



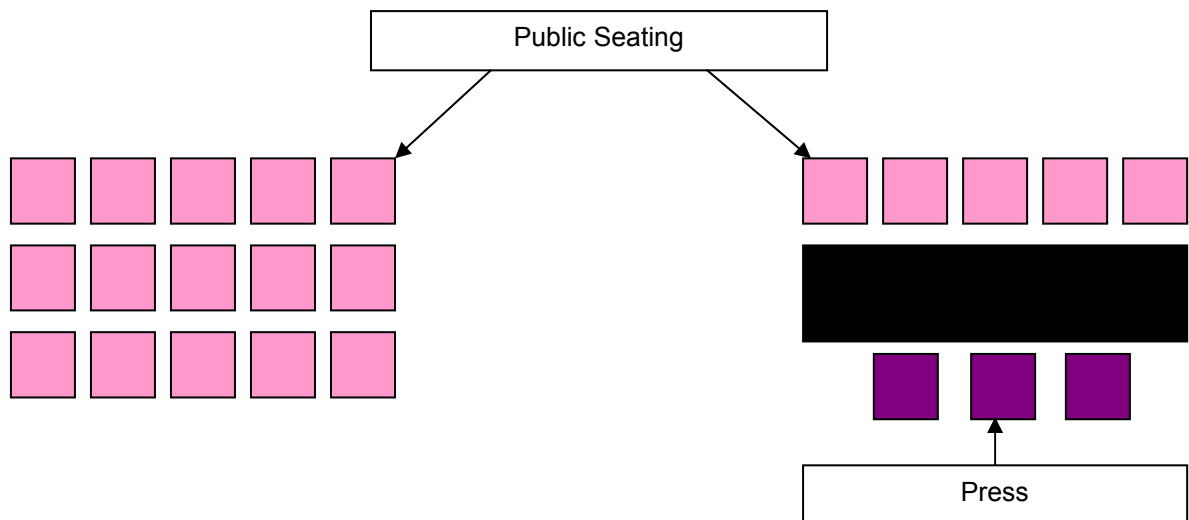
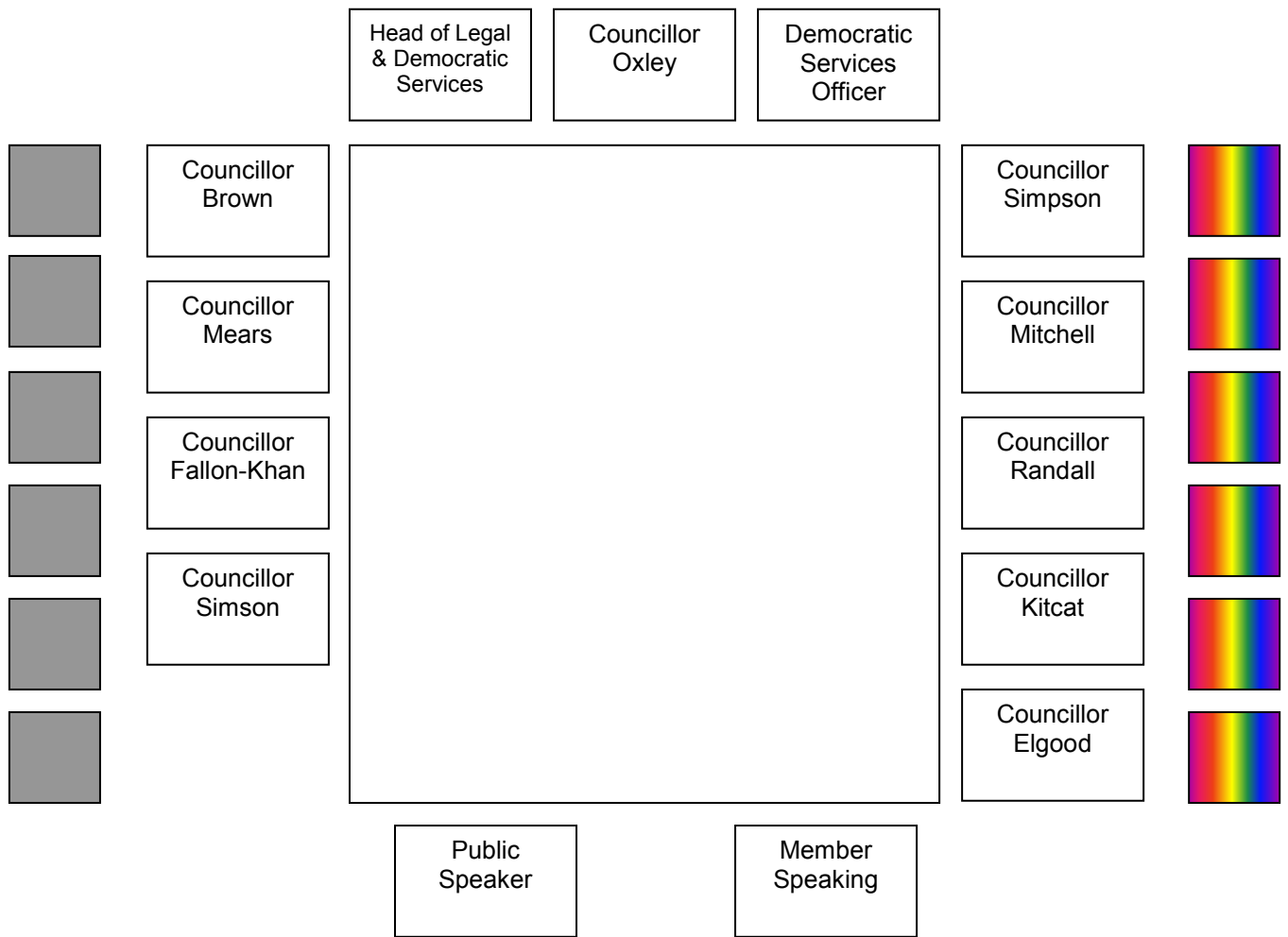
Brighton & Hove
City Council

Governance Committee

Title:	Governance Committee
Date:	16 November 2010
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Kitcat, Mears, Mitchell, Randall and Simson
Contact:	Tanya Davies Acting Democratic Services Manager 29-1227 tanya.davies@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

35. PROCEDURAL BUSINESS

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

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

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

36. MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the meeting held on 28 September 2010 (copy attached).

37. CHAIRMAN'S COMMUNICATIONS

38. CALLOVER

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

39. PETITIONS

No petitions have been received.

40. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 9 November 2010)

No public questions received by date of publication.

GOVERNANCE COMMITTEE

41. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 9 November 2010)

No deputations received by date of publication.

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

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

43. ATTENDANCE MANAGEMENT PROCEDURE 11 - 30

Report of the Strategic Director, Resources (copy attached).

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

Ward Affected: All Wards

44. RESPONSE TO CONSULTATION ON THE CODE OF RECOMMENDED PRACTICE FOR LOCAL AUTHORITY PUBLICITY 31 - 46

Report of the Strategic Director, Resources (copy attached).

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

Ward Affected: All Wards

45. PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES BILL - IMPLICATIONS FOR THE COUNCIL 47 - 52

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Claire Wardle *Tel:* 29-1997

Ward Affected: All Wards

46. DECENTRALISATION AND LOCALISM BILL - UPDATE 53 - 64

Report of the Strategic Director, Resources (copy attached).

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

Ward Affected: All Wards

47. PART TWO MINUTES OF THE PREVIOUS MEETING

65 - 66

Part Two minutes of the meeting held on 28 September 2010 (copy attached).

48. EQUAL PAY (RESIDUAL ISSUES)

Verbal update from the Head of Human Resources and Organisational Development.

[Exempt Category 3 and 4]

49. PART TWO ITEMS

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

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

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

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

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

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

Date of Publication - Monday, 8 November 2010

GOVERNANCE COMMITTEE

Draft Governance Committee Work Plan

	Agenda Item	Lead Officer
	Meeting 1 February 2011	
	Chairman's Communications	
1	Localism Bill	Elizabeth Culbert
2	Polling Station Review	Paul Holloway
3	Civic Awareness Commission update	Mark Wall
4	Committee Meetings Timetable	Mark Wall
5	Overview and Scrutiny Arrangements	Tom Hook
6	Management of Change policy	Charlotte Thomas
7	Review of Officer Delegations	Abraham Ghebre-Ghiorghis
	Meeting 29 March 2011	
	Chairman's Communications	
1		
	Meeting 12 July 2011	
	Chairman's Communications	
1	Petitions Scheme	Elizabeth Culbert
2		
	Future reports – dates to be decided	
1	Byelaws – detailed report following publication of regulations	Oliver Dixon
2	Whistleblowing – progress report	

BRIGHTON & HOVE CITY COUNCIL

GOVERNANCE COMMITTEE

2.00PM 28 SEPTEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Oxley (Chairman), Simpson (Deputy Chairman), Brown, Elgood, Mears, Mitchell, Randall, Smith, West and Young

PART ONE

19. PROCEDURAL BUSINESS

19a. Declaration of Substitutes

19.1 Councillor West declared that he was substituting for Councillor Kennedy.

19.2 Councillor Young declared that she was substituting for Councillor Simson.

19.3 Councillor Smith declared that he was substituting for Councillor Fallon-Khan.

19b. Declarations of Interests

19.4 There were none.

19c Exclusion of Press and Public

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

19.6 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 32 onwards.

20. MINUTES OF THE PREVIOUS MEETING

20.1 **RESOLVED** – That the minutes of the meeting held on 13 July 2010 be approved as a correct record.

21. CHAIRMAN'S COMMUNICATIONS

- 21.1 The Chairman stated that Mr O'Connor from Saltdean Residents Association would be attending the Committee to speak on item 28: Update on Administrative Boundary Review at Saltdean.

The Chairman also stated that he had been contacted by a resident, Mr Scott, regarding certain errors contained within the Committee papers. The Chairman had noted these errors and had spoken to the relevant persons in Democratic Services to ensure they would be corrected where appropriate.

22. CALLOVER

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

23. PETITIONS

- 23.1 There were none.

24. PUBLIC QUESTIONS

- 24.1 There were none.

25. DEPUTATIONS

- 25.1 There were none.

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

- 26.1 There were none.

27. STRENGTHENING COMMUNITIES REVIEW

- 27.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Strengthening Communities Review.

- 27.2 The Communities and Partnerships Officer, Ms Cambridge, introduced the report and stated that reporting of the review would be in two stages, with this first stage focussing on activity that needed commission and funding in Brighton & Hove. The second part of the reporting would include corporate recommendations and city observations.

Ms Cambridge highlighted some of the findings which showed that some engagement activity performed by the Council was in fact more to do with customer services, and based around informing rather than empowering. However, it was found that the work done by the Communities Voluntary Sector Forum and the Stronger Communities Partnership was very successful. Whilst the community development support work had a significant impact on increasing the voice of the community, it had no direct impact on reducing inequalities, and lots of the work done by the Council was in supporting administrative structures rather than funding direct "grass-roots" activity.

