.	Completed
6	**Consideration needs to be given to communication with the public both during and prior to snow events:**	Agreed. Please see the evidence submitted to the scrutiny investigation on communications.	

6a)	**Regular updates during periods of severe weather are required, thought needs to be given as to how this occurs if staff cannot reach their place of work.**	Agreed - we are already doing this regularly this and the communications team was congratulated verbally during the scrutiny review more than once for its regular internal updates. Work in the future will fundamentally involve the use of regular 'bulletins' on the Wave and website but will also include an email issued to all managers to cascade to their teams. The Emergency Staff Advice Line can also be put in use. Communications for staff who are not able to access	Ongoing
6b)	**Use of social media should be expanded as it allows for frequent updates to reach large numbers of people. People should be directed towards the website for information.**	Agreed - we are already doing this with considerable success. Indeed the council's use of social media during the recent snow crises was highlighted as best practice in I&DeA's recent 'Local by Social' report and Socitm's "Twitter Gritter" report. It was also praised by the national Government. In the future, we will make full use of the major social media technologies, including interacting with well-read blogs, posting information on micro-blogging site and social networking sites and	Ongoing
6c)	**City News in the autumn should contain information of what to do during severe cold weather.**	Agreed. We will publish a winter service special informing residents how the local public sector is preparing and how residents and businesses can also make preparations in advance of any cold weather.	Autumn 2010

6d)	**Clear legal advice regarding liability for clearing snow from the pavement should made widely available.**	Agreed - we will deploy the 'Shovel, Sweep, Salt' message again as part of a mini-campaign *well in advance* of any predictions of severe weather. Note: during the last weather crisis, this message appeared in the headline of the front page of the city's major news medium, the Argus - which is the ultimate goal of media message placement during an emergency.	Prior to any forecast of severe cold weather
6e)	**Discussions should be held with the CVSF and other third sector organisations so that information could be passed on to residents prior to or during severe weather to reassure, inform and mobilise them.**	Agreed.	By 1 November 2010
7	**There is a need to support local residents in being able to grit roads not on gritting routes. Gritting points should be established and marked where grit will be dropped off by the council when required. The panel felt investing in extra gritting bins would not be cost-effective.**	Agreed - but with additional clarification that this will only take place where severe and prolonged snowfall is expected rather than for snowfall which is predicted to melt rapidly or is fairly light.	By 1 November 2010

8	**A new fleet of gritting vehicles is required and the panel support the agreed allocation of funds for this; in future vehicles should be replaced on a rolling-programme and reviewed more frequently than every 10 years. Adequate staff time should be given to research the best available vehicles.**	Agreed. Market research into new gritting vehicles currently in progress. Due to research requirements and procurement timescales, not possible to have new vehicles in place by beginning of this winter season but work will proceed as quickly as possible. Any fleet replacement across the council should look at increasing the number of 4 wheel drive vehicles. Will also investigate purchase of a machine for pavement gritting.	Replacement gritter fleet by 1 November 2011. Other vehicle replacement as and when required within individual services
9	**A covered salt barn at the Hollingdean Depot would be of benefit. This should be prioritised as part of any future upgrades to the Depot.**	Agreed. Discussions regarding redevelopment for Hollingdean Depot are due to start soon and the winter service requirements are already logged for consideration. In the meantime, Network Management are exploring the possibility of utilising some space at one of West Sussex County Council's depot but salt would only be covered by tarpulin and would still therefore have a limited storage life.	Long term - dependant on Depot redevelopment timescales
10	**There should be investment in relatively inexpensive equipment such as shoe adaptors for priority council staff to enable them to work during severe snow events.**	Managers of services that require staff to work outside in such conditions should include this in any business continuity reviews.	In progress for Network Management & Cityclean

Council	Agenda item 35
21 October 2010	Brighton & Hove City Council

Subject:		**Audit Committee Annual Report**
Date of Meeting:		**21 October 2010** 14 September 2010
Report of:		**The Director of Finance & Resources**
Contact Officer:	Name:	Penny Jennings Tel: 291065
	E-mail:	Penny.jennings@brighton-hove.gov.uk
Wards Affected:	All	

EXTRACT FROM THE PROCEEDINGS OF THE AUDIT COMMITTEE MEETING HELD ON THE 29 JUNE 2010

AUDIT COMMITTEE

4.00PM 29 JUNE 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hamilton (Chairman), Watkins (Deputy Chairman), Drake, Kitcat, A Norman, Oxley, Randall, Simpson and Smith.

10 AUDIT COMMITTEE ANNUAL REPORT

10.1 The Committee considered an annual report from Councillor Hamilton detailing the success, role and overall contribution to the council's governance of the Audit Committee for 2009/10. The report also detailed the future objectives and aims of the Audit Committee. Councillor Hamilton supplemented that he hoped this would be a good guide for Members not on the Committee.

10.2 Members noted several spelling and grammatical errors in the draft report.

10.3 The Lawyer suggested that `to approve the annual governance statement and statement of accounts' be added to the Terms of Reference.

10.4 **RESOLVED-** That the Audit Committee Annual Report be agreed by the Committee subject to the noted amendments.

Note: Following consideration of the item Members requested that the annual report be referred to Council for information.

Brighton & Hove City Council

AUDIT COMMITTEE

ANNUAL REPORT 2009/10

Councillor L. Hamilton, Chair
Councillor D. Watkins, Deputy Chair

Forward by the Chair of the Audit Committee



This is my second year as Chair and I am pleased to present the Audit Committee's Annual Report for 2009/10, to both the Committee and to full Council. The report shows how the Audit Committee has successfully achieved its objectives contained in its terms of reference, developed its role and continued to make a positive contribution to the council's governance and control environment.

The council achieved a commendable 3 out of 4 on the new, tougher, Use of Resources Assessment. The Audit Committee plays a significant role in relation to the assessment, firstly its own arrangements complying with good practice and secondly overseeing many of the arrangements that are reflected in the assessment.

The next few years will be significant in terms of financial pressures on our services. How we therefore use the resources available will become even more important and how we risk manage our priorities, partnerships and services will be crucial. We will need to ensure a robust governance and control framework and be increasingly vigilant to the risk of fraud.

I would like to take the opportunity to thank both the committee members and the officers that support the committee's work. I would also like to thank the Audit Commission for their support and regular attendance at meetings.

During the year officers have presented professional reports, taking on board comments, suggestions and ensuring improvements have been made.

I have enjoyed leading the committee and working with officers to further enhance the council's governance arrangements.

Introduction

1. The Audit Committee, is in its third year, succeeding the Audit Panel. The Audit Committee's activities during the year built on the positive contribution from previous years to the improvement of governance arrangements across the council.

2. The Audit Committee's role is principally to underpin the Council's governance processes by providing independent challenge and assurance of the adequacy of risk management, internal control (including internal audit External audit and counter fraud) and financial reporting frameworks (Appendix 1: Terms of Reference).

3. This is the first annual report from the council's Audit Committee. It is produced in accordance with latest best practice[1] and details the work and outcomes of the Audit Committee in 2009/10 and that the council is committed to working as an exemplar organisation, operating to the highest standards of governance.

Audit Committee Members

4. There have been 5 meetings during 2009/10 and these are shown in the Summary of the Audit Committee Work Programme at Appendix B. The number of meetings is aligned to the business needs of the council.

5. The Audit Committee consists of 10 Members and detailed in Table 1 below. During the year, Councillor Taylor replaced Councillor Randall. In addition nominated substitutes attended as required.

Table 1: Members of the Audit Committee (2009/10)

Member	Role
Councillor Les Hamilton	Chair
Councillor David Watkins	Vice Chair
Councillor Jason Kitcat	Member
Councillor Brian Oxley	Member
Councillor Fallon-Khan	Member
Councillor Randall (Part Year)	Member
Councillor Taylor (Part Year)	Member
Councillor Smith	Member
Councillor G. Theobald	Member
Councillor Simpson	Member
Councillor Alford	Member

[1] Best practice as contained in the CIPFA Publication, "A Toolkit for Local Authority Audit Committees"

Training & Development

6. In order to be effective, it is recognised that members of the Committee should have a clear understanding of their role, internal control and governance issues, internal and external audit, risk and opportunity management and how the arrangements in place across the council operate.

7. In June 2009, an internal training workshop was provided to Members by the then Interim Director of Finance & Resources and Head of Audit & Business. This has been further supplemented by briefings on specific issues , functions and responsibilities of the Audit Committee

Core Activities 2009/10

8. The Audit Committee's terms of reference contains a number of functional responsibilities and these have been interpreted into seven core activity areas. The Audit Committee's work and outcomes in each of these areas are summarised in the following sub sections:

Internal Audit

9. Internal Audit is a key source of assurance for both officers and Members on the effectiveness of the control environment and governance. The Audit Committee has responsibility for ensuring that Internal Audit is effective in the provision of that assurance. The Audit Committee has:

- Approved the Internal Audit Strategy and Annual Plan for 2009/10
- Considered regular progress reports from the Head of Audit & Business Risk highlighting internal audit work completed in particular audit reviews, internal audit performance against key indicators and any significant issues
- Considered the Head of Audit & Business Risk's Annual Report and opinion on the council's governance and internal control environment
- Considered the statutory review of the effectiveness of the system of internal audit that included members involvement providing independent challenge and gaining greater understanding of internal audit
- Ensured the internal audit and external audit plans were complementary and provided optimum use of the total audit resource
- Continue to provide support to ensure management is responsive to audit recommendations made and agreed
- Referred items of concern to Cabinet Leads and Scrutiny as applicable

External Audit

10. The Audit Committee:

- Considered the Audit Commission's Annual Audit & Inspection Plan
- Considered progress reports against the plan
- Considered the outcome of the Comprehensive Area Assessment in particular Use of Resources
- Considered Fees Letters
- Considered Annual Audit Letter
- Received presentation on the Role of the Audit Commission
- Considered individual reports from reviews carried out, namely Review of Internal Audit and Good Governance

Risk and Opportunity Management

11. The Audit Committee:

- Received and considered Risk and Opportunity Corporate Register Updates
- Considered and maintains the Risk and Opportunity Strategy
- Considers outcome of the Risk and Opportunity Management Programme
- Received and considers individual risk maps on corporate risks

Internal Control and Governance

12. The Audit Committee:

- Agreed the council's Annual Governance Statement 2008/09 and action plan for improvement
- Reviewed and provided letter to external audit on providing assurance from those charged with governance

13. The Annual Governance Statement is a key document which summarises the council's governance arrangements and the effectiveness of these during the year.

Counter Fraud

14. The Audit Committee:

- Considered outcome and savings from the National Fraud Initiative (NFI)
- Considered and supported changes to the Counter Fraud Strategy
- Considered the outcome of counter fraud activity as part of the Head of Audit & Business Risk's Annual Report

Financial

15. The Audit Committee:

- Agreed the Annual Statement of Accounts for 2008/09
- Received and considered the external auditor's report on the accounts and council's responses to comments
- Received periodic reports on the council's budget performance (TBM)

Other Activities

16. The Audit Committee:

- Considered the effectiveness of ICT Business Continuity
- Considered reports on Treasury Management Policy Update and Annual Investment Strategy

Looking Forward

17. We want to continue to develop our role and build on our current status. For 2010/11 the Committee will:

- Continue to review all governance arrangements to ensure they are robust with focus on the continued transformation of the council, new operating model and financial pressures in particular relating to the continued transformation of the council and financial pressures

- Continue to support and embed the role of risk and opportunity management

- Continue to support the work of Internal and External Audit and ensure appropriate management actions to recommendations made

- Ensure the council maintains and further improves the standards in relation to the production of accounts

- Closely monitor the implementation of the International Reporting Standards

- Continue to help the council to manage the risk of fraud and corruption, in particular by taking proactive measures

- Equip existing and new Members to fulfil responsibilities by providing training, briefings and good practice guidance

Appendix 1

Audit Committee Terms of Reference

Explanatory Note

The Audit Committee oversees the Council's arrangements for the discharge of its functions in connection with finance, risk management and audit arrangements . It makes recommendations to the Council, the Cabinet, officers or other relevant body within the Council.