- 27.3 The Chairman thanked Ms Cambridge for the report and noted the huge number of stakeholders who had taken part in the complex review. He stated that the report would be considered at the November Cabinet meeting.
- 27.4 Councillor Elgood was disappointed at the negative response to neighbourhood forums, and asked whether increasing the network between the Council and Local Action Teams (LATs) had been considered as an issue. He also asked whether the £500,000 area place grant was to be spent in this financial year. Ms Cambridge acknowledged that LATs were increasingly successful but were mainly supported by Sussex Police, who were undertaking their own review of LAT engagement across the City. The £500,000 area based grant had already been spent as agreed by a cross party commissioning group over two years.
- 27.5 Councillor Randall felt that neighbourhood forums had been increasingly successful and were often the basis of an LAT, but he was aware that the Police had concerns about being able to support the increased growth in these community associations. Cross sector funding had been vital to this and Councillor Randall asked how support for smaller associations would be achieved in the future. Ms Cambridge acknowledged that not enough funding and support was going to the grass-roots organisations and it was recommended that the Council commission more of this type of work.
- 27.6 Councillor Mitchell commended the report and felt that supporting those less able to achieve community improvements was a key priority. She felt that funding and support needed to continue whilst these new projects were set up. Ms Cambridge agreed with this and noted that it was referred to in the report.
- 27.7 Councillor Mears agreed that it was a very good report and timely due to the financial pressures facing the Council budget. She felt the finding that much engagement support funding was spent on structures rather than grass roots activity was very important, and this situation needed to change as it was a starting point to building community involvement at grass roots level.
- 27.8 Councillor Simpson noted that the next report would be substantial and asked when it would be ready and if this would be after the government's spending review. The Chairman confirmed that it would be after the spending review.
- 27.9 Councillor Simpson went on to say that she did not feel the impact of EB4U had been fully appreciated as in her own area she had seen a lasting impact for the community and for lives of individuals in that community.
- 27.10 Councillor Mears highlighted that the EB4U project had received £47,000,000 in funding but in some areas of the city was not as embedded as it could have been. Organisations that had been established under this funding were now failing because they were unsustainable and could not survive without funding support. She felt that this was because they had started out with top down objectives rather than supporting grass level objectives. Councillor Mears also felt that there were areas of the city that had not seen any of this funding.

27.11 Councillor Mitchell stated that the EB4U project had been set up to deliver services in a better way. One of the aims was to reduce crime in the community and the successful city wide Crime Reduction Unit had been created from this. Councillor Mitchell also pointed to the Crew Club, which had been established under this project and was now delivering youth services in a better way than the statutory services. She agreed that some aspects of the EB4U project had not been successful but overall she could see as a ward Councillor that it had provided a more settled area than before, and a clear feeling that the community benefited from the projects. She added that the Council needed to work together to support the whole city.

27.12 Councillor Mears replied that as a ward Councillor under the New Deal they had looked at assets to ensure communities funding was continued. She was now finding that organisations that were funded from the top down were struggling to continue without support and added that these were the views of her constituents as well.

27.13 **RESOLVED -**

1. That the Committee note the content of this initial report and that a further report will be submitted to the committee covering remaining issues.
2. That the Committee note the following principles for commissioning based on review findings.
 - a) Third Sector Representation:
 - Continuing to commission third sector representation across all activity linked to Intelligent Commissioning.
 - Continuing to commission third sector representation and involvement in the delivery of the Sustainable Community Strategy.
 - In particular, ensure support focuses on supporting smaller, neighbourhood and grass roots groups.
 - b) Strategic Coordination of Community Engagement:
 - Continuing to commission strategic coordination of the Community Engagement Framework and action plan.
 - Continuing to commission activities that support and develop best practice in community engagement.
 - c) People and Place:
 - Commission through a need analysis approach that takes into account both people and place, ensuring those less able to engage and participate are supported.
 - Commission for bottom up solutions that support communities to identify their own solutions to local issues and problems.
 - Commission for the outcomes of engagement rather than activities that impose structures, allowing different communities to decide what works for them.

28. UPDATE ON ADMINISTRATIVE BOUNDARY REVIEW AT SALTDEAN

28.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding the Update on Administrative Boundary Review at Saltdean.

28.2 The Senior Solicitor, Mr Dixon gave a summary of the report and noted that the Local Government Boundary Commission for England (LGBCE) was still developing guidance and policies, but had the prospect of a Saltdean review as a live issue. Whilst East Sussex County Council had reserved their position with regards to the costs of a review, both they and Lewes District Council supported the principle of the idea.

28.3 The Chairman welcomed Mr O'Connor from Saltdean Residents Association to the meeting and invited him to address the Committee.

28.4 Mr O'Connor thanked the Committee for their time given to this issue and agreed with the contents of the report presented today. The Saltdean Residents Association (SRA) had raised this issue with local councils in the area, including the Telscombe and Peacehaven Town Councils and none had disagreed with the principles of the aim, even though the loss of Saltdean from its area would constitute a loss of 40% of income for Telscombe Town Council.

He noted that a survey of residents regarding this issue was not needed at the moment, as the LGBCE was still developing its policies, but he felt that it would raise the profile of the issue, and keep the momentum going. Because of this, Mr O'Connor asked that Brighton & Hove City Council consider running a website survey for residents to respond to, and noted that the SRA already had developed their own website survey, as had the Town Councils. From the initial findings 44% would wish to join Lewes District Council, 39% would wish to join Brighton & Hove City Council, 11% did not want unification either way and 6% were unsure but supported the idea of unification. Mr O'Connor felt that this showed there was a consensus of opinion for unification one way or another.

28.5 The Chairman stated that officers would continue to check with the LGBCE and if the situation changed more quickly than expected regarding the development of its policies and procedures than that would open up many possibilities and the Council would give the community its full support.

28.6 Councillor Mears felt that an online survey was quite feasible and she supported this. She understood the community's frustrations with the current situation and felt it needed to be resolved. The Chairman suggested an element of liaison and matching with the SRA's website survey should take place.

28.7 Councillor Smith asked if the survey would be open to anyone for comment, or would be restricted to the residents of Saltdean. The Acting Director of Strategy & Governance replied that there were no prescriptive rules or restrictions regarding who could participate in surveys, but it was good practice to only analyse responses from local people. This could be done by the requirement in the survey to state a postcode.

28.7 Councillor Mitchell felt that the momentum to this issue needed to be kept high, but she was concerned that an online survey might make residents feel like they had already voted on the issue and raise unrealistic expectations. She hoped that the LGBCE developed their policies quickly to avoid this problem.

28.8 Councillor West agreed and felt that whilst an online survey was a good idea he felt that residents might expect that extra weight be given to the results, and online surveys

excluded those who did not have access to a computer. He believed it was necessary to ensure residents were aware that the purposes of the survey was merely to extend the debate and was not a proper survey.

28.9 The Chairman agreed that not everyone did have an opportunity to access a computer but noted there was computer access in libraries. It was likely that the LG BCE would come to a decision by April next year and the online survey would keep the issue alive.

28.10 Councillor Mears understood the concerns of other Councillors but felt that an online survey was clearly very different in nature to a referendum. The survey would highlight to residents its limited purpose however.

28.11 **RESOLVED -**

1. That the Committee notes the report.
2. That officers be instructed to continue to liaise with the Local Government Boundary Commission for England over the timescale for a potential review.
3. That officers be instructed to bring a further report to the Governance Committee when the Commission's capacity and capability to carry out a review becomes known.
4. That officers be instructed to update the Local Government Boundary Commission with the resolutions of the Committee following consideration of this report.

29. GOVERNMENT CONSULTATION ON LOCAL REFERENDUMS TO VETO EXCESSIVE COUNCIL TAX INCREASES

29.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Government Consultation on Local Referendums to Veto Excessive Council Tax Increases.

29.2 Mr Dixon addressed the Committee and stated that the report was for noting. The Government had consulted local authorities before the Localism Bill and he expected that legislation would be created for referendums before excessive rises in council tax is asked for.

29.3 Councillor West asked who had decided the Council's response to the consultation and noted that the consultation paper was merely about the technicalities behind running referendums, and not whether Council's supported the idea of referendums themselves.

29.4 Councillor Elgood felt that these proposals were just instead of capping council tax, but seemed a better idea as it gave residents the option to express their views.

29.5 Councillor Mears agreed and felt that if there was a Council who felt that excessive tax rises were necessary they could present the argument to the electorate and people could judge for themselves whether it was a good idea.

29.6 RESOLVED -

1. That Members note the report and the council's response to the DCLG consultation.

30. CHANGES TO THE SCHEME OF DELEGATIONS TO OFFICERS

- 30.1 The Committee considered a report from the Acting Director of Strategy & Governance regarding Changes to the Scheme of Delegations to Officers.
- 30.2 The Chief Executive, Mr Barradell, introduced the report and stated that the implementation of these changes was part of the restructuring process that the Council was currently undertaking. The Strategic Directors had now been appointed with the first to arrive on 1 October 2010.
- 30.3 The Acting Director of Strategy & Governance, Mr Ghebre-Ghiorghis, spoke to the technical aspects of the report and stated that the new scheme was needed to reflect the officer changes under Intelligent Commissioning. There was no change to Member level powers aside from some changes to the Cabinet Member functions relating to travellers. The key point to note was that there would be no changes to the Member/Officer balance of power and the powers of the Committees and the Cabinet would be maintained. The Chief Executive would deal with any issues that arose during the transitional phase.
- 30.4 Councillor Mears highlighted that a new Member's directory was being produced, which would give contact details and an outline for the new management structure, and would be easy to use. Mr Ghebre-Ghiorghis also noted that a Member's seminar was being arranged to provide a more clear understanding of arrangements under Intelligent Commissioning.
- 30.5 Councillor Elgood asked where the responsibility fell for decisions on the Scheme of Delegations. The Chairman replied that elements of it would be dealt with at the Governance Committee and other elements at Cabinet Meetings.
- 30.6 Councillor Elgood asked whether changes to the Constitution should go to Full Council. Mr Ghebre-Ghiorghis stated that article 15 of the Constitution set out how amendments were dealt with. Changes to officer delegations relating to Council functions were dealt with by the Governance Committee and changes to officer delegations relating to executive functions were decided by Cabinet.
- 30.6 Councillor Elgood asked if the changes to the functions of Cabinet Member Meetings and Scrutiny Committees would go to Full Council and the Chairman replied that the changes are limited to officer delegations and do not include Member-level delegations. The Acting Director of Strategy & Governance clarified that the tables circulated were only for information to show the relationship between Lead Member and Strategic Director roles and do not imply any changes at Member level.
- 30.7 Councillor Mitchell stated that she did not feel able to take part in the voting on this item as the changes had already been decided by Cabinet first, and she did not feel that the Governance Committee had been consulted at the beginning of the process.

30.8 RESOLVED –

1. That the Governance Committee approves the following:
 - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Council functions, be agreed;
 - (ii) That the amended Scheme of Delegations (in so far as it relates to Council functions) comes into force on 1st November 2010;
 - (iii) That the services provided by the Delivery Units on 1st November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;
 - (iv) That the Chief executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
 - (v) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.

2. That the Governance Committee recommends to Cabinet:
 - (i) That the amended Scheme of Delegations to Officers as set out in Appendix 1, to the extent that it relates to Executive functions, be agreed;
 - (ii) That the amended Scheme of Delegations (in so far as it relates to Executive functions) comes into force on 1st November 2010;
 - (iii) That the services provided by the Delivery Units on 1st November 2010 be deemed to have been commissioned and therefore authorised. This shall be without prejudice to the power to review the services at any time as part of the Intelligent Commissioning cycle;
 - (iv) That the functions of the Council regarding Travellers and Gypsies be transferred from the Cabinet Member for Environment to the Cabinet Member for Housing;
 - (v) That the Chief Executive be granted delegated powers to take all steps necessary or incidental to the implementation of the changes, including the power to make transitional arrangements;
 - (vi) That the Head of Law be authorised to make any necessary or consequential amendments to the constitution to reflect the changes.

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 –**
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 of the report.

PART TWO SUMMARY

32. PART TWO MINUTES OF THE PREVIOUS MEETING

32.1 **RESOLVED** – That the Part Two minutes of the meeting held on 13 July 2010 be approved as a correct record.

33. EQUAL PAY UPDATE

33.1 The Committee received a verbal update from the Assistant Director for Human Resources updating Members on the latest position with regard to Equal Pay matters.

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

34. PART TWO ITEMS

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

34.2 **RESOLVED** – That items 32 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 3.25pm

Signed

Chair

Dated this

day of

Subject: Attendance Management Procedure
Date of Meeting: 16 November 2010
Report of: Strategic Director, Resources
Contact Officer: Name: Charlotte Thomas Tel: 29-1290
E-mail: charlotte.thomas@brighton-hove.gov.uk
Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to brief the Governance Committee on the council's revised procedure for the improved management of sickness absence within Brighton & Hove City Council and to seek approval for the implementation of the new Attendance Management Procedure.

2. RECOMMENDATIONS

- 2.1 That the Governance Committee approves the new Attendance Management Procedure.
- 2.2 That the impact of the new procedure be monitored after implementation and a report be presented to the Governance Committee in 12 months time.

3. BACKGROUND INFORMATION

3.1 Drivers for change

- 3.1.1 The management of sickness absence is an important issue at Brighton & Hove City Council. There is a significant opportunity to improve continuity of service provision, to reduce the cost of agency staff replacements and to enhance employee well-being. Benchmarking has been carried out with other Councils achieving lower sick absence rates to identify more effective approaches to managing attendance.
- 3.1.2 In line with corporate value for money objectives, pilot projects were initiated during 2008 and 2009 to trial improved approaches to attendance management, resulting in a decrease in sick leave, savings in days lost and a reduction in agency staff required.
- 3.1.3 Lessons learned from these pilots together with the findings of the Equality Impact Assessment (EIA) on the current procedure and feedback from the Staff Forums, trade unions and managers have informed the development of the new attendance management procedure.

3.2 Key issues identified by stakeholders for change

3.2.1 The issues identified were:

- Having two different separate procedures to cover short-term sickness absence (the Absence Management Code of Practice) and long-term absence (the Capability Procedure) was confusing and had led to claims of procedural error;
- The process was difficult to follow and needed to be clearer;
- There was some evidence of inconsistent treatment affecting some equality groups (particularly disabled and BME staff) who were more likely to be subject to absence management procedures than others;
- Meetings to review attendance issues needed to facilitate problem-solving and well-being.
- Some line managers did not see attendance management as their role or view it as a priority workforce issue.

3.2.2 It was recognised that to be successful, attendance management needed to be actively supported by senior management. Draft objectives and a draft procedure were therefore presented to all the Council DMTs during January to March 2010 to ensure their support. DMT feedback was included in the final draft of the procedure.

3.3 Features of the new Procedure

3.3.1 The following improvements have been incorporated:

- It is now a single procedure encompassing the management of all sickness absence issues
- Staff who have mental health or musculo-skeletal conditions are fast-tracked for occupational health appointments, promoting earlier recovery
- Absence management is presented as a problem-solving rather than a 'disciplinary' process
- Absence Review Meetings are required to be held for all staff reaching Council 'Attendance Concern Levels' (replaces 'triggers'), to avoid inertia or inconsistent treatment of employees with protected characteristics¹ such as BME staff.
- Attendance Concern Levels have been re-set at three (from four) spells of absence in six months. This ensures that standards are understood and support can be offered quickly
- There is new guidance for employees on the purpose of the Absence Review Meeting and how to prepare and engage to make it an effective process from the employee's perspective
- There is more advice for line managers on supporting sick employees, particularly those with disabilities and mental health conditions

¹ 'Protected characteristics' replace 'equality strands' and were expanded by the Equality Act 2010 to include marriage and civil partnership, pregnancy and maternity, and gender reassignment.

- Managers are advised to give a formal warning in most absence reviews. There is discretion not to warn (for example where the nature of the absence makes recurrence unlikely or where an exemplary employee has an unusual bout of illness). However, the aim is to move the frequency of warnings from 'rarely given' to 'usually given'
- There is clear guidance on time off for medical appointments and planned treatment to manage or improve conditions as part of reasonable adjustments for disabled staff rather than showing this as sick leave
- The appeal process has been improved with emphasis on appeal grounds being provided in advance
- The new integrated procedure provides a step by step approach for managers to follow, supported by a flowchart.

3.3.2 Careful consideration was given to whether the procedure could be presented in a less detailed format. However, employment law and the consistent standards expected of large public sector employers in handling sick absence and disability issues lead to the view that it is better to support line managers with step by step guidance.

3.3.3 The new procedure and flowchart is attached at Appendix 1. Contained in the text are links to additional advice, model letters and meeting plans. This approach has been taken to keep the procedure in an easy-to-use format with links on the Wave, but full copies will be available for anyone without ready access to the Wave.

3.4 Implementing the new Procedure

3.4.1 A communications package will be developed for the Wave supplemented by briefings via internal communications channels.

3.4.2 Units are asked to monitor the implementation of the procedure, ensuring that attendance improvement is perceived by all managers as an important business measure.

3.4.3 A redesigned training package for managers on effective attendance management will support the roll out of the new procedure, based on a half-day course with pre-reading material, to be delivered in-house by the HR Coaching and Advice team. Training will be targeted at:

- Managers whose Unit decide to make the training mandatory;
- Managers of staff who have not yet conducted a formal attendance interview.

3.4.4 New, mandatory e-learning in equality and diversity has been launched for all employees and a programme for managers of blended learning in equality and diversity will be launched shortly.

3.5 Measuring the effectiveness of the new Procedure

3.5.1 A key measure of the effectiveness of attendance management will remain average days lost to sickness absence per employee.

3.5.2 Case management actions including warnings will continue to be monitored overall and by protected characteristics.

4. CONSULTATION AND ENGAGEMENT

4.1 Elizabeth Culbert and Ian Yonge were consulted for legal advice.

4.2 The trade unions have been consulted on the new procedure and, wherever possible, their comments have been taken into account.

4.3 Recommendations from the Staff Forums as part of the EIA have been incorporated into the new procedure.

4.4 The Headteachers' Steering Group has been consulted on the proposed version that will apply to Schools and it supported the changes. Schools will be invited to adopt the new Procedure.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications

5.1 There will be no additional direct costs as a result of introducing this procedure. There will be an increased commitment of management time in interviewing staff on attendance matters. Assuming the results of implementation of this procedure mirror the results of both Attendance Pilots then savings in terms of reduced days lost, and cash savings through reduced agency costs, will be achieved.

Finance Officer Consulted: Anne Silley

Date: 20/10/10

Legal Implications:

5.2 The proposed new Attendance Management Procedure complies with the council's statutory responsibilities and the relevant Codes of Practice, in particular the Codes issued by the Equality and Human Rights Commission.

Lawyer Consulted: Liz Culbert

Date: 03/11/10

Equalities Implications:

5.3 An Equality Impact Assessment has been conducted and published on the Absence Management Code of Practice and the findings are reflected in the Attendance Management Procedure. A copy of the Assessment Summary is at Appendix 2.

5.4 The procedure incorporates a supportive approach to equalities by ensuring that managers offer assistance through Occupational Health advice, staff counselling, reasonable adjustments and flexible working. This ensures that staff with disabilities or longer-term health problems are helped to remain at work where

possible. New Managers' Guidance on Reasonable Adjustments was introduced in May 2010.

Sustainability Implications:

- 5.5 The policy will be published on our intranet and hard copies will be circulated only to those staff without intranet access.

Crime & Disorder Implications:

- 5.6 None.

Risk & Opportunity Management Implications:

- 5.7 The implementation of the new procedure will help managers to reduce working days lost to sick absence by:
- Increasing their confidence and capability to manage attendance
 - Providing more timely support for employees with potentially long-term conditions
 - Increasing engagement with, and understanding of, the Council's attendance standards and formal procedures.
- 5.8 There are additional benefits in staff productivity, wellbeing and morale by reducing the need for people to cover for absent team members.
- 5.9 There are employee relations risks associated with the trade unions' opposition to changing the short term 'trigger' point from four to three absences in six months. These risks are likely to be adverse communications and pressure on union facility time to allow them to represent employees in an anticipated higher number of formal interviews.

Corporate / Citywide Implications

- 5.10 Reduced sickness absence will result in the more consistent delivery of services to Brighton and Hove residents and lower agency costs.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Attendance Management Procedure
2. Sick Absence Equalities Impact Assessment Summary

Documents In Members' Rooms

None

Background Documents

1. Documentation linked to the Attendance Management Procedure is available in the Members' Room



Draft - Attendance Management Procedure

1. Introduction

1.1 Employees are the most valuable resource in Brighton & Hove City Council and the aim of the Attendance Management Procedure is to promote the highest possible attendance levels to enable excellent service delivery to the community. It is also important to manage attendance because of the impact absence can have on colleagues at work.

1.2 The procedure is designed to encourage employees to seek support and advice to improve their health and well-being and therefore to meet the Council's standards of attendance.

1.3 The procedure applies to all employees of the Council with the exception of employees who are still within their probationary period.

2. Responsibilities

2.1 The Council's responsibility is to provide a safe and healthy work environment and a uniform process to manage sick absence in a fair, consistent and compassionate way. It is also the Council's responsibility to terminate the employment of employees when, despite supportive actions and however unavoidable the reasons for absence, employees cannot demonstrate their ability to attend work regularly.

2.2 Managers are responsible for promoting high levels of attendance in their teams. They have a duty of care and a responsibility for good working conditions, work practices and work behaviours. Managers are responsible for maintaining regular contact with employees who have an extended absence, and for working constructively with employees who need to improve their attendance. Managers are responsible for fair and consistent management support to those who are unwell. Managers should be flexible wherever operationally possible to facilitate a sustained return to work. Managers are responsible for advising employees when their absence is causing concern and for managing any employee attendance problems.

2.3 The HR Coaching and Advice team supports the effective management of attendance by providing advice and support to managers on the operation of the procedures. HR also provides expert sources of advice on Health and Safety, Occupational Health, and Employee Counselling via [HR contacts](#).

2.4 Individual employees have a personal responsibility to take all reasonable measures to ensure their fitness for work. If absences are work related, employees have a responsibility to be proactive in raising concerns as part of the normal staff/manager relationship. If employees have a medical condition which may affect their work, (which may not be apparent to others), they should discuss this and any adjustments needed with their manager.

3. How sick absence is defined

3.1 A sick absence is any absence from work where the employee is unfit through a medical condition, or an accident, or receiving medical treatment. The following circumstances are not included as sick absence:

- any pregnancy related illness: for further guidance see paragraph 15 on maternity related sick leave and fertility treatment.

- authorised unpaid or paid leave for hospital or doctors' appointments at which no actual treatment is to be provided.
- elective treatment which is not medically required such as laser eyesight correction, cosmetic procedures and other non-essential treatments.
- authorised leave for dentists' appointments which cannot be arranged during annual or flexi leave.

4. Health checks during the recruitment process

4.1 Guidance on how to ensure that new recruits will be fit to carry out job related requirements is provided in the Recruitment Policy.

5. Attendance during Probation Periods

5.1 It is the manager's responsibility to advise new employees, on the first day of employment or as soon as possible during the first week, about the sickness notification procedure, stressing the need for good attendance. This should be reinforced through the induction programme.

5.2 Probationers will have their attendance managed through the Probation Service Procedure. The manager should discuss all incidents of sick absence with the employee during the probationary reviews/interviews and explain that appointment cannot be confirmed unless attendance is satisfactory.

6. Confidentiality

6.1 All personal records and any discussions held relating to employees' absence will be treated in strict confidence. Access to medical records, including sick notes, absence and interview records, is restricted to managers/section heads on a "need to know" basis. Managers and their administrators should take care not to disclose reasons for absence to anyone else.

6.2 Employees may request confidentiality if the reasons for sick absence are personal or private. This may make it difficult to explain the sick absence to a manager/supervisor. If this is the case the employee may tell an HR officer in confidence, and HR or Occupational Health will advise the manager where necessary of the nature of the condition, so that adjustments may be planned.

7. Health appointments

7.1 Employees are required to make every effort to arrange medical appointments in their own time outside normal/core working hours.

7.2. When employees are unable to make appointments in their own time, and at the discretion of the manager, paid time off to attend such appointments will be allowed. Where an employee requests time off he/she must notify his/her supervisor/manager in reasonable time.

7.3. Paid time off will be allowed to attend medical appointments for life threatening illnesses.

7.4 If a disabled employee needs consultations or treatment to improve or manage a disability while they are at work, paid time off should be considered and recorded as part of planned and agreed reasonable adjustments. (See appendix A).