Functions

To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's exposure to risk and weakness in the control environment with a view to :

- Providing independent assurance of the adequacy of the risk management and associated control environment;
- Providing assurance on the adequacy of the Council's audit arrangements ;
- Securing robust performance and risk management arrangements; and
- Making recommendations to the Cabinet, Council or Directors as appropriate
- To consider the Council's risk management arrangements and make recommendations to the Cabinet, Council or its Committees.
- To approve the Annual Governance Statement and Annual Statement of Accounts

Appendix 2

Summary of the Audit Committee Work Programme 2009/10

Meeting Date	Report	Area
19th May 2009	Audit Commission Progress Report	External Audit
	Annual Audit & Inspection Fees Letters	External Audit
	Assurances from those charged with governance	Internal Control & Governance
	Annual Internal Audit Strategy & Annual Plan 2009/10	Internal Audit
	Review of the Effectiveness of the System of Internal Audit	Internal Audit
	Risk and Opportunity Management Update – Corporate Risk Register 2009/10	Risk Management
30th June 2009	Audit Commission Progress Report	External Audit
	Supplementary Fee Letter 2008/09	External Audit
	ICT – Business Continuity	Other Activities
	Targeted Budget Management Provisional Out Turn 2008/09	Financial Management
	Statement of Accounts 2008/09	Financial Management
	Annual Governance Statement 2008/09	Internal Control and Governance
	Assurances from those charged with governance	Internal Control and Governance
	Outcome of the Risk and Opportunity Management Programme 2008/09	Risk Management
Part 2	Review of Corporate Risk Management Action Plans (MAPs) 2009/10	Risk Management
29th September 2009	Audit & Business Risk Annual Report and Opinion 2008/09	Internal Audit
	Audit Committee Work Programme	Internal Control & Governance
	Audit Commission: Annual Governance Report 2008/09	External Audit
	Audit Commission: Health Inequalities Assessment Report	External Audit
	Targeted Budget Management (TBM) Month 4	Financial Management
	Audit & Business Risk Progress Report	Internal Audit
	Risk & opportunity Management Update	Risk Management
	ICT Risks – Business Continuity	Other Activities
Part 2	Corporate Risk Management Action Plan Focus	Risk Management
15th December 2009	Treasury Management Policy Statement 2009/10 (including Annual Investment Strategy 2009/10)	Other Activities
	Audit Commission Update and Audit & Inspection Plan	External Audit
	Good Governance Report	External Audit
	Review of Internal Audit	External Audit
	Annual Audit Letter	External Audit
	Audit & Business Risk Progress Report	Internal Audit
	Annual Governance Statement 2008/09 – Action Plan Update	Internal Control and Governance
	Targeted Budget Management (TBM) Month 6	Financial Management

Meeting Date	Report	Area
Part 2	Corporate Risk and Opportunity Register Update	Risk Management
	Corporate Risk Management Action Plan Focus	Risk Management
30th March 2010	Treasury Management Policy Statement	Other Activities
	Annual Investment Strategy 2010-11	Other Activities
	Comprehensive Area Assessment	External Audit
	The Role of the Audit Commission	External Audit
	Audit Progress Report	External Audit
	Certification Claims and Returns Annual Report	External Audit
	Fees Letter	External Audit
	Targeted Budget Management (TBM) Month 9	Financial
	Risk and Opportunity Management Update	Risk Management
Part 2	Corporate Risk and Opportunity Register Update	Risk Management
	National Fraud Initiative 2008/09 Outcomes	Counter Fraud

COUNCIL	Agenda Item 36
21 October 2010	Brighton & Hove City Council

Subject:	**Consequential Changes to Procedural Rules in the Constitution**			
Date of Meeting:	**21 October 2010** 14 September 2010			
Report of:	**The Acting Monitoring Officer**			
Contact Officer:	Name:	Jane Clarke	Tel:	291064
	E-mail:	jane.clarke@brighton-hove.gov.uk		
Wards Affected:	All			

EXTRACT FROM PROCEEDINGS OF THE GOVERNANCE COMMITTEE MEETING HELD ON THE 28 SEPTEMBER 2010

GOVERNANCE COMMITTEE

2.00PM 28 SEPTEMBER
HOVE TOWN HALL

MINUTES

Present: Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Mears, Mitchell, Randall, Smith, West and Young.

PART ONE

31. CONSEQUENTIAL CHANGES TO PROCEDURE RULES IN THE CONSTITUTION

31.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Consequential Amendments to Procedure Rules in the Constitution.

31.2 The Acting Director of Strategy & Governance, Mr Ghebre-Ghiorghis, introduced the report and noted that the current procedure rules referred to Officer posts that would not exist following the changes brought about by Intelligent Commissioning. The power to approve expenditure over £500,000 would be retained by the Strategic Directors, as would the powers to waive contract orders or vary/extend contracts without re-tendering. The new procedure rules would emulate as closely as possible the existing structure. One change would be to bring the rules in line with current practice regarding the number of panel Members who normally sat on selection panels for posts above a certain grade.

31.3 Councillor Brown felt that the collective references to some officer groups might be confusing for members of the public and Mr Ghebre-Ghiorghis agreed and replied that this had been noted. However, it was difficult to find a collective term that was not open to misinterpretation and it would be onerous to list the names of each officer post in the procedure rules. This was therefore deemed the easiest shorthand expression.

31.4 Councillor Elgood asked if it was appropriate for the Head of Law to be the Monitoring Officer and not a Strategic Director. Mr Ghebre-Ghiorghis replied that it was normal practice for the Monitoring Officer to be a lawyer, due to the nature of the work.

31.5 **RESOLVED** – That the Governance Committee recommends to Council the approval of the amendments to the Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules as shown in appendices 1, 2 and 3 of the report.

Council	Agenda Item 36
21 October 2010	Brighton & Hove City Council

Subject:		**Consequential Amendments to Procedure Rules in the Constitution**
Date of Meeting:		**21 October 2010 - Council** 28 September 2010 – Governance Committee
Report of:		**Acting Director of Strategy & Governance**
Contact Officer:	**Name:**	**Abraham Ghebre-Ghiorghis Tel: 291500**
	E-mail:	**Abraham.ghebre-ghiorghis@brighton-hove.gov.uk**
Wards Affected:	**All**	

1. SUMMARY AND POLICY CONTEXT:

1.1 The introduction of Intelligent Commissioning and the changes to the scheme of delegations to Officers means that a number of references in some of the Council's procedure rules need revising. This, in particular is the case with Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules. This report seeks Council approval to certain technical amendments to bring these procedures in line with the new Officer structure.

2. RECOMMENDATIONS:

2.1 That the Governance Committee recommends to Council the approval of the amendments to the Contract Standing Orders, Financial Regulations and Officer Employment Procedure Rules as shown in Appendices 1, 2 and 3 to this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The existing procedures in part 8 of the Council's constitution make references to Officers by designation, such as "Director" or "Assistant Director." With the introduction of Intelligent Commissioning, these designations will no longer be relevant or appropriate. It is therefore proposed to amend them to reflect the right titles and roles under the new structure.

3.2 Under the Council's constitution, amendments to Council Procure rules (such as the ones covered by this report) are the responsibility of full Council. Although the Monitoring Officer has delegated authority to make consequential amendments to reflect decisions taken by any part of the Council with authority to do so, given the scope and extent of the changes, it is considered more appropriate to bring this to the Governance Committee for recommendation and Council for approval.

4. CONTRACT STANDING ORDERS

4.1. Most of the functions under Contract Standing Orders fall to "Chief Officers " (i.e. Directors) and Assistant Directors, although in practice decisions are taken by other officers under authorisation. The proposed amendments

(shown in Appendix 1) replace the role of Chief Officers by that of Strategic Directors with the Director of Finance and the Lead Commissioner for Adult Social Services being treated as Statutory Directors for this purpose. It then authorises Lead Commissioners, Executive Heads of Delivery Units and Heads of Resource and Finance Units to exercise the powers previously given to Assistant Directors.

4.2 All important and sensitive decisions previously taken by Chief Officers (such as authorising waiver of Standing Orders or authorising variation to contracts) will be reserved to Strategic Directors under the proposals.

4.3 All issues that currently require Member approval or Member consultation will continue to be subject to the same requirement. The amendments are therefore essentially to ensure that the procedures reflect the new officer structure and the correct title.

5. FINANCIAL REGULATIONS

5.1 The amendments shown in Appendix 2 replace Chief Officers (which consist of Directors under the current system) with Strategic Directors and makes some other minor amendments to reflect the correct titles. Strategic Directors will have overall budgetary responsibility for everything within their service area or commissioning scope. Once Intelligent Commissioning is fully implemented, it is likely that the Regulations may have to be revised to reflect the devolved powers that Executive Service Heads will have.

6. OFFICER EMPLOYMENT PROCEDURE RULES.

6.1 The current rules make the appointment of Directors and Assistant Directors on a permanent basis a Member function either in the form of a committee or a sub-committee or by way of a selection panel.

6.2 The revised procedures make the appointment of Strategic Directors, Lead Commissioners and Executive Heads of Delivery Units, Member functions to be exercised by committee, a sub-committee or a selection panel consisting of Members. There is therefore no change in substance. Officer appointments that would have been a Member function will continue to do so. The amendments also reflect the title of the new Strategic Directors.

6.3 As it stands at the moment, the Employment Procedure Rules state that the selection panel should consist of 4 Members. In practice, given the desire to include all political groups, this has never been strictly adhered to with the Members. In order to bring the procedure rules in line with what happens in practice, it is proposed to increase the numbers from 4 to 6 and allocate the seats having regard to the need to include all political groups and, subject to that, to apply the proportionality rules.

7. CONSULTATION

The Leader of the Council, the Chairman of Governance Committee, the Director of Finance, the Head of HR and the Procurement Strategy Manage were consulted and their comments taken into account.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

8.1 There are no financial implications arising directly from this report. The operation of the revised Financial Regulations will be monitored and any issues addressed as part of future revision of the Regulations.

Finance Officer Consulted: Patrick ice *Date: 20.09.10*

Legal Implications:

8.2. There are no legal implications arising from this report

Lawyer Consulted: Abraham Ghebre-Ghiorghis *Date: 17.09.2010*

Equalities Implications:

8.3 There are no adverse equalities implications arising from the scheme of delegations itself.

Sustainability Implications:

8.4 There are no sustainability implications arising from the proposals in the report.

Crime & Disorder Implications:

8.5 None

Risk & Opportunity Management Implications:

8.6 There is unlikely to be any risk associated with the introduction of th revised procedures which are designed to simply reflect the new officer structure and do not involve any change of substance.