8. Industrial Injuries and accidents

8.1 An employee who is absent as a result of an accident where damages may be received from a third party, may receive Occupational Sick Pay as an advance. This is because part of any payment claimed from a third party will usually cover loss of earnings. Information on how to deal with sick absence related to industrial injuries and accidents caused by third parties is given in appendix 2.

9. Notifying sick absence

9.1 Arrangements on notifying sick absence form part of an employee's contract of employment and should be followed by all employees. They are at appendix 3.

9.2 Employees must fill in a self-certification form for all sick absence up to and including the seventh calendar day of absence. They must produce a medical certificate from the eighth consecutive day of absence.

9.3 If employees are absent without making contact, or when certificates are not produced on time, the manager should try to contact the employee to check their well-being. However, in the absence of contact or an acceptable explanation, managers should record the absence as "uncertified" and therefore unpaid, and contact HR without delay. HR will alert Payroll to stop pay if the individual is absent without leave. The manager must write to the employee that any uncertified absence will be unpaid and that unless the employee gets in contact, they may be subject to action under the Disciplinary Procedure and their employment may be terminated.

9.4 If the manager has evidence that the absence is not due to sickness, then the manager should contact HR and investigate under the Council's Disciplinary Procedure.

9.5 In the event of an employee falling sick during annual leave, the absence will be regarded as sick leave from the date of a medical certificate and further annual leave will be suspended from that date. The employee should be credited with the annual leave which is covered as sick leave by the certificate.

10. Recording and monitoring

10.1 Managers are responsible for keeping accurate records on employees' sick absence in line with the current process for their Unit. The contents and outcomes of any formal or informal discussions with an employee about his/her sick absence should, wherever practically possible, always be confirmed in writing to the individual and a copy kept on file in a secure location. This will ensure that there is no confusion over what has taken place, and that an accurate record of events and advice/decisions is maintained for future reference. Managers are also responsible for keeping all self-certificates and medical certificates in a secure filing system. When an employee leaves his/her post these records should be sent to HR and will be placed on the employee's personal file.

11. Occupational sick pay

11.1 Entitlement to occupational sick pay is set out in the individual contract of employment.

11.2 The Council reserves the right to dismiss an employee before s/he has exhausted any outstanding entitlement to occupational sick pay.

12. Attendance management process

12.1 This section of the attendance management procedure sets out the steps to follow in dealing with sick absence so that employees are dealt with fairly and consistently and that a positive attendance culture is developed.

12.2 Where there is evidence of false sickness certification this should be investigated under the Disciplinary Procedure.

13. Return to work discussion

13.1 On the employee's first day back from any period of sick absence, or as soon as possible, the manager should meet or at least telephone the employee to discuss his/her sickness. Guidance on the return to work discussion and the self certification form to be completed by the employee (for absences shorter than 8 days) are provided in the Return to Work Form (appendix 4)

14. Employees covered by the Equality Act

14.1 Managers should consider reasonable adjustments where appropriate and at the same time manage disability related absence like any other absence – fairly, transparently and with reference to council policy. Where absence is attributable to disability, managers should conduct absence review meetings to discuss how reasonable adjustments are working, or where further changes need to be made to support the employee. Where absence or work performance due to disability is causing operational concerns, advice should be sought from Occupational Health. Further advice is given in the fact sheet on disability and the management of absence.

14.2 Advice is given in the Council's HIV/AIDS Awareness Guidance on how managers should support HIV positive employees and comply with Council policies and legislation.

15. Maternity related sick absence

15.1 Employees must not be discriminated against as a result of maternity related sickness. Maternity related sick absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave. There is also legal protection from detriment or dismissal in connection with pregnancy. It is advisable to consult Occupational Health if it is not clear whether the absence is related to maternity.

15.2 Although there is no right to paid time off for fertility treatment, it is Council policy to treat such requests to take time off sympathetically. Employees should discuss their need for time off with their manager in advance to allow for cover arrangements.

16. Stress and mental health issues

16.1 Where managers are concerned that an employee may have a mental health problem (for example when they seem depressed and withdrawn) it is important to talk to the employee and offer support. See Guidance for Managers about Mental Health (appendix 5) for advice and expert sources of help.

17. Attendance Concern Levels

17.1 Managers should hold an absence review meeting whenever an employee's sick absence level reaches the following attendance concern levels:

- 3 separate spells of absence in any six month period
- 10 or more days of absence in any six month period

17.2 For part time employees, the above levels should be applied pro-rata. A calculation table is provided here.

18. Absence Review Meeting – stage one of formal process

18.1 Managers should set up a meeting in a suitable place for a confidential discussion and give seven calendar days notice in writing of this meeting. A model letter is given at appendix 6, which should be sent to the employee with the Absence Review Meeting Guidance (appendix 7). The employee has the right to be represented at this meeting by a union representative or a work colleague. It is the employee's responsibility to arrange representation. However, prolonged delay due to the lack of availability of a representative should not be accepted as a reason for postponement. Management guidance on the absence review meeting is provided at appendix 8.

18.2. In addition to the discussion of actions planned to support an improvement in attendance, the employee will usually be advised that

- they are being given a first stage warning about their attendance;
- that this warning will be confirmed in writing;
- this marks the beginning of a formal rolling twelve month attendance management process;
- there is a right of appeal against the warning.

The employee should be informed that should their sick absence again reach the attendance concern levels during the twelve month period from the date of the written warning, a stage two absence review meeting will be held.

18.3 Managers have the discretion to decide that a warning is inappropriate or not required. For examples, see the management guidance. If no formal action is to be taken, this should be confirmed in writing to the individual within seven calendar days. However, if further absence causes the attendance concern levels to be reached, the manager will need to hold another meeting and will include within this discussion the absences previously reviewed. A stage one warning would be applicable at this subsequent meeting.

18.4 The stage one warning will expire after 12 months if attendance is satisfactory.

18.5 If there is further absence which means that attendance concern levels are again reached, the manager will need to call another meeting with the employee. The general principle is that for the purposes of calculating whether attendance concern levels have again been reached, absences for which a previous formal warning have been given should not be included.

Absence Review Meeting – stage two of formal procedure

19.1. The stage two absence review meeting will take the same format as a stage one meeting. The purpose of the meeting will be to review the effectiveness of any actions which have taken place to improve the employee's attendance, and to plan further actions which need to take place. If appropriate, a referral or follow up appointment should be arranged with Occupational Health. HR may attend this meeting where requested to do so by the manager. Unless there are clear reasons to withhold or delay the action, the employee should be advised that they will receive a stage two written warning and that should their attendance level prompt a stage three review, their continued employment will be at risk. This meeting should be followed up where required by a written warning within 7 calendar days of the meeting, which will include the right of appeal (see appendix 13). A model letter for a stage two warning is given at appendix 14. A copy of this letter should be sent to HR to be placed on the employee's file.

19.2. If the employee's attendance is satisfactory during the following twelve months, all warnings will elapse. However, if sick absence again reaches the Council attendance concern levels during that period, the procedures set out in paragraph 22 onwards should be followed.

20. Managing extended sick absences

- 20.1 During an employee's extended sick absence the manager must make every effort to maintain regular contact with the employee, for example at least once a month, arranging future contact as appropriate. This is to ensure that the employee does not feel isolated and unsupported, and to enable the manager to maintain an accurate picture of the employee's circumstances. The employee must keep management informed of progress, and submit medical certificates on time.
- 20.2 The manager should be proactive in seeking Occupational Health advice from the outset if it seems likely that the employee's absence may be extended.
- 20.3 If the absence appears to be a mental health related issue; i.e. stress (personal or work related), anxiety or depression, and the condition is likely to continue for more than 7 days, then referral to Occupational Health should be made immediately. This is because early specialist support has been shown to be very effective in managing these conditions.
- 20.4 For the same reason, if the absence appears to be due to a musculo-skeletal condition, referral to Occupational Health should be made after 14 days absence.
- 20.5 All extended absences must be referred to HR for advice by 28 days.
- 20.6 When employees return from an extended absence an absence review meeting and appropriate warning should be carried out as in paragraph 18.

21. Occupational Health referral

- 21.1 Where it is not clear that the employee will be able to return to work or to perform the same job within a reasonable and well-defined period, the manager should refer the employee to Occupational Health for a medical opinion. The manager should ask the employee to sign the Occupational Health Service Health Enquiry Referral Form plus the Occupational Health Service Informed Consent Form where Occupational Health needs permission to seek a report from the employee's own doctor/consultant. Where possible, the forms should be completed via a home visit, to keep in touch with the employee, understand his/her situation and enable any questions and concerns about the Occupational Health referral to be discussed. If the employee or manager prefers, an alternative venue for the meeting should be arranged
- 21.2 A model letter proposing a visit is at appendix 15. The employee may wish to ask their union representative or work colleague to attend the home visit/meeting place. Prior to any meeting the manager should contact the employee to explain its purpose. It is important that the manager keeps notes of the discussion and writes to the employee to confirm any actions arising from the meeting, such as appointments with Occupational Health.
- 21.3 If an absence is extended into a third month, a case review should take place between the manager and HR (and Occupational Health when practicable and appropriate). This review should consider progress and any actions which need to take place, for example Occupational Health writing to the employee's doctor or specialist for further information, or planning for reasonable adjustments to support a return to work.
- 21.3 If Occupational Health advice suggests that the employee is unlikely to be able to return to his/her existing job within a reasonable period, the manager should consider the need to hold a stage 3 capability hearing to consider redeployment or dismissal. Where redeployment is the

recommendation, the redeployment process can start prior to the hearing, with the active involvement of the employee, to maximise opportunities to find a job match.

21.4 If Occupational Health advises that the employee is unlikely to be able to return to their job or any similar role in the future, and where the employee is a pension fund member, options for ill health retirement may be considered. HR can advise on applying for ill health retirement.

21.5 If the Occupational Health report indicates that the employee will be fit to return to work within a reasonable period the manager should meet with the employee to discuss the recommendations made in the report including arrangements for his/her return to work.

21.6 If Occupational Health advises that the employee is not fully fit but that s/he should, for an interim period, return to work on reduced hours or reduced duties, the manager should wherever possible agree an appropriate temporary working arrangement or other adjustments. . It is advisable to confirm the arrangements and any end dates in writing.

21.7 If Occupational Health advises that the employee is not capable of returning to their post, but that s/he would be fit for other duties, the manager should ensure that a full report of the employee's occupational suitability is made and with the support of HR, should seek redeployment opportunities for the employee without delay. The employee should co-operate with this process. However, if no redeployment can be made within a reasonable period of search (not less than one month) then consideration should be given to holding a stage three capability hearing. Redeployment searches will continue while a hearing date is being arranged.

22. Action to be taken before a Stage Three Capability Hearing is held

22.1 Following a stage two warning, if sick absence again reaches the attendance concern levels, or as a result of an extended absence, it may be necessary to consider a stage 3 capability hearing, where both management and employee will be given the opportunity to state their case to a hearing manager. Before this hearing is convened, the manager should ensure that any relevant health enquiries and reports have been obtained from Occupational Health.

22.2 On receipt of the Occupational Health report, a meeting with the employee should take place to discuss the contents of that report. The key issue is the capability of the employee to attend work and to give regular service, and whether there is any evidence that sufficient improvement is likely. In the light of the contents of that report, and information which is put forward during the meeting, the manager should inform the employee if a stage three hearing is being convened in which their continued employment may be at risk.

22.3 Regardless of whether previous warnings have been given, if an employee's overall attendance record causes sufficient concern, consideration should be given to holding a stage three capability hearing. Advice should be sought from HR and Occupational Health. The employee should be advised that this option is being considered.

23. Stage Three Capability Hearing

23.1 The stage three hearing will take the form of a formal meeting between the employee, a senior manager of the department (the 'Hearing Manager'), the employee's management (the 'Presenting Manager'), and a representative from HR. The employee has the right to be accompanied at the meeting by their trade union representative or a companion who is a Brighton and Hove City Council employee. The manager must forward written notification of the time and date of the Hearing and a copy of the case papers to be presented by the Council to the employee and to their representative/companion by seven calendar days before the hearing.