Corporate / Citywide Implications:

8.7 The adoption of the revised procedures will more accurately reflect the officer structure and enable the council to proceed with Intelligent Commissioning which will assist the Council in its “Council the City Deserves” initiative.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft revised Contract Standing Orders
2. Draft Financial regulations
3. Draft Officer Employment Procedure Rules

Background Documents

1. Existing council procedure documents available on the Wave.

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PART 8.3 CONTRACT STANDING ORDERS

General

Contract Standing Order 1: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

"Approved List"	a list drawn up for corporate use under CSO 6
"Budget Holder"	a Council Employee who is accountable for a defined budget, and is responsible for committing expenditure against that budget in accordance with the Council's Financial Standing Orders and Regulations
"Contract Consultant"	any person not being an employee of the Council who is acting for the Council in relation to a Contract or proposed Contract
"Contract"	any agreement for the supply of goods, services, or the execution of works to or for the Council including the use of consultants but excluding the use of external solicitors and Counsel instructed by the Head of Law. The sale of land is specifically excluded from this definition of "Contract".
"Contract Officer"	a Council Employee nominated to deal with Contracts in accordance with CSO 3.1
"Contractor"	the party or potential party to a Contract
"Council"	Brighton & Hove City Council
"Council Employee"	any person employed on a permanent, temporary or agency arrangement by the Council
"CSO"/ "CSOs"	Contract Standing Order/ Contract Standing Orders
"EU"	European Union
"EU Public Procurement Directives"	EU Directive 2004/18/EC This directive consolidates all previous directives relating to public works, supplies (goods) and service contracts and any

Deleted: "Chief Officer" . a chief officer as defined in Article 12 of the Council's Constitution including any officer who is a member of the Council's Management Team ¶
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	Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof
"EU thresholds"	EU and Government Procurement Agreement thresholds for advertisement of goods, works and services contracts as advised by the Government (as of 1 January 2010 at £156,442 for goods and services contracts and £3,927,260, for works contracts)
"Framework Arrangements"	Zero value contracts for goods, services or works under which terms, conditions, quality standards and prices are agreed in accordance with EU Public Procurement Directives
"Lists"	Framework Arrangements and Approved Lists
"Most Economically Advantageous Tender"	A process of determining the best bid using weighted criteria. See CSO 13
"OJEU"	Official Journal of the European Union
"Procurement Guidance"	Corporate Procurement's Codes of Practice (including the Procurement Toolkit),, model contracts and other guidance which supplements these CSOs
"Senior Officer"	Lead Commissioner, Executive Head of a Delivery Unit or Head of a Resource or Finance Unit
"UK Regulations"	Public Contracts Regulations 2006 (SI 5/2006) as amended
"works" "supplies" & "services"	as defined in the EU Public Procurement Directives ("supplies" are also referred to as "goods" in these CSOs)
"Strategic Director"	The Chief Executive, Strategic Directors of People, Place, Resources and Communities, the Director of Finance and the Lead Commissioner for Adult Social Care and Health.

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1.2 The Chief Executive, after consultation with the Monitoring Officer and the Chief Finance Officer, may change the thresholds in Contract Standing Orders annually (or as appropriate) to take account of changes in the retail price index and other factors so that the effectiveness and impact of the thresholds is maintained.

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Contract Standing Order 2: Compliance with Contract Standing Orders and Legislation

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2.1 The Monitoring Officer in consultation with the Procurement Strategy Manager shall compile and maintain CSOs and advise on their implementation and interpretation.

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2.2 Every Contract made by the Council or on its behalf shall comply with the EU Treaty, the EU Public Directives and all relevant EU and domestic legislation, CSOs, and the Council's Financial Regulations. EU and UK legislation will always override the provisions of these CSOs.

2.3 Contractors, Contractors' employees, subcontractors and agents utilised by the Council shall be required to, at all times, comply with the requirements of the Health & Safety at Work etc Act 1974, all secondary legislation made under that Act and all other Acts, Regulations, Orders or Rules relating to Health & Safety. All contracts shall reflect these requirements and reference to the Council's Health & Safety Code of Practice should be made in this regard.

2.4 The Corporate Procurement Strategy and Procurement Guidance held and disseminated by the Procurement Strategy Manager, shall supplement these CSOs, but these CSOs will always take precedence over the provisions of such Procurement Guidance.

2.5 It shall be a condition of any Contract between the Council and anyone who is not a Council Employee, but who is authorised to carry out any of the Council's contracts functions, that they comply with CSOs, and the Financial Regulations of the Council as if they were Council Employees.

Contract Standing Order 3: Scheme of Delegation/Authorisation

3.1 Each Strategic Director has unrestricted delegated power to agree to the Council entering into Contracts up to the sum of £500,000. Above this sum and before inviting expressions of interest from potential bidders Council Employees must seek approval from the relevant Cabinet Member, committee or other executive decision-making body. All Budget Holders (in relation to expenditure within their allocated budgets) as well as Senior Officers and Contract Officers authorised by the relevant Strategic Director may agree to the Council entering into Contracts up to £250,000. Each Strategic Director shall draw up and maintain a scheme of authorisation for use within his/her area of service or function, which shall include one or more named Senior Officers, Budget Holder and Contract Officer and shall be copied to the Monitoring Officer and the Procurement Strategy Manager.

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Contract Standing Order 4: Declarations of Interests

4.1 At the beginning of any Contract process the following persons shall declare any interest, as defined in the Code of Conduct for Employees set out in the Council's constitution, which may affect the Contract process: -

(a) all Council Employees
(b) Contractors
(c) Contract Consultants
(d) any other person involved in the contract process

4.2 Strategic Directors and Senior Officers shall ensure that all Council Employees within the categories set out in CSO 4.1 and all Contract Consultants and Contractors appointed by them make written declarations of interest on their appointment and as required on any change in circumstances. Interests of Council Employees will be reviewed annually, either at the end or beginning of the financial year. The relevant Strategic Director or Senior Officer shall either certify interests as acceptable or take any necessary action in respect of potential conflicts of interest. Council Employees who declare a conflict of interest will take no part in the relevant contracting process.

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4.3 Strategic Directors and Senior Officers shall keep completed Council Employee declarations on the register of staff declarations indicating the names and grades of those declaring an interest and the nature of their interest.

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4.4 Strategic Directors and Senior Officers shall keep completed Contract Consultants' and Contractors' declarations of interest and relevant Council Employees' declarations affecting the Contract on the contract file.

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4.5 If a Council Employee within the categories set out in CSO 4.1 knows that a Contract in which he/she has a pecuniary interest is before the Council, and is not the subject of an existing declaration, he/she must immediately give written notice of his/her interest to the relevant Strategic Director or Senior Officer and take no part in the contract process.

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Contract Standing Order 5: Public Notices

5.1 Where, by virtue of these CSOs or by some other authority, public notices or advertisements are required they shall be placed in at least one relevant local publication and on the Council website ten days or more before expressions of interest are required by the Council. Where the estimated total value of the Contract exceeds £100,000, the notice or advertisement shall be placed in at least one newspaper or journal circulating among such persons or bodies who undertake such Contracts. The requirement to give notice in a local newspaper may be dispensed with if the relevant Strategic Director or Senior Officer certifies that there are insufficient Contractors in the locality.

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5.2 All Contracts whose value exceeds the relevant threshold of the EU Public Procurement Directives shall also be advertised in OJEU.

Approved Lists, Framework Arrangements and Single Contract Lists

Contract Standing Order 6: Approved Lists

6.1 The Head of Property and Design may compile and maintain Approved Lists of Contractors for works and works related service Contracts (construction related Contracts), each of which is below the relevant EU threshold. The Procurement Strategy Manager may compile Approved Lists for Contractors for the supply of goods and other services as appropriate.

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6.2 Approved Lists:

(a) shall be established by advertised competition (subject to CSO 6.3) and where possible formalised by Framework Agreements;

(b) shall contain the names and addresses of all Contractors who meet the Approved List criteria.

(c) shall indicate the nature and value of Contracts for which the Contractors listed may be used. The value may not exceed the relevant EU threshold.

(d) where maintained internally by the council shall be reviewed in full at least every three years in addition to a review of the use of external providers of such lists.

6.3 Construction Line and standing lists of providers maintained by other public sector bodies compiled following responses to a public advertisement shall be deemed to be Approved Lists for the purpose of these CSOs.

6.4 In addition Strategic Directors with the assistance of the Procurement Strategy Manager may set up Framework Arrangements in line with EU Public Procurement Directives with one or more suppliers of particular types of goods or services.

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6.5 The criteria for admission to and suspension and exclusion from internally maintained Approved Lists shall be specified in writing by: -

(a) the Procurement Strategy Manager, for goods and services

(b) the Head of Property and Design for works and works related services

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6.6 Any Contractor may, by giving written notice to the Council, withdraw from any Approved List.

6.7 Where there is no Approved List or Framework Arrangement, Strategic Directors and Senior Officers shall use an approved tender procedure in accordance with Procurement Guidance.

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Contract Standing Order 7

No longer used.

Contract Standing Order 8: Contract Value and Aggregation

8.1 Council Employees shall estimate and record the total value of a proposed Contract net of VAT.

8.2 Contracts must not be artificially separated so as to circumvent the application of any CSO or of the EU Public Procurement Directives or UK Regulations.

8.3 The total value of Contracts for works, services or supply of goods are estimated to be the same as the total consideration to be payable over the term of the Contract by the Council to the Contractor. Where the Contract period is indefinite or uncertain then the estimated total value is calculated by assuming a four-year term.

Requirement to Obtain Tenders

Contract Standing Order 9: Tendering Procedures

9.1 Where procurement of goods, services or works is required and the estimated total value of the Contract is in excess of the relevant EU threshold, EU public procurement procedures will be followed as set out in the UK Regulations and these shall prevail over tendering procedures set out in these CSOs. For most goods, services and works Contracts the restricted, open, or competitive dialogue procedure will be used. For Private Finance Initiative, Public Private Partnership and similar procurement arrangements introduced by the Government, where the total Contract value is in excess of the relevant EU threshold, the restricted or competitive dialogue procedure will be used.

9.2 The Council may procure goods, services or works to any value in collaboration with other local authorities or other public or voluntary sector bodies. Where the Council is the lead buyer within the consortium of the goods, works or services contracted for, these CSOs shall apply. Where the Council is not the lead buyer, procurement procedures shall follow the spirit

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of these CSOs, be in accordance with EU Public Procurement Directives and UK Regulations, and approved by the relevant Strategic Director or Senior Officer on the advice of either the Procurement Strategy Manager or the Assistant Director, Property and Design.

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Contract Standing Order 10: Contracts Not Exceeding £25,000

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10.1 Where the appropriate Strategic Director or Senior Officer estimates the total Contract value for goods, services or works is unlikely to exceed £25,000 (in the case of Consultants is unlikely to exceed £10,000) and there are suitable Framework Arrangements available, those Framework Arrangements shall be used. Where no Framework Arrangements are available competitive quotations in writing on the basis of Most Economically Advantageous Tender should be sought, or a commercial negotiation with one preferred Contractor may take place. In the latter case the Strategic Director or Senior Officer shall certify that Procurement Guidance has been followed and that the Council shall receive value for money.

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10.2 Contracts with an estimated total value not exceeding £25,000 shall be evidenced in writing in simple cases by the receipt of written quotations from Contractors or by sending orders to Contractors under Framework Arrangements. In the case of consultants (whatever the value) and in all other cases formal written Contracts shall be completed.

10.3 Although the tendering procedures for Contracts not exceeding a total value of £25,000 are less formal than for Contracts of greater amounts, Officers should at all times bear in mind the need to seek value for money and be able to demonstrate that they have obtained it.

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Contract Standing Order 11: Contracts Exceeding £25,000 and Not Exceeding £75,000

11.1 Where the appropriate Officer estimates the total Contract value is likely to be greater than £25,000 (in the case of Consultants greater than £10,000) and not exceeding £75,000 and one or other of the Lists is available then at least four competitive tenders in writing shall be sought from Contractors on the relevant List.

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11.2 In the absence of Lists being available an approved tender procedure shall be used in accordance with Procurement Guidance.

11.3 In either case, if less than four suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.

11.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender. At least two bona fide tenders must be received and the Most Economically Advantageous Tender accepted.

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11.5 If only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.

11.6 Contracts with an estimated total value greater than £25,000 and not exceeding £75,000 shall be evidenced in writing in simple cases by the receipt of a written quotation and the delivery of an official order form, in the case of consultants and in all other cases by the completion of a formal written Contract.

Contract Standing Order 12: Contracts Exceeding £75,000

12.1 Where the appropriate Officer estimates that the total value of a Contract is likely to exceed £75,000 and one or other of the Lists is available, then at least five tenders will be sought from Contractors on the relevant List.

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12.2 In the absence of Lists being available an approved tender procedure shall be used in accordance with Procurement Guidance and, where applicable, in accordance with the EU Public Procurement Directives and UK Regulations and at least five tenders must be sought.

12.3 If less than five suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.

12.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender.

12.5 At least two compliant tenders must be received and the Most Economically Advantageous Tender must be accepted. Notwithstanding CSO 12.7, if only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.

12.6 In the case of Contracts with an estimated total value over £75,000 the Contract shall be in a form approved by the Monitoring Officer and shall be given under the Common Seal of the Council.

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12.7 Where the estimated total value of the Contract is such that the Council is required by law to comply with the EU Public Procurement Directives the requirements thereof shall be complied with and the tender procedures set out in these CSOs shall be deemed to be satisfied by such compliance.

12.8 Decisions relating to the Contract process for Contracts exceeding the thresholds for the EU Public Procurement Directives shall be made by the Strategic Director or Senior Officer in consultation with either:

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(a) the Procurement Strategy Manager, for goods and services Contracts; or

(b) the Head of Property and Design for works Contracts.

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12.9 Social care Contracts must be procured in accordance with the EU Public Procurement Directives and UK Regulations, but are otherwise exempt from CSOs 10-12 save for the requirement to demonstrate obtaining value for money.

Tendering Process

Contract Standing Order 13: Delivery Opening and Evaluation of Tenders

13.1 All tenders for any Contract estimated to be under a total of £75,000 in value shall be returned to the Strategic Director or Senior Officer inviting the tender (or his/her nominee), or as otherwise indicated in CSOs, in envelopes which shall bear no mark to identify the sender. The Officer shall be responsible for ensuring that a record of all such tenders received is kept.

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13.2 For Contracts with an estimated total value exceeding £75,000 all tenders shall be returned as appropriate to the Head of Property and Design or the Procurement Strategy Manager in envelopes, which shall bear no mark to identify the sender and shall be opened by him/her at the same time in the presence of a Council Employee designated by the relevant Strategic Director or Senior Officer. The Head of Property and Design and the Procurement Strategy Manager shall each maintain a record of all such tenders received by him/her.

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13.3 All tenders shall be opened at the same time, as soon as is reasonably practicable after the closing date, normally on the closing date. On receipt, all tender envelopes shall be endorsed with the time and date of receipt and kept secure until the time specified for tender opening. Any tender received after the specified time shall not be considered for evaluation and shall be returned promptly to the tenderer. A late tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.

13.4 Evaluation criteria and weightings for each criterion for both the pre-qualification and the invitation to tender stages shall be determined in advance and included in the invitation to tender. Price shall always be included as a criterion, but will be used as the sole criterion only where the Strategic Director, Senior Officer or the Council Employee preparing the Contract for him/her considers this to be appropriate. Determination of criteria at all stages shall be undertaken in accordance with Procurement Guidance.

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Contract Standing Order 14: Contracts Registers

14. An electronic register of all renewable Contracts above a total value of £25,000 (and all contracts over £75,000) in value, shall be kept centrally and maintained by each Contract Officer using the Intranet or similar. Such register shall specify for each Contract the Contract number, the name of the

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Contractor, a summary of the works to be executed or the goods and services supplied and the Contract duration and value or estimated value. The register shall be open for inspection by any Member of the Council.

Contract Standing Order 15: Prevention of Corruption

15.1 A Council Employee must not invite or accept any gift or reward in respect of the award or performance of any Contract. It will be for the Council Employee to prove that anything received was not received corruptly. High standards of conduct are obligatory and corrupt behaviour will lead to dismissal.

15.2 The contract process shall ensure that the Council will operate strict separation of duties by ensuring that two authorised Council Employees are involved in the ordering, receiving and payment process. Except for low value orders with a value below £250, there must be a separation of duties between the person authorising an order and the person checking a written invoice or requisitioning the goods or services.

15.3 The following clause, (or an equivalent clause in standard forms of contract or other wording as approved by the Monitoring Officer) must be put in every written Council Contract:

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> *"The Council may terminate this Contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:*
>
> *(a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council Contract (even if the Contractor does not know what has been done); or*
> *(b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or*
> *(c) commit any fraud in connection with this or any other Council Contract whether alone or in conjunction with Council Members or Employees.*
>
> *Any clause limiting the Contractor's liability shall not apply to this clause."*

Operation of Contract

Contract Standing Order 16: Contract Variation

16.1 Funding must be identified before any variation is approved in accordance with the Council's Financial Regulations. See Financial Regulation D.2.2.17.

16.2 Prior approval must be obtained from the appropriate Strategic Director after consultation with the relevant Cabinet Member, if the proposed variation would together with all other variations to the Contract:

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(a) extend the Contract value or period by 50% or more; and / or

(b) mean the works, services or goods to be added to or deleted from the Contract are substantially different in scope.

16.3 Extensions to Contracts exceeding the relevant EU Threshold shall not be permitted unless indicated in the original OJEU notice. For Contracts below the relevant EU Threshold at original award, extensions to such Contracts shall not be permitted if the revised value then exceeds the relevant EU Threshold.

Contract Standing Order 17: Contract Award

17.1 No Contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf, of the Council. The Strategic Director or Senior Officer shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the Contract file.

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17.2 Each Contract shall be awarded in accordance with evaluation criteria that have been adopted for the Contract. (See CSO 13.4 relating to evaluation.)

Contract Standing Order 18: Waivers of Contract Standing Orders

18.1 Special procedural exemptions or waivers may from time to time be given by the Cabinet to particular classes of Contracts in line with the Council's procurement strategy, as specified in Cabinet reports.

18.2 Subject to CSO 18.6, in relation to Contracts estimated to not exceed a total value of £75,000, a Strategic Director may waive the requirements of any CSO, as long as

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(a) the Procurement Strategy Manager is notified as soon as possible.

(b) the Strategic Director certifies in writing to the Procurement Strategy Manager the CSO being waived and the reasons for doing so.

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18.3 Subject to CSO 18.6, in relation to Contracts estimated to exceed a total value of £75,000, a Strategic Director may, after consultation with the relevant Cabinet Member and the Procurement Strategy Manager, waive the requirements of CSOs as long as:

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(a) the waiver report (the Report) is compiled after consulting with the Procurement Strategy Manager;

(b) the Report is issued setting out the CSO being waived and the reasons for the waiver;

(c) the Report includes legal and financial comments and highlights, as necessary, any future commitment (whether of a financial character or not) which the Contract may entail; and

(d) the Report justifies the method of Contractor selection so that value for money and compliance with EU and domestic law can be demonstrated.

18.4 If an emergency has been declared under the Council's emergency planning or business continuity procedures and it is not possible or practicable for a Council Employee who would normally exercise the powers of waiver under CSO 18.2 and CSO 18.3 to do so, the powers may be exercised by (i) the Council Employee who is designated to be in charge, under those procedures or (ii) any Council Employee appointed by him / her to act on his / her behalf. Further, if it is not possible or practicable for that Council Employee, before exercising the powers under CSO 18.3, to consult the relevant Cabinet Member or the Procurement Strategy Manager or to issue the necessary Report, the Council Employee may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep the relevant Executive Member and the Procurement Strategy Manager informed and shall issue the Report as soon as is reasonably practicable.

18.5 A report for information giving a digest of all waivers under CSO 18.2, 18.3 and 18.4 shall be made by the Procurement Strategy Manager covering the previous financial year annually to Cabinet.

18.6 For the avoidance of doubt, no waivers may be made so as to alter the full application of CSO 4 (Declarations of Interest), CSO 14 (Contract Registers), CSO 15 (prevention of corruption) CSO 16.3 (Contract Variation), CSO 17 (Contracts Awards), CSO 19 (Risk Management), or to CSO 20 (Negotiation standards) or if such waiver would result in a breach of EU or domestic law.

18.7 A register of all waivers will be maintained by Property and Design and kept available for inspection by the public with reasonable notice during working hours.

Contract Standing Order 19: Risk Management

19.1 A database of procurement clauses that minimise unnecessary Contract risk shall be kept and maintained by the Procurement Strategy Manager.

19.2 Contracts with a total value exceeding the thresholds for the EU Public Procurement Directives shall not be let without reference to this database.

Contract Standing Order 20: Negotiation

20.1 Procurement of goods, services and works shall normally be through the competitive tendering process set out in these CSOs. Under these CSOs

negotiation with one Contractor is normally only permissible for very low value Contracts as set out in CSO 10 or when using the EU Competitive Dialogue Procedure under CSO 9. Where negotiation is undertaken this shall be conducted having regard to the Negotiation Code of Practice.

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F I N A N C I A L R E G U L A T I O N S

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1 INTRODUCTION

1.1 Purpose of Financial Regulations

The purpose of Financial Regulations is to provide a framework of control, responsibility and accountability for the proper administration of the council's financial affairs, to enable Members and officers to carry out their statutory duties. To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Regulations that set out the financial policies of the authority. A modern council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.

Sound financial management and control is the responsibility of all Members and officers and must be embedded in the culture of the authority. This requires effective training and support to enable Members and officers to achieve necessary financial management standards.

1.2 Reviewing and Updating Financial Regulations

Financial Regulations need to be kept under review to ensure compliance with current legislation and keep pace with best practice developments. In particular, governance and performance frameworks are regularly updated and must be reflected in Financial Regulations. Changes to the constitution of the council may also need to be reflected in Financial Regulations.

The Director of Finance is responsible for maintaining a continuous review of Financial Regulations to ensure consistency with best practice and legislation and may make changes as appropriate but is required to submit any major changes to the Council for approval, after consultation with the Chief Executive.

Performance Assessment Framework

The Audit Commission reviews the council's internal controls for evidence that these are effective, including Annual Governance Statements, Financial Regulations, schemes of delegation, policies, procedures and manuals. The Commission will be focusing on the impact of financial arrangements and the importance of having sound and strategic financial management to ensure that resources are available to support the council's priorities and improve services.

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Deleted: <#>These financial regulations complement the current performance assessment framework for local authorities, Comprehensive Performance Assessment (CPA), aims to raise standards of performance and place greater emphasis on local authorities' financial management and arrangements for securing value for money. CPA includes a "use of resources" assessment, which focuses on the achievement of value for money alongside financial management, internal control and resource management. The use of resources assessment is due to be updated for 2009 and will place even greater emphasis on value for money as an over-riding theme. This assessment will form part of the new Comprehensive Area Assessment (CAA), which is due to supercede CPA in 2009.¶

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1.3 Format of the Financial Regulations

These regulations are in the format recommended by the Chartered Institute of Public Finance & Accountancy (CIPFA), and the Standard Financial Procedures set out in the appendices state why each procedure is important

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and include the responsibilities of the Chief Finance Officer and other Chief Officers.

The Financial Regulations provide clarity about the financial accountabilities of individuals including:

- the Leader and Executive Members
- individual Members;
- the Chief Executive;
- the Monitoring Officer (in this council this role is held by the Head of Legal & Democratic Services);
- the Chief Finance Officer (the Director of Finance); and
- Chief Officers (Strategic Director).

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In these regulations the expression 'Chief Officers' or 'Strategic Directors' includes the Strategic Directors for People, Place, Communities and Resources and the Director of Finance.