23.2 Any papers the employee or his/her representative/companion wishes to present at the stage 3 hearing should be submitted to the hearing manager at least four days in advance of the hearing together with a list of any witnesses s/he intends to call.

23.3 Where the employee's chosen representative/companion cannot attend on the hearing date proposed, the employee can ask for an alternative time and date provided the key parties can attend on a date within a short time of the original date proposed by the Council.

23.4 At the stage three capability hearing, the presenting manager should:

- Outline the employee's absence record, including the assessment or advice from Occupational Health
- Specify the standards of attendance that were expected of the employee in relation to Council averages and concern levels
- Demonstrate the support and advice given towards improvement (where applicable)
- Outline any assistance or remedial action taken by the manager or the Council
- In cases where the employee's absence is related wholly or in part to a disability, set out how the Council has considered or made reasonable adjustments wherever practicable.
- Confirm that levels of attendance have not improved to an acceptable level.

23.5 The hearing manager will:

- Give the employee and/or their representative the opportunity to state their case and any information to be taken into consideration.
- Adjourn to consider the evidence presented by both sides.

23.6 At the end of the stage 3 hearing, the hearing manager has the opportunity to consider the following decisions:

- Dismissal of the employee on the grounds of a lack of capability to attend (whether this is related to frequent short absences, extended absence(s), reduced physical/mental capability or a combination of these factors)
- Dismissal of the employee on the grounds of a lack of capability unless an alternative redeployment suitable to his/her abilities can be identified within the period of notice.
- Dismissal on the grounds of permanent ill-health (where supported by medical certification)
- A final formal warning followed by a specified review period
- No dismissal or warning required, and recommendations for action.

23.7 The employee will be informed in person by the hearing manager of the outcome at the conclusion of the hearing. Exceptionally, the hearing manager may defer giving a decision for a short period if issues arise at the meeting requiring fuller investigation or consideration.

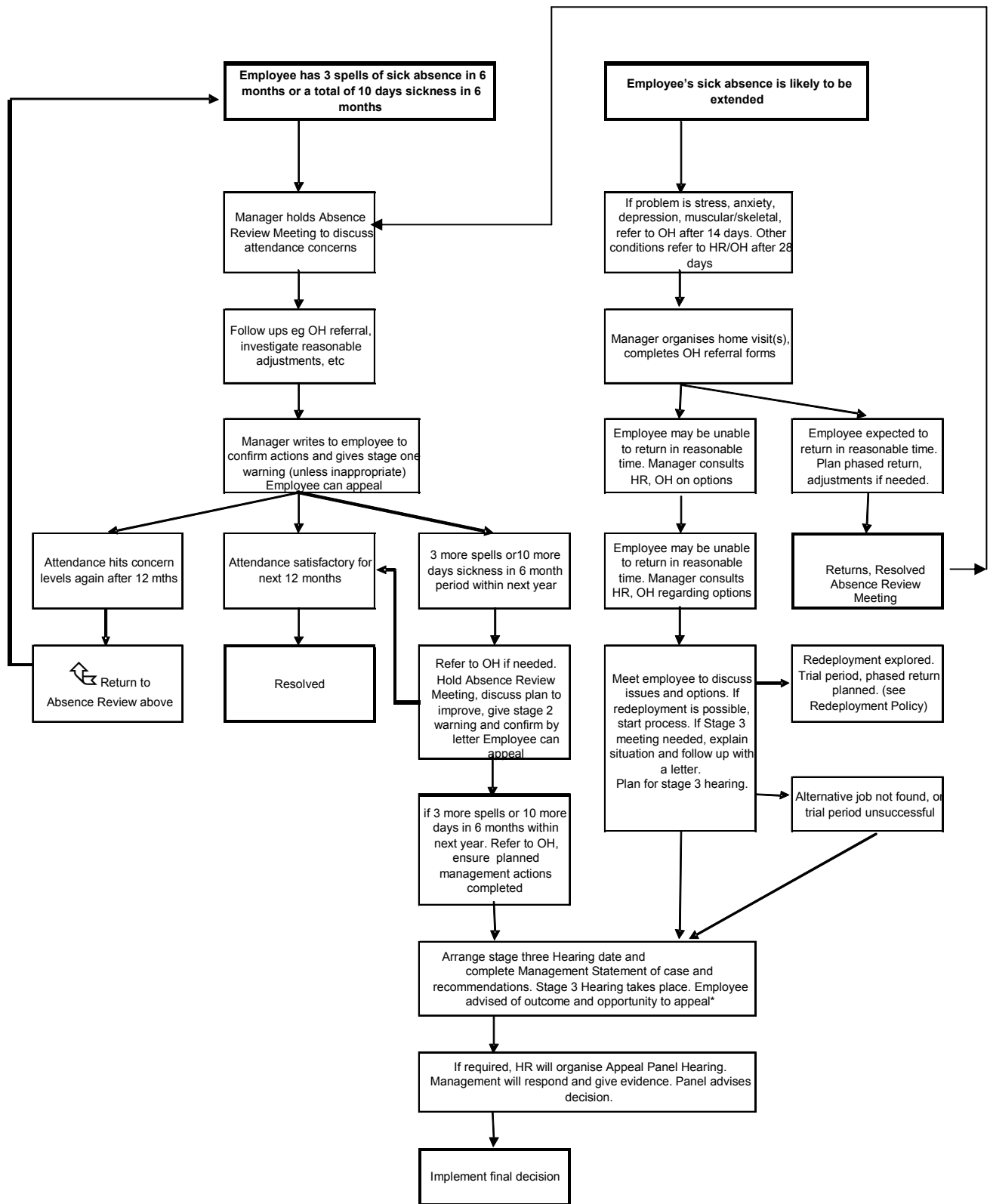
23.8 The hearing manager will send a letter giving written confirmation of the decision to the employee within seven calendar days of the conclusion of the hearing. A copy of this letter should be sent to the appropriate HR officer for the employee's personal file.

24. Appeals against dismissal

24.1 The employee may appeal against his/her dismissal to the Council's Dismissal Appeal Panel. The appeal must be made in writing, on the appeal form at appendix 12, and should clearly state the ground(s) for the appeal. The appeal form must be submitted to the Head of HR and OD within seven days of the employee receiving the written decision to dismiss him/her.

24.2 On receipt of the appeal form, the Head of HR and OD will arrange for the Council's Dismissal Appeal Panel to be convened as soon as reasonably practicable, to hear the appeal.

- 24.3 The appeal panel will consist of three Councillors drawn from a pool of Councillors allocated to sit on the Council's Dismissal Appeal Panel and an adviser from the Legal section and HR.
- 24.4 The parties will be given at least seven days' notice in writing of the date of the appeal hearing. The procedure which the panel will follow is at appendix 13.
- 24.5 A letter giving written confirmation of the decision of the Appeal Panel will be sent to the employee (copied to their representative) within seven days of the hearing being held.
- 24.6 A copy of the letter should be sent to HR for inclusion in the employee's personal file.
- 24.7 The Dismissal Appeal Panel is the final level of appeal within the Council.
- 24.8 A flowchart is included below to show the key steps of the Attendance Management Procedure.



Item 43 Appendix 2

Equalities Impact Assessment Publication Template

Name of review:	Sick Absence Management Procedure
Period of review:	December 2008 – December 2009
Date review signed off by DMT:	Signed off by Strategy & Governance DMT February 2010
Scope of the review:	To ensure good standards of practice in sick absence management and to bring about consistency in sick absence management across the council, including appropriate support for members of equality strands.
Review team:	Jane Tovell, Liz Boswell, (Policy and Projects team) Preeti Mehta (HR Systems and Information) Ken Simpson, People Centre Manager
Relevant data and research:	Staff Survey HR Workforce Data, both overall Council equality profile and recorded management activity on the sick absence management procedure Employment Tribunal cases HR Coaching and Advice casework log ACAS Code Employment and Equalities Legislation
Consultation: indicate who was consulted and how they were consulted	Diane Coe, Equalities and Inclusion Team HR Equalities Group Staff Forums Lynne Henshaw for GMB Sue Beatty for UNISON Individual members of Staff Forums responding to consultative questionnaire. Consultation was via invitations to comment from Staff Forum members and Unions, and discussion at HR Equalities Group
Assessment of impact	See below for impact assessment
Key follow-up actions:	See below for action plan

Item 43 Appendix 2

Name and contact details of lead officer responsible for follow-up action:	Liz Boswell, Policy and Projects Manager liz.boswell@brighton-hove.gov.uk Tel 01273 291307
For further information on the assessment contact:	Jane Tovell, Policy and Projects Adviser jane.tovell@brighton-hove.gov.uk Tel 01273 291580

Impact Assessment – Summary

Key findings are summarised below

1. There was incomplete data collection on the equalities fields of Team Spirit, the HR information system, which impacted on accurate analysis.
2. A higher proportion of BME employees and disabled employees were involved in attendance management activity compared with their level of representation within the workforce.
3. The data for absence management of women and older employees was also statistically higher than their representation.
4. Absence management activity for employees belonging to the LGBT group and employees of non-Christian faiths was slightly lower than their representation in the workforce.
5. Disabled employees raised concerns about recognition of hidden disability, the inappropriate nature of some trigger meetings, inconsistency in approach to supporting disabled workers, and the implementation of reasonable adjustments.
6. Input from the unions recommended better training, guidance and signposting for HR and line managers.
7. A more proactive approach to reasonable adjustments was needed.

Action Plan

Action	Time-scale	Lead officer	Review
1. Improve HR computer systems and manual processes to improve the quality of workforce data captured so as to enable the effective equalities monitoring of sickness absence cases	April 2010	Head of People Centre & Policy & Projects Manager	May 2012
2. Carry out a review of the impact of the Sickness Absence Procedure, guidance notes etc. in the light of the findings from this impact assessment, emphasising the need for consistent application.	Extensively redrafted October 2009	Policy & Projects Manager	May 2012
3. Review and implement a learning and	From	Head of Learning	As defined

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Action	Time-scale	Lead officer	Review
development package designed to improve the knowledge, skills and confidence of managers in dealing with diversity issues.	November 2009 – for June 2010	and Development	
4. Improve provision and management of reasonable adjustments to assist people at work via a working group led by Ali McManamon with membership of Disabled Workers Forum and unions.	Started July 2009 and ongoing	Head of Coaching & Advice	April 2010
5. Develop guidance on Reasonable Adjustments and review process	December 2010	Policy & Projects Adviser	Dec 2013
6. Encourage and monitor the uptake of line manager induction training	November 2009 and ongoing	HR Business Partners, Head of Learning & Development	April 2010
7. Explore the feasibility of introducing an e-learning package on HR policies and procedures	March 2010	Policy & Projects Manager	April 2011
8. Strengthen the effectiveness of implementing reasonable adjustments including corporate budget and centralised equipment loans	July 2009	Head of Coaching and Advice	April 2011
9. Train HR practitioners to improve knowledge of DDA and support and advice on disability	March 2010	Policy & Projects Manager	March 2011
10. HR Business Partners to raise any equalities issues with DMTs promptly, based on review of monitoring data	Quarterly	Sue Moorman	March 2011

Subject: Response to Consultation on the Code of Recommended Practice for Local Authority Publicity

Date of Meeting: 16 November 2010

Report of: Strategic Director, Resources

Contact Officer: Name: Oliver Dixon Tel: 29-1512
E-mail: oliver.dixon@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In September the Government consulted on a new Code of Recommended Practice on Local Authority Publicity to replace the existing Code, and invited comments from interested parties
- 1.2 This report sets out the background to the consultation, the principal elements of the proposed new Code, and the Council's response.

2. RECOMMENDATION:

- 2.1 That the Governance Committee notes the report, the consultation document (see Appendix 1) and the Council's response (see Appendix 2).