The expression 'Service areas' or 'Service' includes any services or functions comprised in the delegations of the relevant Strategic Director.

1.4 Status of Financial Regulations

These Regulations form part of the council's Constitution. The constitution brings together a wide range of information regarding how the council is organised, how its business is conducted and how its decisions are made. Beyond the scope of Financial Regulations, there are links with other internal regulatory documents within the Constitution, such as Contract Standing Orders, schemes of delegation and codes of conduct for officers and Members.

Financial Regulations are deemed to be part of the council's Procedure Rules in so far as they relate to the conduct of business in meetings of the council, the Leader, Executive Members, Committees, Sub-Committees and Scrutiny Committee/ Panels.

These Financial Regulations are subject to Accounts and Audit Regulations (revised in 2003) issued by Government under s27 of the Audit Commission Act 1998. Accounts and Audit Regulations establish statutory provisions for accounting arrangements, audit arrangements and financial control within the council, consistent with Audit Commission guidance, for example its publication Improvement through better Financial Management.

Financial Regulations endorse the Chartered Institute of Public Finance and Accountancy's "A Statement on the Role of the Finance Director in Local Government" issued in January 2003.

Both private and public sector enterprises need control frameworks to ensure their business objectives are met. Councils, however, by virtue of

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their major role as custodians and spenders of public money, must be seen to be carrying out these duties to the highest levels of integrity, probity, fairness and economy. Financial Regulations are an essential tool to ensuring compliance with both this duty of care and the financial objectives of the council, and set the appropriate standards of financial management and control expected by Council Tax payers and local business rate payers. These Regulations must be followed by all officers, therefore, to enable the Audit Commission to give assurance to these parties that the council can demonstrate compliance with the high levels of stewardship expected.

1.5 Application of Financial Regulations

Financial Regulations apply to every Member and officer of the council and anyone acting on behalf of the council. Failure by an officer of the council to comply with these Financial Regulations may result in formal disciplinary action being taken against the officer concerned.

Strategic Directors should maintain a written record where decision-making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated, references to the Strategic Director in the regulations should be read as referring to the officer exercising the delegated authority. Each Strategic Director must ensure that they have in place and operate a scheme of financial delegation, which should be in a form approved by the Director of Finance. It is the responsibility of each Strategic Director to ensure that all financial processes and controls operated by their service areas comply with these regulations and to liaise with the Director of Finance on the adequacies of those controls. All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

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Financial Regulations have an important role in establishing a sound system of corporate governance for the council and also in supporting the Council's Anti-Fraud and Corruption Strategy. The Leader, Executive Members and Strategic Directors have individual and collective responsibility to ensure that the fundamental principles as established by the Cadbury and Nolan Reports on "the financial aspects of corporate governance", namely openness, integrity, and accountability, are established through compliance with Financial Regulations.

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Where local management schemes (LMS) have been approved, for example in schools, these shall have effect subject to the overall authority of these Financial Regulations and the council's Standing Orders. The Director of Finance may approve changes to any more-detailed financial regulations within approved local management schemes, again subject to their compliance with these Financial Regulations.

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The Director of Finance is also responsible for reporting, where appropriate, breaches of the Financial Regulations to Members. Strategic Directors are

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responsible for ensuring that all staff in their service areas are aware of the existence and content of these Regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their service areas, especially where staff do not have access to electronic copies.

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1.6 Standard Financial Procedures

The Director of Finance is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, officers and others acting on behalf of the council are required to follow. Details of how the Regulations will be implemented operationally, are contained in the appendices to the Financial Regulations and are referred to as "Standard Financial Procedures". These establish sound practices and assist Strategic Directors in their responsibility for the operation of their financial processes. These Standard Financial Procedures have the same authority as Financial Regulations.

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The Director of Finance may vary Standard Financial Procedures in consultation with the Chief Executive and Strategic Directors in accordance with the needs of individual services. Provided the Director of Finance is satisfied that all necessary controls are met, he/she may agree to variations proposed by Strategic Directors. Agreed variations must be properly recorded, in a form agreed by the Director of Finance.

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2 FINANCIAL MANAGEMENT

Financial management covers all financial accountabilities in relation to the running of the council, including the policy framework and the council's budgets.

2.2 The Full Council

The full Council is responsible for adopting the council's constitution and Members' code of conduct, and for approving the policy framework and budget within which the Executive, committees and services operate. It is also responsible for approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in its constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Executive and committee decisions.

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The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by, and decisions taken by, the Council, the Executive and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

2.3 The Executive

The Leader and Executive Members form the executive of the Council and are collectively referred to in Financial Regulations and Standard Financial Procedures as the Executive. Cabinet refers to a meeting of the full Executive.

The Executive is responsible for proposing the policy framework and budget to the full Council. The Executive, is also responsible for discharging executive functions in accordance with the Constitution, the policy framework and budget. Executive decisions can be taken collectively, or by the Leader or Executive members individually, or can be delegated to an officer.

Where the Executive, collectively or individually, exercises any function they must observe not only any requirements of Financial Regulations and Standard Financial Procedures, which are specifically directed at them, but also the requirements directed at Strategic Directors.

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2.4 Overview and Scrutiny

The overview and scrutiny committees support the work of the Executive and the council as a whole. Their purpose is as a force for improvement, in relation to the council and other external bodies that serve the city of Brighton and Hove. Although these committees cannot themselves implement policies and programmes, they have powers to take an overview of policy and to scrutinise decisions, before or after they have been

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implemented. They can require members (including the Executive), council officers and representatives of other organisations to attend and account for their policies and actions. The committees have access to the Council and the recommendations which flow from the overview and scrutiny processes must be given due consideration by the Executive or other person or body to whom they are directed.

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2.5 Standards Committee

This committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. It also advises the council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code.

2.6 Audit Committee

The Audit Committee oversees the Council's arrangements for the discharge of its functions in connection with finance, risk management and audit. It makes recommendations to the Council, the Cabinet, Officers or other relevant bodies within the Council.

2.7 The Statutory Officers

2.7.1 Chief Executive

The Chief Executive is the head of paid service and has overall corporate management and operational responsibility (including overall management responsibility for all officers). He/she must report to and provide information and advice to all parties in the decision making process. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping for all the council's decisions.

2.7.2 Monitoring Officer

The role is held in this council by the Head of Legal & Democratic Services. This officer is responsible for discharging the Monitoring Officer functions under s5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. He/she is responsible for promoting and maintaining high standards of financial conduct, and also for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to executive committees. He/she is also responsible for ensuring that procedures for recording and reporting key decisions are operating effectively.

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He/she must ensure that executive decisions and the reasons for them are made public, and that council Members are also aware of those decisions and of those made by officers who have delegated executive responsibility.

The Monitoring Officer is responsible for advising all Members and officers about who has authority to take a particular decision.

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The Monitoring Officer is responsible for advising the Executive, the committees or the full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework (together with the Chief Finance Officer).

The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

2.7.3 Chief Finance Officer

This role is held in this council by the Director of Finance. He/she has statutory duties in relation to the financial administration and stewardship of the council. This statutory responsibility cannot be overridden. The statutory duties are principally contained in:

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- s151 of the Local Government Act 1972;
- The Local Government Finance Act 1988;
- The Local Government and Housing Act 1989;
- The Accounts and Audit Regulations 2003 and 2006; and
- The Local Government Act 2003.

CIPFA's "A Statement on the role of the Finance Director in Local Government (2003)" sets out five key roles that are critical for the achievement of a finance director's statutory responsibilities:

- maintaining strong financial management underpinned by effective financial controls;
- contributing to corporate management and leadership;
- supporting and advising democratically elected representatives;
- supporting and advising officers in their operational roles; and
- leading and managing an effective and responsive financial service.

S114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full council, the Executive and external auditor if the authority or one of its officers:

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- has made, or is about to make, a decision which involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action which has resulted, or would result in, a loss or deficiency to the council;
- is about to make an unlawful entry in the authority's accounts.

S114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he/she be unable to perform the duties under section 114 personally. In this council, the Head of Financial Services performs the statutory and Head of Profession functions in the absence of the Director of Finance.

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- the Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under s114.

The Chief Finance Officer is also responsible for advising the Executive, the committees or the full Council where a decision is not in accordance with the budget.

2.7.4 Strategic Directors

The Strategic Directors make up the Strategic Leadership Board (SLB) and comprise of:

- The Chief Executive
- Director of Finance
- Strategic Director – Place
- Strategic Director – People
- Strategic Director – Communities
- Strategic Director – Resources

Strategic Directors are responsible for:

- Ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance
- Sending all draft reports to the Director of Finance in time for the financial implications to be fully considered and inserted before the reports are considered by the Strategic Leadership Board or Members. All reports should include the comments of the Director of Finance, where appropriate. Failure to ensure that the Director of Finance has sufficient time to consider the financial implication may result in the withdrawal of the report at his/her discretion.
- Entering into and signing contracts on behalf of the council in accordance with the Council's Procurement Policy and Contract Standing Orders.
- The operation of sound financial procedures within their service areas and, in order to fulfil this duty, they shall ensure that there is a formal scheme of financial delegation and adequate controls are in place.
- Where a Strategic Director delegates his/her powers to staff in accordance with a scheme of delegation, holding a record including appropriate authorisation of such delegation.
- Ensuring that financial systems that are developed locally within services are managed in accordance with principles of reconciliation, sound controls, security and other guidelines issued by the Director of Finance. Such systems shall be available to the Head of Audit & Assurance Services.

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Where Financial Regulations and Standard Financial Procedures set out the role of Strategic Directors, this term should be taken to include the Chief Executive. In the event of any change in the job title of any officer or any committee or sub-committee, or the transfer of any responsibilities of any officer, the Director of Finance may make consequential amendments to Financial Regulations and Standard Financial Procedures to take account of the change and/or transfer.

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2.8 Other Financial Accountabilities

2.8.1 Virement (Budget Transfer)

Strategic Directors are responsible for agreeing in-year virements but must not take decisions or transfer resources contrary to current council policy as represented by the approved budget.

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The procedure for virements is set out in Standard Financial Procedures (paragraph A.2.1).

2.8.2 Treatment of Year-end Balances

The procedure is set out in Standard Financial Procedures (paragraph A.2.2).

2.8.3 Accounting Policies

The Director of Finance is responsible for implementing accounting policies which accord with the Accounting Code of Practice (ACOP) and ensuring that they are applied consistently.

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2.8.4 Accounting Records and Returns

The Director of Finance is responsible for determining the accounting procedures and records for the authority, in accordance with statutory requirements and best practice. He/she will also maintain a register of partnerships and other entities in which the council has an interest so that Group Accounts can be published in compliance with local government accounting requirements.

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2.8.5 The Annual Statement of Accounts

The Director of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom developed by CIPFA. The code is issued in the form of a Statement of Recommended Practice (SORP). The full Council is responsible for approving the annual statement of accounts.

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3 FINANCIAL PLANNING & BUDGET SETTING

3.1 Planning Framework

The full Council is responsible for approving the policy framework (including all relevant statutory plans and strategies) and budget, which will be proposed by the Executive. In terms of financial planning, the key elements are:

- the Corporate Plan,
- the Revenue Budget,
- the Capital Programme,
- the Medium Term Financial Strategy (MTFS), and
- the Performance Plan.

The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

The Executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

3.2 Budget Format

The general format of the budget will be approved by the full Council and proposed by the Executive on the advice of the Director of Finance. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

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3.3 Revenue Budget Preparation

The Director of Finance is responsible for ensuring that a revenue budget is prepared on an annual basis. A medium term financial strategy (MTFS) taking account of revenue resources over three years and capital resources over five years will also be prepared for consideration by the Executive and full Council. The MTFS will be updated annually to give constant 3 year estimates and will be reported to the Executive and then full Council. The full Council may amend the budget or ask the Executive to reconsider it before approving it.