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The Government's stated reasons for consulting on a new Code of Recommended Practice on Local Authority Publicity are as follows:
 - (i) The Government's belief that existing rules on local authority publicity have resulted in taxpayers' money being wasted and the free press being undermined; and the Government's wish to see funds diverted away from local authority newspapers into frontline services.
 - (ii) The press should not face competition from a local authority publication passing itself off as a newspaper.
 - (iii) There is no need for local authorities to use professional lobbyists to get their point across to Government.
 - (iv) Good, effective publicity aimed at improving public awareness of a council's objectives is acceptable. The underlying objective of the new Code is to ensure proper use of public funds for publicity, and to provide guidance on content, dissemination and timing.
- 3.2 The proposed new Code (set out at the back of the consultation document – see Appendix 1) includes the following key provisions:

- (i) Local authority publicity should adhere to seven principles, the need to be:
 - lawful
 - cost effective
 - objective
 - even-handed
 - appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity
- (ii) Printed or web-based local authority newspapers:
 - (a) must not appear more frequently than once a quarter;
 - (b) must only include material that is directly related to the business, services or amenities of the authority or other local service providers;
 - (c) should be clearly marked as being published by the local authority.
- (iii) Local authorities should not incur expenditure on private lobbyists, nor have stalls at party conferences with the aim of lobbying Government.

3.3 Subject to the consultation, the Government intends by the end of November 2010 to lay before Parliament the revised code which will come into force once it is approved by both Houses of Parliament.

3.4 The Council's response to the consultation is reproduced at Appendix 2.

4. CONSULTATION

4.1 The Government's consultation period was 29 September to 10 November. As there was no scheduled meeting of the Governance Committee during that time, the Council's draft response was circulated to Group Leaders for comment, prior to submission.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The draft response outlines the potential financial impact of the Code of Recommended Practice on Local Authority Publicity. The elements of the proposed new code are being considered alongside proposals to improve value for money in communications activity throughout the Council.

Finance Officer Consulted: Anne Silley

Date: 02/11/10

Legal Implications:

5.2 Under section 4 of the Local Government Act 1986, the council must, in coming to any decision on publicity, have regard to any code of recommended practice issued by the Secretary of State (under that same section) as regards the content, style, distribution and cost of local authority publicity. The consultation relates to a revised code issued under this section 4.

- 5.3 Paragraphs 5 to 9 of the proposed new Code (set out at the back of the consultation document, at Appendix 1 of this report) detail the other legislation governing the use of publicity by local authorities.

Lawyer Consulted:

Oliver Dixon

Date: 26/10/10

Equalities Implications:

- 5.4 The council's response makes the Government aware that reducing the publication frequency of City News could make it harder for those without access to the internet to find out about council services and activities.

Sustainability Implications:

- 5.5 None arising directly from this report

Crime & Disorder Implications:

- 5.6 None arising directly from this report

Risk and Opportunity Management Implications:

- 5.7 If the Government confirms its proposal to restrict council newspapers to a quarterly publication, the council will need to consider alternative channels for publicising information about its services at more frequent intervals, consistent with the new Code.

Corporate / Citywide Implications:

- 5.8 The council will need to work within the bounds of the new Code in the methods it uses to inform local people about council services and to publicise opportunities to get involved in local governance.

SUPPORTING DOCUMENTATION

Appendices:

1. Consultation on Code of Recommended Practice on Local Authority Publicity
2. Council response to the consultation (to follow)

Documents In Members' Rooms

None

Background Documents

None



Code of Recommended Practice on Local Authority Publicity

Consultation



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Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 0303 444 0000
Website: www.communities.gov.uk

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Introduction

1. The Government is consulting on a new Code of Recommended Practice on Local Authority Publicity ('the proposed Code'), intended to replace the existing Codes for local authorities in England. A draft of the proposed Code is attached and your comments would be welcomed.

Why we are consulting

2. The Coalition Agreement, *Our Programme for Government*, contains the commitment that the Government 'will impose tougher rules to stop unfair competition by local authority newspapers'. The Secretary of State for Communities and Local Government has made it clear that the existing rules on local authority publicity have resulted in taxpayers' money being wasted and the free press being undermined. He would like to see less local authority resource being expended on local authority newspapers, with it being focused on frontline services instead.
3. The Secretary of State considers that, over time, commercial newspapers should expect less state advertising as more information is syndicated online for free, but at the same time the free press should not face competition from a local authority publication passing itself off as a newspaper.
4. In addition, the Secretary of State is concerned at the use of lobbyists by local authorities. The Secretary of State is clear that local authorities do not need lobbyists to get their point across to Government. If local politicians want to change the way Government operates, they can write or pick up the phone. In addition, councillors can campaign for change at a personal or party political level. There is no need for lobbyists.
5. Councillors lobbying Members of Parliament or Government Ministers is wholly legitimate. Meetings between politicians are matters of public record and where public bodies engage with Government there is transparency as these matters are subject to Freedom of Information Act requests. Lobbyists, as private organisations, are subject to none of these rules. Taxpayers' money should not be spent on lobbyists with no public accountability.
6. By the same measure, local authorities should not have stalls at party conferences with the aim of lobbying Government. It may be legitimate for a local authority to have a stall promoting a particular service, such as a conference centre, just as it would at a trade show. However, the Government considers that it is not an appropriate use of public funds for a council to have a stall at a conference with the aim of lobbying for, for instance, extra resource from central Government.

Local authority publicity

7. Effective communication is key to developing understanding of issues at a local level and in recent years local authorities have used local publicity not just to inform the public about council services but also to encourage greater participation. Good, effective publicity, aimed at improving public awareness of the councils' activities is quite acceptable.
8. However, publicity is a sensitive matter because of the impact it can have and because of the costs associated with it, which can be considerable. It is essential, therefore, to ensure that decisions about local authority publicity are properly made. The stated underlying objective of the proposed Code is to ensure the proper use of public funds for publicity but it also provides guidance on content, dissemination and timing.

What we are proposing

9. The Code of Recommended Practice on Local Authority Publicity is currently contained in two separate circulars, the original one from 1988 (Department of the Environment: Circular 20/88) being revised in 2001 (Department of the Environment, Transport and the Regions: Circular 06/2001) to update the rules for county councils, district councils and London borough councils in England.
10. The proposed new Code is a significant restructuring of the existing Codes, which are to be replaced. The guidance is now grouped into seven principles that require local authority publicity to be lawful, cost effective, objective, even-handed, appropriate, to have regard to equality and diversity, and be issued with care during periods of heightened sensitivity. The proposed Code is also a single instrument rather than two circulars each addressing different tiers of local government.
11. To give effect to the Government's commitment to stop unfair competition by local authority newspapers, the proposed Code will contain specific guidance on the frequency, content and appearance of local authority newspapers or magazines. They must not appear more frequently than once a quarter, must only include material that is directly related to the business, services or amenities of the authority or other local service providers and should be clearly marked as being published by the local authority. These provisions also extend to web-based editions of publications.
12. The provision relating to the prohibition on the use of lobbyists appears in the proposed Code as a consideration that the use of lobbyists is related to the use of publicity, in that it is one of the methods by which authorities might spend taxpayers' money to influence people one way or another in relation to political issues. It is therefore within the general ambit of the code of practice.

13. Comments are invited on the draft code. In particular:
- Do the seven principles of local authority publicity as laid down in the Code encompass the full scope of the guidance required by local authorities?
 - Do you believe that the proposed revised Code will impose sufficiently tough rules to stop unfair competition by local authority newspapers?
 - Does the proposed Code enable local authorities to provide their communities with the information local people need at any time?
 - Is the proposed Code sufficiently clear to ensure that any inappropriate use of lobbyists, or stalls at party conferences, is clearly ruled out?

Who we are consulting

14. We are consulting the Local Government Association and the National Association of Local Councils. This document is also available on the Communities and Local Government website (www.communities.gov.uk) and we will be drawing it to the attention of all principal councils in England. It is open to all to make representations on the proposed code, which will carefully be considered.

How to respond

15. Your response must be received by 10 November and may be sent by email to: publicitycode@communities.gsi.gov.uk

Responses may also be returned to:

Rosalind Kendler
Communities and Local Government
Zone 3/J1
Eland House
Bressenden Place
London SW1E 5DU

16. Please title your response 'Response to Publicity Code consultation'.
17. It would be helpful if you could make clear in your response whether you represent an organisation or group, and in what capacity you are responding.

What will happen to the responses

18. The Department will take account of the responses received to this consultation before decisions are taken on possible changes to the Publicity Code.

Publication of responses – confidentiality and data protection

19. Information provided in response to this consultation, including personal information, may be published, or disclosed in accordance with the access to information regimes. (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.)
20. If you want any of the information that you provide to be treated as confidential you should be aware that under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential.
21. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
22. The Department will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Circular xx/10
(Department for Communities and Local Government)

XX 2010

Code of Recommended Practice on Local Authority Publicity

1. I am directed by the Secretary of State to draw the attention of your authority to the annexed Code of Recommended Practice on Local Authority Publicity which the Secretary of State has issued under section 4 of the Local Government Act 1986 and which comes into force on 1st January 2011.
2. The Code has been prepared following a consultation [insert details and link to consultation document and response]. A draft of the code has been laid before and approved by a resolution of each House of Parliament.
3. From 1st January 2011, the Secretary of State withdraws, in relation to local authorities in England, the codes previously issued under section 4 of the 1986 Act contained in DoE Circular 20/88 and DETR Circular 06/2001.

P ROWSELL

a Senior Civil Servant in the Department for Communities and Local Government

THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to authorities which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to those categories of authority. References to “the Act” should be taken as meaning the Local Government Act 1986.
2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.

3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

4. Publicity by local authorities should:-
 - be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.
6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.
8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost effectiveness

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved.
11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is most appropriate.
12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.
13. The purchase of advertising space should not be used as a disguised method of subsidising voluntary, public or commercial organisations.
14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid being perceived by readers as constituting a political statement.
16. Local authorities should ensure that publicity relating to their own policies and proposals are not designed to be (or are not likely to be interpreted as) aimed at influencing the public's opinions about the policies of the authority. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.
17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.
18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to

section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present their views on local issues. This might be appropriate, for example, when one councillor has been the “face” of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear. Local authorities should ensure that publicity of the work done by individual members of the authority does not publicise solely the work of councillors holding executive positions, or who belong to the political group which controls the authority.
21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.
22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.
23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.

25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

26. Local authorities should not incur any expenditure in retaining the services of private specialists, contractors or consultants (“lobbyists”) with the intention of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
27. Local authorities should not incur expenditure to have stands or displays at conferences of political parties to issue publicity designed to influence members of political parties to take a particular view on any issue.
28. Local authorities should not publish newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsheets, they should not issue them more frequently than quarterly. They should not include material other than information for the public about the business, services and amenities of the council or other local service providers.
29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or any particular group for which services are provided.
30. Local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newspapers published by the local authority, should do this on the front page of the publication.

Equality and diversity

31. Publicity by local authorities may seek to influence (positively and in accordance with the relevant law) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this Code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.
35. Subject to any express provision in any enactment authorising the incurring of expenditure on the publication of any material designed to influence the public whether to support or oppose a question put at a referendum, local authorities should not issue any publicity which seeks to influence voters. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

Subject: Parliamentary Voting System and Constituencies Bill
– implications for the council

Date of Meeting: 16 November 2010

Report of: Strategic Director, Resources

Contact Officer: Name: Claire Wardle Tel: 29-1997
E-mail: claire.wardle@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Political reform is a headline theme in the Coalition's programme for government. Under that heading, the Government has introduced a Bill on electoral reform, which provides for the next General Election to be held under the Alternative Vote system, provided this change is endorsed in a referendum on 5 May 2011, and for the creation of fewer and more equal sized constituencies. Its name is the Parliamentary Voting System and Constituencies Bill and is sponsored by the Deputy Prime Minister.
- 1.2 Following Second Reading, and owing to its constitutional importance, the Bill was committed to a Committee of the whole House of Commons, enabling all MPs to scrutinise each clause. The Bill completed its passage through the Commons on 2 November 2010, and will proceed to the House of Lords for further consideration.
- 1.3 The proposed referendum date of 5 May 2011 coincides with polling day for local government elections in Brighton & Hove, which has implications for the council as it will be responsible for staging both events simultaneously. Further, the Bill is likely to bring about changes to the existing parliamentary constituencies covering Brighton & Hove.
- 1.4 This report considers these issues in more detail.