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It is the responsibility of Strategic Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive.

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3.4 Budget Monitoring and Control

The Director of Finance is responsible for ensuring that systems are in place to provide appropriate financial information to enable all revenue and capital budgets to be monitored effectively. He/she must report to the Executive on the overall position on a regular basis in accordance with the Targeted Budget Management (TBM) framework.

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It is the responsibility of Strategic Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance to any problems.

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3.5 Preparation of the Capital Programme

The Director of Finance is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive before submission to the full Council.

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3.6 Resource Allocation

The Director of Finance is responsible for developing and maintaining a financial resources allocation process that ensures due consideration of the full Council's policies and priorities.

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3.7 Budget Setting Guidelines

Guidelines on budget preparation are issued to members and Strategic Directors by the Director of Finance taking into account the current policy framework determined by the Council and any subsequent policy framework proposed by the Executive. The guidelines will take account of:

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- legal requirements;
- the medium term planning prospects;
- the corporate plan;
- council priorities;
- available capital and revenue resources;
- value for money;
- spending pressures;
- government guidelines;
- other internal policy documents;
- cross-cutting issues, and;
- the adequacy of the general and earmarked reserves.

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3.8 Maintenance of Reserves

It is the responsibility of the Director of Finance to advise the Executive and/or the full Council on prudent levels of reserves for the authority to ensure the council has a sound financial standing. Consideration will be given to the CIPFA recommended level of balances.

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4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Introduction

Risk management is the planned and systematic approach to the identification, evaluation and control of risks. Its objectives are to enable effective use of resources, secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. The Director of Finance is required to develop and promote risk management across the council and provide advice to managers on the most appropriate tools to use.

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Deleted: Risk management also forms a key part of the use of resources assessment within the Comprehensive Performance Assessment.

4.2 Risk Management and Insurance

The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Audit Committee also has a role in reviewing risk management arrangements (see para. 2.6).

The Director of Finance is responsible for ensuring that proper insurance arrangements exist where appropriate.

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4.3 Internal Control

Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

The Director of Finance is responsible for advising on effective systems of internal control and will need to provide an Annual Governance Statement to the external auditors annually for inclusion in the statement of accounts. Arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

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It is the responsibility of Strategic Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

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4.4 Audit Requirements

The Accounts and Audit Regulations 2003 (as amended) require every local authority to maintain an adequate and effective internal audit process.

The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by the Audit Commission Act 1998.

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The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs who have statutory rights of access.

4.5 Preventing Fraud and Corruption

The Director of Finance is responsible for the development and maintenance of an anti-fraud and corruption policy. The policy will be approved and monitored by the Standards Committee.

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4.6 Assets

Strategic Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency (disaster recovery) plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

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4.7 Treasury Management

The authority has adopted CIPFA's code of practice for treasury management in local authorities.

The Cabinet is responsible for approving the treasury management policy statement setting out the matters detailed in "Treasury Management in the Public Services: Code of Practice for Treasury Management in Local Authorities". Full Council is responsible for approving the Annual Investment Strategy in accordance with regulations and guidance issued under the Local Government Act 2003.

All money in the hands of the council is controlled by the officer designated for the purposes of s151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer (Director of Finance), who shall make appropriate banking arrangements.

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All executive decisions on borrowing, investment or financing shall be delegated to the Director of Finance, and such officers as he/she may nominate, who shall be required to act in accordance with the Code of Practice referred to in the council's Treasury Management Policy Statement and Annual Investment Strategy.

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4.8 Trust Funds, Funds Held for Third Parties and Other Voluntary Funds

All trust funds, funds held for third parties and other voluntary (unofficial) funds must be approved by the Director of Finance. A voluntary (unofficial) fund is defined as any fund, other than an official fund for the council, which is controlled wholly or in part by an officer by reason of his or her employment by the council.

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Strategic Directors are responsible for ensuring that they are operated in line with appropriate legislation and/or Charity Commission guidance if appropriate.

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Strategic Directors shall ensure that all such funds are audited by suitably qualified auditors and are submitted within six months of the end of the accounting period to the council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

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The Director of Finance reserves the right to inspect all documentation relating to unofficial funds and seek such explanations as are necessary to ensure they are being appropriately managed. From time to time the Director of Finance may issue specific guidance on such funds that must be complied with.

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4.9 Staffing

The full Council is responsible for determining how officer support for executive and non-executive roles within the council will be organised.

The Chief Executive is responsible for providing overall management to staff. He/she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Strategic Directors are responsible for controlling total staff numbers by:

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- advising the executive on the budget necessary in any given year to cover estimated staffing levels required to deliver approved levels of service and having regard to statutory provision;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment policy and procedures.

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5 SYSTEMS AND PROCEDURES

5.1 Introduction

Sound systems and procedures are essential to an effective framework of accountability and control. This applies to all systems and processes, however, certain IT systems carry more importance. In particular, the corporate Financial Information System, Payroll and HR systems are prime records often subject to both internal and external audit review. Compliance with procedures and controls in relation to these systems is therefore essential to underpin the overall framework of accountability and control.

5.2 General

The Director of Finance is responsible for the operation of the authority's financial systems, the form of accounts and the supporting financial records. Any changes made by Strategic Directors to the existing financial systems or the establishment of new systems must be approved by the Director of Finance. However, Strategic Directors are responsible for the proper operation of financial processes in their own service areas.

Any changes to agreed procedures required or identified by Strategic Directors to meet their own specific service needs must be agreed with the Director of Finance.

Strategic Directors must ensure that their staff receive relevant financial training that has been approved by the Director of Finance. Where access to financial systems is through the use of unique user names and passwords, officers must not allow others to use their access codes or otherwise make use of their rights.

Strategic Directors must ensure that, where appropriate, ICT and other systems are registered in accordance with data protection legislation. Strategic Directors must ensure that staff are aware of their responsibilities under Data Protection and Freedom of Information legislation.

5.3 Income and Expenditure

It is the responsibility of Strategic Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Strategic Director's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. Specifically, authorised signatories and the limits of financial responsibility should be formally recorded in line with the procedure issued by the Director of Finance. In no circumstance can an officer be given an unlimited limit, as this is not allowed under the council's insurance arrangements.

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The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

5.4 Payments to Employees and Members

The Head of Human Resources is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members. The scheme for Members allowances is the responsibility of the Strategic Director – Resources.

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5.5 Imprest and Petty Cash Accounts

The Director of Finance in consultation with Strategic Directors may make imprest/petty cash advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved.

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The Director of Finance reserves the right to withdraw petty cash/imprest facilities from officers if it is deemed that they are being used inappropriately or the expenditure limit is exceeded or a deficit balance is accrued.

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The accounts should be kept on the imprest system and officers should maintain a record of their receipts and payments in a form and manner prescribed by the Director of Finance.

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5.6 VAT & Taxation

The Director of Finance is responsible for advising Strategic Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

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The Director of Finance is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. The Head of Human Resources will be required to maintain income tax and national insurance records in accordance with guidelines set by the Director of Finance.

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5.7 Trading Accounts

It is the responsibility of the Director of Finance to advise on the establishment and operation of trading accounts.

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5.8 Financial Information and Communications Systems

It is essential that the council's systems are developed in a planned and co-ordinated way so that they interface correctly in order to deliver high quality management information to support the council's requirements and strategies.

Strategic Directors will need to liaise with the Director of Finance and the Head of ICT on any major proposals either to purchase ICT equipment or software, or to undertake a major upgrade of existing systems.

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5.9 Control of Contracts

It is essential that all Strategic Directors follow Contract Standing Orders as well as Financial Regulations. The achievement of value for money when procuring goods and services is a key task to ensure that public money is well spent.

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5.10 Banking Arrangements

The Director of Finance is responsible for ensuring that the council operates cost effective and sound banking systems to ensure its financial transactions are documented with the utmost accuracy, evidenced by reconciliations, with the avoidance of fraud and corruption. The Cabinet shall approve all banking contract terms and conditions.

5.11 Financial Limits

Financial limits need to be set in the interests of good governance and financial management. Strategic Directors are responsible for determining financial limits of authority, which are incorporated in their service areas scheme of financial delegation.

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6 EXTERNAL ARRANGEMENTS

6.1 Introduction

The council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

6.2 Partnerships

6.2.1 The Executive is responsible for approving delegations, including frameworks for partnerships, and is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

6.2.2 The main reasons for entering into a partnership are:

a) where required, to act as the statutory accountable body;

b) the desire to find new ways to share risk;

c) the ability to access new resources;

d) to provide new and better ways of delivering services;

e) to forge new relationships.

6.2.3 A partner is defined as either:

a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project or services in relation to a statutory function or functions of the council or in support of council priorities,

or

b) a body whose nature or status give it a right or obligation to support the project or services.

6.2.4 Partners participate in projects or services by:

a) acting as commissioner, deliverer or sponsor of projects or services, solely or in concert with others;

b) acting as funder or part funder of projects or services;

c) being the beneficiary group of the activity undertaken in a project or services.

6.2.5 Partners have common responsibilities:

a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;

b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;

c) be open about any conflict of interests that might arise;

d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;

e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;

f) to act wherever possible as ambassadors for the project.

6.2.6 The Executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's Constitution. Where functions are delegated, the Executive remains accountable for them to the full council.

6.2.7 The Chief Executive represents the authority on partnership and external bodies, in accordance with the scheme of delegation.

6.2.8 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the council.

6.2.9 The Director of Finance must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies, particularly where the authority is the designated lead partner or accountable body. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies. He/she will also maintain a register of partnerships and other entities in which the council has an interest so that Group Accounts can be published in compliance with local government accounting requirements.

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6.2.10 Strategic Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

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6.3 External Funding

The Director of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.

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6.4 Work for Third Parties

The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies although this may be delegated to officers in accordance with the council's scheme of delegation.

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SCHEDULE OF OFFICER RESPONSIBILITIES

Monitoring Officer

Financial Regulations including Standard Financial Procedures refer to the Monitoring Officer. The Head of Legal & Democratic Services is responsible for this role.

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Chief Finance Officer

The role of Chief Finance Officer is undertaken by the Director of Finance.

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Code of Practice for Internal Audit in Local Government in the United Kingdom CIPFA (2006)

Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice CIPFA/LASAAC (2007)

Competing Demands – Competition in the Public Services CIPFA (1997)

Guidance for Internal Auditors Auditing Practices Board (1990)

World Class Financial Management Audit Commission (2005)

People + Pounds + Property = Services. A guide to the Use of Capital Accounting to Improve Asset Management and Service Performance CIPFA (1998)

Prudential Code for Capital Finance in Local Authorities; Guidance Note for Practitioners CIPFA (2003)

Statement on the Role of the Finance Director in Local Government, CIPFA (2003)

The Accounts and Audit Regulations 2003 and 2006 CLG (2003/2006)
Delivering Good Governance in Local Government: Framework & Guidance CIPFA (2007)

Treasury Management in Local Authorities: Code of Practice and Guide for Chief Finance Officers CIPFA (2006)

PART 8.4 OFFICER EMPLOYMENT PROCEDURE RULES

1. Introduction

1.1 These rules are intended to give effect to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and will form the standing orders prescribed therein regarding employment matters.

2. Interpretation

2.1 For the purposes of these Officer Employment Procedure Rules the following words shall have the following meanings-

"Head of Paid Service" means the Chief Executive of the Council

"Chief Officer" means, subject to the following provisions the Strategic Directors of-

- Communities
- People
- Place
- Resources

and the Director of Finance.