2. RECOMMENDATION:

- 2.1 That the Governance Committee notes the content and implications of the Parliamentary Voting System and Constituencies Bill.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 22 July 2010 the government introduced the Parliamentary Voting Systems and Constituencies Bill to Parliament. There are two elements to this Bill:

Part 1 proposes a UK wide referendum on whether the UK should move towards the alternative vote system for parliamentary elections. It is proposed that the referendum will take place on 5 May 2011, the same day as scheduled elections in other parts of the UK, including Brighton & Hove.

Part 2 proposes that the number of parliamentary constituencies in the UK be reduced from 650 to 600.

Part 1

- 3.2 There will be full Brighton & Hove City Council elections on 5 May 2011, as well as Parish elections in Rottingdean. If the referendum is held on the same day, there are a number of practical implications. Planning for the referendum is currently difficult, because the detail of the regulations is still being worked on and is subject to parliamentary debate.
- 3.3 It should be noted that the level of franchise will be different in the referendum to the local elections. At the referendum, British and Commonwealth citizens will be able to vote. At the local elections, the franchise is extended to include European Union citizens. This has a practical implication in terms of the printing of poll cards, ballot papers and polling station registers. The majority of electors will receive two ballot papers, but some will only receive one. In Rottingdean there could be three ballot papers.
- 3.4 It has, however, been confirmed that the referendum will be run on local authority boundaries, rather than parliamentary constituencies, and so there will not be the cross-boundary issues experienced at the recent General Election. The council's Returning Officer will be appointed the local counting officer to conduct the referendum, and there will be regional co-ordination, along the lines of the 2009 European elections.
- 3.5 The provisions for the combination of polls have been drafted and redrafted at the Commons Committee stage of the Bill. The new Schedules are lengthy and technically complex, and the Electoral Commission have stated that they will need further time to consider the Schedules, and to clarify the practical implications to Returning Officers and Counting Officers. In the meantime then, there are still questions about whether there will be separate polling stations, ballot boxes, poll cards, and postal votes, or whether we should combine these. Again, there could be logistical and capacity issues for printers. Administering different polls on the same day will undoubtedly be complex, and it is hoped that the rules will soon be confirmed and sufficiently clarified to enable us to make effective plans.
- 3.6 This will be the first UK wide referendum since 1975, so election staff and voters alike have little experience of referendums. The Electoral Commission has recently carried out some public research and found that the general understanding of different voting systems is relatively low. They have recommended that the wording of the referendum question be changed, so that it can be more easily understood. They have also committed to providing an

information booklet to voters explaining the different voting systems. Undoubtedly though, there will still be an element of voter confusion, so polling stations will need to be adequately staffed, and staff adequately briefed, to deal with questions from voters.

- 3.7 The timetabling for the counts is not yet clear. It is usual for national election counts to take precedence over local election counts. However, the Cabinet Office has indicated that it expects the local election counts to take place first on this occasion. The Electoral Commission will wish to co-ordinate the referendum counts, as it is the Chief Counting Officer's (Jenny Watson, Chair) duty to collate and announce the UK-wide referendum result.
- 3.8 The Returning Officer and his team will make every effort to meet the challenges of these polls. As with the recent General Election, the early development of a project plan will be key, and the plan and activities will be regularly monitored and reviewed. Risk management and contingency planning will also be crucial. Key election staff will also receive appropriate training, which can be cascaded to the rest of the team. Relationships already developed with other Returning Officers, and with professional bodies, will be maintained as a valuable support mechanism. The Returning Officer will also enlist the necessary support from across the organisation, including from Legal Services, Communications and Events management.
- 3.9 As one of the key issues in these combined polls is likely to be voter confusion, it is suggested that a telephone team be established to assist with common queries, so that office staff can concentrate on the more complex electoral administration.
- 3.10 The council will need to be mindful that the extra Electoral Commission publicity and national media interest in the referendum may mean that the local elections are sidelined. The council will need to provide sufficient information and publicity about the local elections to raise their profile.

Part 2

- 3.11 The proposals to reduce the number of parliamentary constituencies from 650 to 600 will also have an impact in Brighton & Hove. The government wants to create new constituencies of a more uniform electorate size, with a variance of only 5% from the electoral quota. The electoral quota will be determined by dividing the UK electorate by 568 (two constituencies in Scotland will be preserved).
- 3.12 This numerical principle will have priority over other issues, such as Geography, local ties and administrative boundaries. It is more likely that the new constituencies will cross local authority boundaries, and it is envisaged that constituency boundaries will even cut into local authority wards. It is difficult to co-ordinate elections across local authority boundaries and cross-boundaries are another cause of voter confusion.

- 3.13 The Bill proposes that parliamentary constituencies be reviewed frequently, every five years, with the first review to be completed by the Boundary Commission by October 2013. If the Bill is enacted, the first review will use electorate figures as at the publication of the register of electors on 1 December 2010 to calculate the electoral quota.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 There are likely to be cost implications if a referendum on the Alternative Vote system is held on the same day as local elections next May, in terms of staff training, contact centres, additional materials for the two separate polls, and separate counts. It is unclear at this stage how much of this will be funded by central government, but it is expected there will be some savings in combination compared to holding separate polls on different days.

Finance Officer Consulted: Mike Bentley

Date: 01/11/10

Legal Implications:

- 4.2 As noted in paragraph 3.2 above, the Bill is still before Parliament and the content liable to amendment. The following comments are therefore subject to the Bill as currently drafted receiving Royal Assent.
- 4.3 Where the date of the referendum coincides with the date of local authority elections (as it does for Brighton & Hove), clause 4 of the Bill requires the polls to be taken together.
- 4.4 Further, the council will be required to comply with the 'Referendum Rules', currently set out in Schedule 2 of the Bill. These comprise the operational arrangements for preparing for and conducting the poll, and for counting the votes.
- 4.5 The conduct of local authority elections is governed by The Local Elections (Principal Areas) (England and Wales) Rules 2006, made under section 36(2) of the Representation of the People Act 1983.
- 4.6 Council lawyers will monitor the progress of the Bill and will advise on any further legal implications arising.

Lawyer Consulted:

Oliver Dixon

Date: 26/10/10

Equalities Implications:

- 4.7 The project planning detailed in 3.8 above will include provisions for making the two polls as accessible and comprehensible as possible for all those eligible to vote. This will take account of any advice from the Electoral Commission as to the efficient administration of the dual polls.

Sustainability Implications:

- 4.8 Project planning will also consider sustainability issues regarding the procurement and use of materials need for the dual polls.

Crime & Disorder Implications:

- 4.9 The dual polls will be planned so as to minimise the risk of any disorder at polling places.

Risk and Opportunity Management Implications:

- 4.10 Effective planning should mitigate the risk of any significant problems occurring on polling day

Corporate / Citywide Implications:

- 4.11 Paragraph 3.8 above details the corporate support mechanisms which officers are putting in place to maximise the effectiveness of polling arrangements.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents In Members' Rooms

None

Background Documents

1. Latest version of Bill - <http://www.publications.parliament.uk/pa/cm201011/cmbills/098/11098.i-ii.html>
2. Explanatory notes to Bill - <http://www.publications.parliament.uk/pa/cm201011/cmbills/063/en/2011063-en.pdf>
3. Electoral Commission's position on the timing of the proposed referendum - http://www.electoralcommission.org.uk/_data/assets/pdf_file/0014/100661/Position-statement-Voting-at-different-polls-on-5-May-2011.pdf

GOVERNANCE COMMITTEE

Agenda Item 46

Brighton & Hove City Council

Subject: Decentralisation and Localism Bill – update

Date of Meeting: 16 November 2010

Report of: Strategic Director Resources

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 The Coalition Programme for Government and the Government Spending Review have set out a programme of significant public service reform. The Government's vision, as set out in its Programme for Government, is "to promote a radical devolution of power and greater financial autonomy to local government and community groups."
- 1.2 The Decentralisation and Localism Bill is anticipated to be the key piece of legislation that will deliver the proposed new freedoms and flexibilities for councils. It is expected to cover many areas of reform which will impact on the role and function of the Council. This report sets out an early indication of the main elements of the Bill.
- 1.3 The Bill is expected to be published by the end of November 2010. There is likely to be a period of consultation built into the timetable in order to reflect the significance of a number of the measures in the Bill. The Council will wish to respond to any consultation papers that are issued. These responses will be brought to Governance Committee for approval where the Government timetable allows.

2. RECOMMENDATION:

- 2.1 That the Governance Committee notes the report and requests officers to report back to the Committee once the draft Bill is published.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Decentralisation and Localism Bill was announced as part of the Queen's Speech in May 2010. The Bill is intended to devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions. Since May, there have been a number of announcements and commitments made in relation to local government reforms across different

areas of service. The Decentralisation and Localism Bill is the vehicle that will be used to take these forward.

- 3.2 The Bill has not yet been published but the indications are that this is going to be a significant piece of legislation covering many areas. For that reason it was considered useful to highlight some of those areas early to enable Members to consider the potential impact and opportunities arising from the Bill.

Main elements of the Bill

Reform of the planning system

- 3.3 The Bill will address the Government's stated aim of ensuring that the planning system both works for sustainable growth and is responsive to the needs of local communities. The proposals include:-
- Abolition of Regional Spatial Strategies, with regional planning powers being returned to local authorities;
 - Abolition of the Infrastructure Planning Commission and replacement with a democratically accountable system that provides a fast track process for major infrastructure projects;
 - Greater powers to neighbourhoods to determine the shape of the places in which their inhabitants live through the "Community Right to Build". This would enable local people to make decisions about how their local area should grow. In particular it would allow:-
 - communities to take forward developments for new homes, shops and facilities in their area
 - community organisations to go ahead with developments which have overwhelming community support, without the need for planning permission
- 3.4 Minimum criteria would need to be met and it would not be possible to use the proposed Right to Build to expand communities by more than 10 per cent in a 10-year period. Questions and answers on the Right to Build, issued by DCLG, are attached at Appendix One.

Housing

- 3.5 The Bill is also expected to reflect the Government's intention to make social housing "more responsive, flexible and fair" and to reform the financing system for council housing. It is anticipated that the Bill will:-
- Abolish the current housing subsidy system. Under this reform the centralised system of council housing finance will be abolished. Local authorities will be in charge of how they spend housing income and will be allowed to keep rents and receipts from sales. Councils will be required to take on some of the centrally held debt under this proposal;

- Create trusts that would make it simpler for communities to provide homes for local people;
- Introduce a “new homes bonus” from April 2011 to reward and incentivise councils to be supportive of housing growth. The bonus has been stated to be “equivalent to matching the additional council tax from every new home for each of the following six years”;
- Change tenancy allocations to fixed term deals rather than being granted automatically “for life” and remove the right to buy from new tenants who sign up to fixed, short-term tenancies;
- Reform the regulation of registered providers and private registered providers (housing associations) who will no longer be regulated by the Tenant Services Authority.

Council constitutions

- 3.6 Communities Minister Andrew Stunell has announced that “councils will be able to run themselves under a system that works best for their area, in consultation with local people”. This is likely to mean that councils may choose to continue using the executive model of governance or return to the committee system. There will also be provisions for referendums for elected Mayors in the twelve largest cities.
- 3.7 In Brighton & Hove, the current position is that the Council is required by law to operate a Cabinet system. In relation to Elected Mayors, the Local Government and Public Involvement in Health Act 2007 prevents authorities holding a referendum within ten years of the previous one. This means that the earliest a Mayoral referendum could be held in Brighton & Hove under current legislation would be 18th October 2011.