"Deputy Chief Officer" means, a Lead Commissioner, Executive Head of a Delivery Unit or, Head of a Resource or a Finance Unit

3. Recruitment and appointment – general

3.1 Declarations

(a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or an officer of the Council; or of the partner of such persons; or have a personal friendship with a Member of the Council

(b) No candidate so related to a Member or an officer or a personal friend of a Member will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

3.2 Seeking support for appointment.

(a) Subject to paragraph (c) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment as an officer with the Council. The content of this paragraph will be included in any recruitment information.

(b) Subject to paragraph (c) below, no Member will seek support for any person for any appointment as an officer with the Council.

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Deleted: a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the Chief Officers outlined above.¶
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For the purposes of these Officer Employment Procedure Rules, a person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a

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(c) Nothing in paragraphs (a) and (b) above will preclude a Member from giving written reference for a candidate for submission with an application for appointment

4. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

4.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

5. Appointment of Head of Paid Service

5.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or Sub-Committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

6. Appointment of Chief Officers and Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer; and administrative arrangements

6.1 A Committee or Sub-Committee of the Council will appoint Chief Officers, Deputy Chief Officers, the Monitoring Officer and the Chief Finance Officer providing that the Chief Executive (in relation to Chief Officers or Executive Heads of Delivery Units) or the relevant Strategic Director (in relation to Lead Commissioners, Heads of Resource Units or Finance Units as appropriate) may appoint such officers where the appointment is on an Acting basis or where the appointment is of a candidate recommended by a selection panel consisting of Members. The Committee, Sub-Committee or Panel must include at least one member of the Cabinet.

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6.2 Whenever a Panel is convened in accordance with paragraph 6.1 above, it shall be constituted as follows:
(i) The Panel shall consist of 6 Members appointed to reflect the political

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composition of the Council providing all the Groups in the Council are represented (on current numbers, this works out 3 Conservative, 1 Labour, 1 Green and 1 Lib Dem).

(ii) The Strategic Director of Resources shall appoint Members of the Panel in accordance with the wishes of the relevant Group/Convenor.

(iii) A Cabinet Member shall be one of the 6 Members of the Panel.

(iv) The Panel shall be chaired by a member of the Group with the largest number of seats in the Council.

(v) The Panel shall endeavour to reach a decision by consensus. If there is no consensus, the matter shall be put to a vote. If there is an equality of votes, the Chairman shall have a casting vote.

(vi) The Strategic Director of Resources is authorised to take all steps necessary or incidental to supporting this appointments process

6.3 (1) In this paragraph, "appointor" means, in relation to the appointment of a person as Head of Paid Service, Full Council or, in relation to the appointment of a person to one of the other officer roles referred to in 6.1 above, the person or body making the appointment.

(2) An offer of appointment as Head of paid Service or as any of the officers referred to in 6.1 above must not be made by the appointor until –

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of –

(i) The name of the person to whom the appointor wished to make the offer;

(ii) Any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) The period within which any objection to the making of the offer is to be made by the Leader on behalf of the executive to the proper officer; and

(c) either –

(i) the Leader has, within the period specified in the notice under 6.3 (2)(b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader; or

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(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Other Appointments

7.1 **Officers below Deputy Chief Officer**. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his or her nominee, and may not be made by Members.

7.2 **Assistants to political groups**. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group if such an appointment is made.

8. Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer

8.1 **Suspension**. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

8.2 **Independent person**. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

9. Disciplinary Action - Chief Officers and Deputy Chief Officers

9.1 A Committee or Sub-Committee of the Council may hear an appeal against disciplinary action or dismissal of a Chief Officer or a Deputy Chief Officer in accordance with the Council's disciplinary procedure rules.

10. Disciplinary Action - Other Officers

10.1 Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action against officers.

11. Dismissal

11.1 Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disability, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissal of officers.

Council	Agenda Item 37
21 October 2010	Brighton & Hove City Council

Subject:		**Appointment of Independent Members to Standards Committee**
Date of Meeting:		**21 October 2010**
Report of:		**Acting Director of Strategy & 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 seeks Council's approval to the appointment of two new independent members to the Standards Committee following the resignation of Helen Scott after seven years on the Committee.

2. RECOMMENDATIONS:

2.1 That Council approves the appointments of Peter Rose and Paul Cecil as independent members of the Standards Committee.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 Under the Local Authorities (Standards Committees) Regulations 2001 (the Regulations), the Council is required to ensure that at 25% of the members of its Standards Committee are independent members. The Regulations also require that any appointment is approved by full Council.

3.2 A vacancy has arisen on the Standards Committee following the resignation of Helen Scott who has served as an independent member since November 2003. In order to ensure that the required numbers of independent members are always available to the Committee, it is proposed to appoint two new independent members. This will improve the flexibility of the Committee in terms of meeting availability so that issues are dealt with as quickly as possible.

3.3 The vacant posts were advertised in accordance with the Regulations and interviews were conducted over two days by a panel comprising elected members, the Monitoring Officer and chaired by the independent Chairman of the Committee Mike Wilkinson.

3.4 Subject to Council approval, Peter Rose and Paul Cecil have been appointed to the vacant posts.

3.5 Peter Rose brings an immense amount of experience to the Standards Committee, having been Press Secretary for the Committee on Standards in

Public Life (the Nolan Committee) where he advised the chairman and Committee members on the presentation of all aspects of the Committee's work and drafted significant parts of the Committee's reports.

3.6 Paul Cecil also comes to the Committee with a great deal of relevant experience, having been involved in establishing the Research Ethics and the Research Governance Committees at the University of Brighton. He has worked in a number of regulatory and assurance roles, most recently as Head of Projects and Programme Innovation at the University of Sussex.

3.7 Both candidates have accepted the positions subject to Council approval.

4. CONSULTATION

4.1 The recruitment process has followed the requirements of the relevant Regulations, including coming to Council for approval.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The independent members are unpaid, expenses are reimbursed. There are no other financial implications arising from this report.

Finance Officer Consulted: Anne Silley Date: 05.10.10

Legal Implications:

5.2 The legal framework for the appointment of independent members to the Standards Committee is set out in the report. The recruitment has complied with the advertising and other procedural requirements, including seeking approval from the majority of members of the authority.

Lawyer Consulted: Elizabeth Culbert Date: 05.10.10

Equalities Implications:

5.3 There are no specific equalities implications arising from this report.

Sustainability Implications:

5.4 There are no specific sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no specific crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

5.6 There are no specific risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

5.7 There are no specific corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:
None

Documents in Members' Rooms
None

Council	Agenda Item 38
21 October 2010	Brighton & Hove City Council

Subject:		**Member appointment to the Sussex Inshore Fisheries & Conservation Authority**
Date of Meeting:		**21 October 2010**
Report of:		**Acting Director of Strategy & 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 The Sussex Inshore Fisheries & Conservation District and corresponding Authority (Sussex IFCA) has now been formally established and a 'Shadow Authority' has been constituted to operate until the Sussex IFCA becomes fully functional on the 1st April 2011.

1.2 The relevant local authorities have been asked to each nominate members to the Sussex IFCA and Brighton & Hove Council has been designated with one member appointment. This report provides the relevant background including details of the roles and responsibilities of the Authority members in order to enable the Council to agree the appointment.

2. RECOMMENDATIONS:

2.1 That the Council appoints one member to the Sussex Inshore Fisheries & Conservation Authority (Sussex IFCA).

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 On 8th September 2010, the Secretary of State for Environment, Food and Rural Affairs formally confirmed the designation of the Sussex Inshore Fisheries & Conservation Order, which came into effect on the 1st October 2010. The Sussex Inshore Fisheries & Conservation District and corresponding Authority will replace the Sussex Sea Fisheries District Committee on 31st March 2011.

3.2 At present inshore fisheries in England are managed by Sea Fisheries Committees, which are made up of members representing their constituent local authorities. The new Sussex IFCA will have a similar make-up with members appointed by East Sussex, West Sussex and Brighton & Hove City Council.

3.3 The Department for Environment, Food and Rural Affairs (Defra) undertook a consultation exercise from January to April 2009 and again from March to April 2010 before putting forward the instrument to Parliament to establish the new authority.

3.4 It should be noted that the overall purpose for the members is to ensure that the Sussex IFCA fulfils its objectives to regulate sea fisheries within their district.

3.5 Council is requested to nominate a member to represent Brighton & Hove City Council on the Sussex IFCA.

3.6 The Council's current representatives on the Sussex Sea Fisheries District Committee are Councillors Kemble and Davis and they will continue to serve on the District Committee until the 31st March 2011.

4. CONSULTATION

4.1 The Department for Environment, Food and Rural Affairs consulted with relevant authorities and sea fisheries committees to determine the changes resulting in the establishment of the new Sussex Inshore Fisheries & Conservation District.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 A levy will be applied by the new authority to each of the constituent authorities as set out in the IFCA Order No.2199 and this will amount to 11.08% for the Council.

Finance Officer Consulted: Anne Silley *Date: 04.10.10*

5.2 Legal Implications:

The framework for the appointment of a Local Authority member to the Sussex IFCA has been set out in the body of the report. The Sussex Inshore Fisheries and Conservation Order 2010 will formally establish the Sussex IFCA and this requires one member to be appointed from Brighton & Hove City Council.

Lawyer Consulted: Elizabeth Culbert *Date: 04.10.10*

5.3 Equalities Implications:

There are no specific equalities implications arising from this report.

5.4 Sustainability Implications:

There are no specific sustainability implications arising from this report.

5.5 Crime & Disorder Implications:

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

5.6 Risk and Opportunity Management Implications:

There are no specific risk or opportunity management implications arising from this report.

5.7 Corporate / Citywide Implications:

There are no specific corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:
1. None.

Documents in Members' Rooms
1. None

Council	Agenda Item 39
21 October 2010	Brighton & Hove City Council

Subject:		**Review of Committee Allocations**		
Date of Meeting:		**21 October 2010**		
Report of:		**The Chief Executive**		
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 proposed changes to the make-up and membership of various committees following the decision of Councillor Bennett to join the Conservative Group.

2. RECOMMENDATIONS:

2.1 That the revised memberships of the Council's Overview & Scrutiny Commission and Health Overview & Scrutiny Committee be agreed as follows:

(a) Overview & Scrutiny Commission on the basis of 5 Conservative, 2 Labour, 2 Green and 1 Liberal Democrat Member; and

(b) Health Overview & Scrutiny Committee on the basis of 4 Conservative, 2 Labour and 2 Green Members.

3. BACKGROUND INFORMATION:

3.1 The decision of Councillor Bennett to join the Conservative Group has led to a change in the overall balance of the political make-up of the Council. This has led to a review of the allocation of the seats available to each of the political groups represented on the council and the need to revise the membership of some of the council's committees.

3.2 There are 97 seats to be allocated and based on the size of each of the political groups on the council following the increase in the Conservative Group; the overall breakdown is as follows in the table below:

Conservative	47
Labour	23
Green	23
Lib Dem	4
Total	**97**

3.3 Previously the allocation of the 97 seats left two seats unallocated to any particular Group and in accordance with the convention recognised by the political groups, the seat was allocated to the Independent Member (Councillor Bennett) of the council.

3.4 The result of Councillor Bennett's decision to join the Conservative Group has meant that in looking at the allocations of seats to each group, a total of 97 seats can be allocated proportionately, with the Conservative Group's allocation increasing by 2 seats, the Labour Group's allocation decreasing by 1 seat and the seat previously held by Councillor Bennett as an Independent becoming a Conservative Group seat. The total number of seats allocated therefore is 97 with the seats allocated to the Green and Liberal Democrat Groups remaining unaltered.

3.5 Following discussions with the Leaders of the Groups affected, and taking into account the political balance regulations; there is a need for the Labour Group to drop a seat from the Health Overview & Scrutiny Committee, going down from 3 to 2.