General power of competence

- 3.8 The Government has made a commitment to include in the Bill a general power of competence. This will be a power of first resort which will be wider than the “well being” power introduced under the Local Government Act 2000. The well being power was designed to enable councils to do anything to improve the environmental, social or economic well being of the area. However, the power has been interpreted restrictively by the Courts and this has led to concerns that Councils are prevented from taking initiatives through fear of being held to have acted *ultra vires*.
- 3.9 The lobby for a general power of competence has significantly increased following the Court’s decision in a landmark case involving the London Borough of Brent. In that case, the Court of Appeal ruled that Brent could not use the well being powers to set up, with others, a mutual insurance company (LAML) in response to a perceived lack of competition in the local authority insurance market. The councils estimated they could save between 15-20% on their

premiums and felt the arrangements would improve their risk management .The Court found that the London Borough of Brent Council had not identified sufficiently how the actions they had taken would be likely to promote the well-being of their area. In the aftermath of the Court of Appeal judgment councils were given specific powers to set up mutual insurance companies. These are contained in the Local Democracy, Economic Development and Construction Act 2009.

- 3.10 A power of general competence would mean that rather than having to look for, or create, an express statutory power to act, there would be a presumption that councils could do anything unless it was expressly prohibited. Supporters pushing for this change believe that it will create much greater certainty for councils and will therefore encourage innovation.

Other key proposals

- 3.11 Council Tax - the Government has consulted on provisions for referendums to veto excessive council tax increases and this will be taken forward in the Bill. The Governance Committee considered this issue at its meeting on 28th September 2010.
- 3.12 Climate change – the Bill will be used to amend the Climate Change Act 2008 to remove the powers that allow local authorities to pilot waste reduction schemes – including charging householders based on how much they throw away. The changes will also make it easier for Local Authorities to bring in schemes to reward people who produce less waste.
- 3.13 Standards Board for England – Communities Minister Andrew Stunell has indicated that serious misconduct by Councillors for personal gain will be treated as a criminal offence. Other offences are likely to be regulated by a Code and provision for the closure of the Standards Board for England will be set out in the Bill.

4. CONSULTATION

- 4.1 The Bill is expected to be published by the end of November 2010. Once the draft Bill is published, officers will prepare a full briefing for Members and bring any proposed responses to related consultation papers to Governance Committee, where the timetable allows

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The anticipated Decentralisation and Localism Bill is expected to have significant financial implications which will be considered, quantified and reported back after the Bill is published.

Finance Officer Consulted: Anne Silley

Date: 03/11/10

Legal Implications:

5.2 These are set out in the body of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 03/11/10

Equalities Implications:

5.3 There are no implications to note at this stage. When the draft Bill is published there will also be an Equalities Impact Assessment published which will be available publically and can be reported to Governance Committee together with the detail of the Bill.

Sustainability Implications:

5.4 None at this stage.

Crime & Disorder Implications:

5.5 None at this stage.

Risk and Opportunity Management Implications:

5.6 The Bill will have risk and opportunity management implications which will need to be considered in detail, and reported back to Governance Committee, once the Bill is published.

Corporate / Citywide Implications:

5.7 The Bill will have significant corporate and citywide implications which will need to be considered in detail once the Bill is published.

SUPPORTING DOCUMENTATION

Appendices:

1. DCLG Questions and Answers on the Community Right to Build

Documents In Members' Rooms

None

Background Documents

None

Community Right to Build - Q&A

General

Q: What is the Community Right to Build?

A: The Community Right to Build gives groups of local people the power to deliver the development that their local community wants, with minimal red tape.

Communities may wish to build new homes or new community amenities, and providing they can demonstrate overwhelming local support, the Community Right to Build will give Communities the powers to deliver this directly.

Q: Under what powers will the Community Right to Build be created?

A: We are introducing a Localism Bill which will pave the way for the creation of Community Right to Build. The Bill is at the heart of the Big Society and will transfer power from the centre to the local level.

Q: Where will Community Right to Build be used?

A: We see Community Right to Build as a means by which like-minded people come together with a shared vision of what they want to achieve in their community and how they can go about it. Initially we see this power getting off the ground more quickly in rural areas because communities there are much smaller and local people have a vast amount of shared knowledge about the immediate opportunities and challenges facing them.

Q: Who can use the Community Right to Build?

A: We believe that only people who live in an area should be able to use the Community Right to Build.

Q: Can property developers use the Community Right to Build?

A: We believe that only people who live in an area should be able to use the Community Right to Build. However, we envisage that communities should be free to use property developers, should they wish to do so.

Q: How would a community use the Community Right to Build?

A: In very broad terms this is how we anticipate a community would use the Community Right to Build:

1. It is likely that members of a community will come together and decide that they would like to take forward development in their community - be it homes, shops, businesses or facilities.
2. We anticipate that the community will need to set themselves up as a corporate entity.
3. Once established these community organisations will want to begin developing their projects. This will include engaging with their community in firming up ideas and in identifying local needs, discussing opportunities with land owners, engaging designers and identifying suitable project finance. They will also want to have some early discussions with developers and local authorities to identify development opportunities and obstacles to delivery.

4. Once a project proposal has been finalised and community buy-in has been secured and assuming that there are no other legal bars to the project, the community organisation will need to hold a referendum. We anticipate that the Local Authority will be able to do this on the community organisation's behalf.

5. Following a successful referendum we anticipate that the community organisation would submit their proposal to the local authority for checks for conformity with set criteria.

Size, type and location of development under the Community Right to Build

Q: Are there going to be any restrictions on a scheme?

A: Under the scheme, any community which wishes to benefit from development will be able to seek the Right to Build as long as they can demonstrate that they have met various minimum criteria to ensure development is sustainable and have the overwhelming support for the development through a referendum.

Q: What will the minimum criteria be?

Q: How will overdevelopment of an area be prevented?

A: That is yet to be decided. We want to create a framework that allows communities to deliver the development they want in their communities quickly and with the minimum bureaucracy that is necessary. We have some ideas for how this will work but we welcome views on how that framework will work.

Q: What is the maximum size of a development using the new right?

A: Our vision is that communities should have the freedom to develop housing and other facilities that they agree that they want, subject to minimum criteria to ensure the development is sustainable. However, we are proposing that in order to prevent overdevelopment, communities will be able to expand the size of the community by a maximum of 10 per cent over any 10 year period. We welcome views on this maximum.

Q: What kind of property can a community develop under the new right?

A: The type of property to be built will be for the community to decide. Communities might wish to build a mixture of market housing for sale, affordable housing for rent, sheltered housing for elderly local residents, or low cost starter homes for young local families struggling to get on the housing ladder. Or they might wish to build a new play ground for children.

Q: Can communities take forward other types of development?

A. As well as housing, the Community Right to Build will allow the community to provide other services for the benefit of local people. For instance, they might offer long-term low rent commercial accommodation for a village shop on a serviced tenancy, a community hall, or a sports facility.

Q: Where can the Community Right to Build be used?

Q: What about larger market towns?

A: The new right is likely to be most relevant to rural communities, where local people agree that more affordable homes or, for example a new village hall are needed. We are proposing to initially restrict the size of community that might use the right to build. However, we are considering all options at the moment and would appreciate views.

Q: Won't the new right lead to lots of small developments pepper potted across the countryside?

A: We want communities to deliver the homes and essential development that they want. The referendum is an essential element of this model - that the community must support the proposals. This means that development in locations that people think inappropriate, will not go ahead.

Q: What will be the role of the Local Authority?

A: Our vision is that communities should have the freedom to develop housing and other facilities that they agree that they want, subject to minimum criteria to ensure the development is sustainable.

We anticipate that local authorities will have a role in ensuring developments meet the minimum criteria, however the detail of how this will work is yet to be decided. We are looking to engage with our partners to ensure the framework is appropriate.

Q: What about Local Plan policy - in place to protect our community?

Q: What about national planning policy?

Q: What will the protections be for local wildlife and landscapes?

Q: What about greenbelt?

We want the Community Right to Build to provide genuine local democratic control over the delivery of new housing and facilities. For too long the planning system has failed to respond to community needs. We want to give communities the freedom to develop housing and other facilities that they agree that they want; subject to minimum criteria to ensure the development is sustainable. However the detail of how this will work is yet to be decided. We are looking to engage with our partners and others with an interest to ensure the framework is appropriate.

Community and referendums

Q: How is community defined?

A: Community could be defined in a number of ways. We're looking at the options for a simple way of defining a local community, and ensuring people can hold a fair and transparent referendum.

Q: What referendum result will be needed to get planning permission?

A: The precise criteria still need to be finalised but we envisage that communities will have to demonstrate strong local approval - with no more than a certain level of opposition in a formal community referendum. We are currently considering that this

level of opposition should be set at 10% of those who vote in the referendum. However, we welcome views on this.

Q: Who gets to vote in a referendum?

A: We think that the most reliable approach would be for a referendum to seek the votes of all residents of the community that are on the local government electoral register. This is a tried and tested route for real democracy. However, we recognise that some members of a community may not be entitled to register on the electoral register. We would welcome views on how these members of the community should be involved in the process.

Q: Will the majority wish prevail over the wishes of the minority?

A: These will be local referendums run for and on behalf of the local community. It will be up to interested citizens in the defined community to make sure that their voices are heard through the ballot box. Where it is decided through the democratic process that there is no overwhelming support for the specified development then a community will not be allowed to proceed with that development unless it holds further referendums to gain the necessary support or it reverts to going through the normal planning process.

Q: Isn't it easier for a community to file a planning application rather than hold a referendum? Isn't this imposing more restrictions, not less?

A: By holding a referendum, local communities will have a direct say on the homes they want built in their local area. The Community Right to Build will give communities the right to deliver the homes and development that they really want, irrespective of whether or not their proposals fits with their local council's plans. We intend to create a framework that allows communities to deliver the development they want in their communities quickly and with the minimum bureaucracy that is necessary. However, we must acknowledge that where a community's proposed development fits with a local authority's local development plan and other planning requirements, then the easiest route may well be to file a planning application.

Q: There is no way a local referendum will get 90% plus support for a development to go ahead - communities just don't work like that?

A: We would challenge this perception. People power is all about giving autonomy to individuals and trusting that with this responsibility the right decision will be made for the benefit of the community. We do not see local people shunning the chance to get involved in shaping their community when it is in their interests to do so and it is clearly explained to them why they should seize the moment.

Q: Who holds the referendum?

A: The key is to ensure fairness and transparency. We propose that local authorities carry out the referendum on behalf of the community organisation and recover these costs from them. We welcome views on this point.

Q: How much will it cost to hold a referendum?

A: Departmental officials are investigating the likely costs of holding a referendum. We will be seeking to keep these costs to a minimum, whilst ensuring the integrity of the result.

Q: How can a referendum held by local people with vested interests be trusted?

A: The key is to ensure fairness and transparency. We welcome views on how this should be achieved.

Funding & Business Model

Q: Where will communities get the land?

A: Communities have the opportunity to find their own sites that are most suitable for their needs.

Q: How will communities buy the land?

A: The community will need to negotiate with the landowner and reach an agreement.

Q: How much will it cost to carry out the Community Right to Build?

A: This will depend upon the nature and scale of the development and what it wants to achieve for the community. This flexibility means that local people could set up a community organisation appropriate in scale and cost to the local circumstances.

Q: What are the sources of funding?

A: We do not wish to be prescriptive as to how the Community Right to Build business model should be structured or funded. There are a broad range of financial resources available to developers and community groups and a community organisation should have the flexibility to source the finance most appropriate to achieving their objectives.

Q: Will Government be providing any funding to support communities using the Community Right to Build?

A: We cannot pre-empt the outcome of the spending review.

Q: Will Government be providing any support for communities using the Community Right to Build?

A: We are considering the scope for a collaborative resource which would allow communities to take advice and learn from the experiences of others and may include some supportive element. In terms of funding, We cannot pre-empt the outcome of the spending review.

Q: How will the introduction of the Community Right to Build make places better?

A: The responsibility for the outcome rests with the community. The fact that the local community have got together to form an organisation to take control of how their community can be improved for the benefit of that is democracy in

action at a very local level. The chance for members of the community to play a meaningful part in shaping their community is a golden opportunity to make it a better place.

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