3.6 The above proposal also takes into account that the council has previously agreed not to include the Personnel Committee in the overall number of seats to be allocated. This was agreed to enable Personnel Appeal hearings to be called without having to adhere to the requirements of proportionality and to establish a cross-party pool of Members who could be called upon to serve on appeal hearings.

3.7 The inclusion of the Personnel Committee, which consists of 3 Members would result in an additional seat being allocated to the Conservative, Labour and Green Groups and therefore not affect the proposals listed above. However, by leaving the Committee outside of the political balance requirements, it enables the calling of appeal hearings with varying memberships.

4. CONSULTATION

4.1 The two affected Group Leaders have been consulted on the various changes that were required to comply with the regulations covering the need to maintain political balance on committees. Having taken into account the various options available to them, the affected Group Leaders have agreed to the proposed changes to the allocations for the committees detailed in 2.1 above for the remainder of the municipal year.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the report.

Finance Officer Consulted: Anne Silley Date: 11 October 2010

Legal Implications:

5.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989 and associated guidance.

There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 11 October 2010

Equalities Implications:

5.3 The changes to the allocations of committee seats maintain a political balance and thereby ensure an equal distribution for all Groups.

Sustainability Implications:

5.4 There are no direct sustainability issues arising from the report.

Crime & Disorder Implications:

5.5 There are no specific implications arising from this report.

Risk and Opportunity Management Implications:

5.6 There is a risk that agreement cannot be achieved on the proposed allocations and that the full membership of the committees in question cannot be achieved.

Corporate / Citywide Implications:

5.7 There are no corporate/city wide issues arising from the report.

SUPPORTING DOCUMENTATION

Appendices:
None

Documents in Members' Rooms:
None

Background Documents:
None

Council	Agenda Item 40(a)
21 October 2010	Brighton & Hove City Council

NOTICE OF MOTION

LABOUR GROUP

MAINTAIN THE BRIGHTON & HOVE CONNEXIONS SERVICE

"This council recognises and values the work of the Brighton and Hove Connexions Service that provides high quality, impartial guidance to 13 – 19yr old young people relating to personal development, training and careers and seeks to ensure that young people make a smooth transition to adulthood and working life. It also recognises the specialist work undertaken with young people who have special educational needs.

This council acknowledges that the work of the Connexions Personal Advisors has directly contributed to the reduction in entrants to the Youth Justice System and numbers of teenage pregnancies in the city, where the council's own performance indicators demonstrate falling numbers.

In addition, there have been early signs of a welcome reduction in the numbers of young people not in education, employment or training. (NEET).

Therefore, this council expresses its great concern at the total reduction of £700,000 funding to the Connexions budget that has put the jobs of up to 40 Connexions workers at risk as well as significantly reducing the service to young people and jeopardising the progress made.

It calls on the Cabinet to continue the Brighton & Hove Connexions Service while urgently carrying out the following work:

- To properly examine the government proposals for the future of careers guidance and support contained within the Education Bill, due to be published in Autumn 2010.

- To fully consult with schools as to their capacity and willingness to take on this work and the implications for the transfer of statutory responsibilities.

- To carry out an Equality Impact Assessment to show how the impact of closing the Connexions service will affect service users, particularly those with SEN.

- To take into account the implications of the Government spending review.

- To bring forward a report to Cabinet that sets out how a personal development, careers advice and training guidance service will be maintained in the city and supported so that young people can be best helped to make decisions affecting their future."

Proposed by: Cllr Pat Hawkes Seconded by: Cllr Gill Mitchell

Supported by: Cllrs Meadows, Morgan, Davis, McCaffery, Hamilton, Allen, Carden, Simpson, Lepper, Turton and Marsh.

Council	Agenda Item 40(b)
21 October 2010	Brighton & Hove City Council

NOTICE OF MOTION

CONSERVATIVE GROUP

NATIONAL PUBLIC SECTOR DEBT AND THE LOCAL RESPONSE

"This Council notes with regret that national debt interest payments now total £120 million a day or £44 billion a year. To put this in context, these debt payments are higher than the national schools budget (£41 billion), transport (£15 billion), defence (£37 billion) and crime/justice (£21 billion).

This Council further notes the comments of the Institute for Fiscal Studies that the previous Government's approach to the public finances from 2001 had, even before the financial crisis hit "left the UK with one of the largest structural budget deficits in the developed world".

Furthermore, this Council welcomes the recent comments of the independent International Monetary Fund who have endorsed the Coalition Government's deficit reduction plans concluding that they "greatly reduce the risk of a costly loss of confidence in fiscal sustainability and will help rebalance the economy".

At a local level, this Council welcomes and endorses the work being undertaken to prepare the organisation for expected central Government funding reductions in the Comprehensive Spending Review. In particular:

- The Intelligent Commissioning proposals which will focus scarce resources more effectively on the outcomes which residents want.
- The ongoing work through the City's Public Service Board, towards implementing Place Based Budgets which the LGA estimates would save £100 billion nationally over the lifetime of a Parliament and notes that this would not be possible without an Intelligent Commissioning approach.
- The Value for Money review which will achieve savings of up to £35 million over 4 years with potential ongoing savings of up to £18 million. This will be in addition to the £30 million which has been saved over the last 3 years.
- The Improving Customer Experience programme – working towards a one stop shop for residents accessing Council services.

This Council seeks to reassure residents that these pre-emptive measures put the organisation in a very good position compared to many other local authorities, to absorb its contribution to the national debt reduction programme without adversely affecting vital frontline services.

Therefore, this Council resolves to:

- Endorse the pre-emptive measures outlined above.

- Write to the City's 3 MPs urging them to highlight the innovative work of Brighton & Hove City Council in Parliament.

- Urge the Cabinet to continue to maintain a constructive dialogue with Government, both directly and through the City's local MPs, in order to get residents the best possible deal from the changes announced in the June emergency budget, the CSR and the forthcoming Local Government Finance Settlement."

Proposed by: Cllr Mary Mears Seconded by: Cllr BrianOxley

Supported by: Cllrs Young, Alford, Brown, Fallon-Khan, Caulfield, G. Theobald, Smith, Simson, K. Norman, A. Norman, Peltzer Dunn, Older, Cobb, Bennett, Pidgeon, C. Theobald, Hyde, Kemble, Harmer-Strange, Barnett, Smart, Janio and Drake.

Council	Agenda Item 40(c)
21 October 2010	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP

SUPPORT FOR NEIGHBOURHOOD-BASED POLICING IN BRIGHTON AND HOVE

"The Neighbourhood-based policing model adopted in Brighton and Hove has been successful in reducing the fear of crime, actual crime – and improving public confidence in the police and residents' belief that they live in safer communities.

Police Community Support Officers (PCSOs) have played a key role in the delivery of Neighbourhood Policing in the city, by attending Local Action Team and other community group meetings, listening to communities and setting local priorities for policing in line with residents' wishes, and holding regular 'street briefings'.

Their regular patrols are welcomed and appreciated by neighbourhoods across the city, and they have built excellent relationships with all sectors and all ages in the community.

PCSOs do not have the power of arrest, as they are not 'warranted officers' – and this has been key to their success in many ways – not least as they have been able to develop relationships based on trust and confidence rather than power and hierarchies in the communities they serve.

Yet all this is under threat. As a result of successive cuts, by this Government and the last, to Sussex Police's budget, the Chief Constable of Sussex Police has warned that more that 1,000 people currently employed by Sussex Police are set to lose their jobs.

This council expresses its support for the Neighbourhood Policing model so successfully used here in Brighton and Hove in recent years, and its support for the valuable work of our PCSOs.

Accordingly, it:

(i) Requests the Chief Executive to write to the city's MPs, and the Home Secretary, asking them to reconsider any cuts to Sussex Police budgets;

(ii) Urges Sussex Police Authority to ensure that Neighbourhood Policing remains at the heart of the way policing is delivered in Brighton and Hove, and that numbers of PCSOs serving the city are maintained at current levels in the 2011/12 budget;

(iii) Requests officers to consider ways this council could directly fund PCSOs in the city, either through direct sponsorship or through the BID system; and

(iv) Welcomes Sussex Police's commitment to ensure that the proposed cuts in staff are assessed for their impact on equalities as a way of maintaining community support for the way policing is delivered in the city."

Proposed by: Cllr Ben Duncan Seconded by: Cllr Bill Randall

Supported by: Cllrs Kitcat, Wrighton, Rufus, Wakefield-Jarrett, Steedman, Fryer, Kennedy, Philips, Davey, West and Deane

Council	Agenda Item 40(d)
21 October 2010	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP

THE IMPACT OF CUTS ON CHILDREN AND YOUNG PEOPLE

"This Council recognises that children and young people are uniquely vulnerable. As a result they mostly depend on adults to voice their needs to government and in political debate, and we acknowledge that responsibility.

This Council notes that proposals by the national government and the Local Administration unfairly target children and young people by:

- Withdrawing funding for Connexions services;
- Restricting child benefit in a way which can unfairly penalise certain types of families;
- Withdrawing free school meals for those families on low incomes;
- Requiring significant cuts to the education budget whilst also preparing the way for increased university tuition fees;
- Significantly reducing road safety budgets when 13 children have been killed or seriously injured on the city's roads;
- Drastic NHS reorganisations and budget freezes which will inevitably impact the city's Children & Young People's Trust.

Excessive cuts have dampened the economy leading to a lack of job creation which risks a lost generation for our young people

This Council disputes the need for such rapid and hard hitting cuts especially when they affect the most vulnerable in our society and calls on the Cabinet to:

- Reconsider budget cuts affecting children and young people;

- Consider children and young people as a specific 'at risk' group in the equality impact assessment of the 2011-12 council budget."

Proposed by: Cllr Rachel Fryer Seconded by: Cllr Jason Kitcat

Supported by: Cllrs Kennedy, Randall, Wrighton, Wakefield-Jarrett, Steedman, Duncan, West, Deane, Davey, Rufus and Phillips.

Council	Agenda Item 40(e)
21 October 2010	Brighton & Hove City Council

NOTICE OF MOTION

CONSERVATIVE GROUP

IMPROVEMENTS TO EDUCATION PROVISION IN BRIGHTON & HOVE

"This Council warmly welcomes recent developments around schools and education provision in the City. These include:

- The acquisition of the Connaught Centre in Hove to form part of a new 3 form entry primary school in the City.
- The expansion of Davigdor, Somerhill, West Blatchington, Goldstone, Westdene, Benfield, Balfour and Queen's Park Schools.
- The opening of the new Brighton Aldridge Community Academy in September 2010, with the brand new campus due to open in September 2011, representing a £25 million investment in young people for one of the most deprived areas of the City.
- The City's best ever GCSE results, with the number of students gaining five or more A*-C grades including English and Maths, going from 44.5% to 49.1%. Three schools in particular – Hove Park, Portslade Community College and Varndean – improved their results by more than 10%.
- 28% of the City's nursery, infant, primary and junior schools have obtained an outstanding Ofsted rating compared to a national figure of 19%
- 80% of the City's childcare providers have a good / outstanding rating compared to a national average of 68%.

Therefore, this Council would like to place on record its thanks to all the pupils, parents / carers, teachers, childcare providers, officers and partners across the City who have made these successes possible.

Proposed by: Cllr. Vanessa Brown Seconded by: Cllr. Ted Kemble

Supported by: Cllrs. Mears, Oxley, Young, Alford, Fallon-Khan, Caulfield, G. Theobald, Smith, Simson, K. Norman, A. Norman, Peltzer Dunn, Older, Cobb, Bennett , Pidgeon, C. Theobald, Hyde, Harmer-Strange, Barnett, Smart, Janio and Drake