



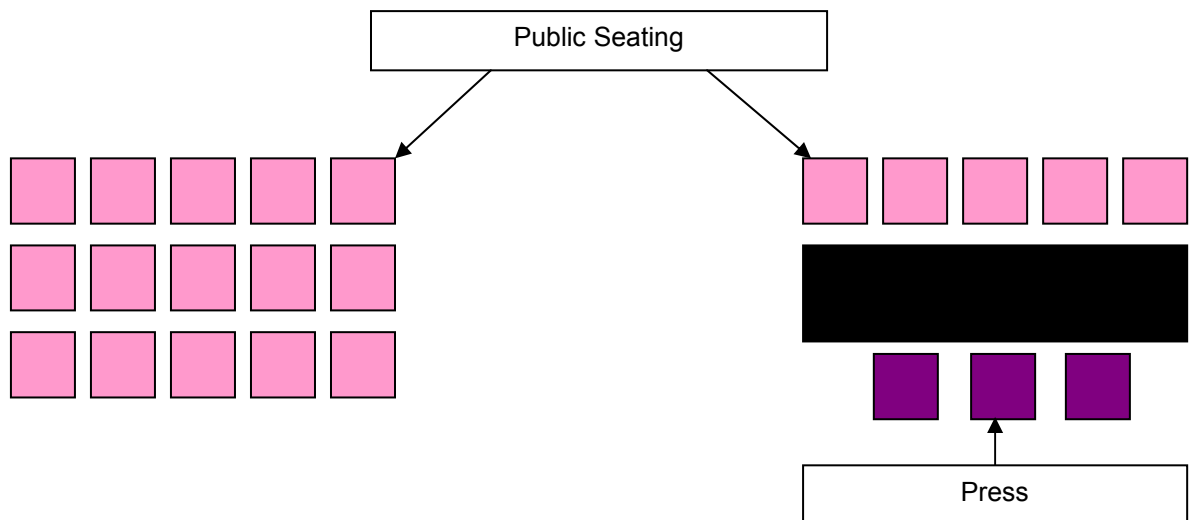
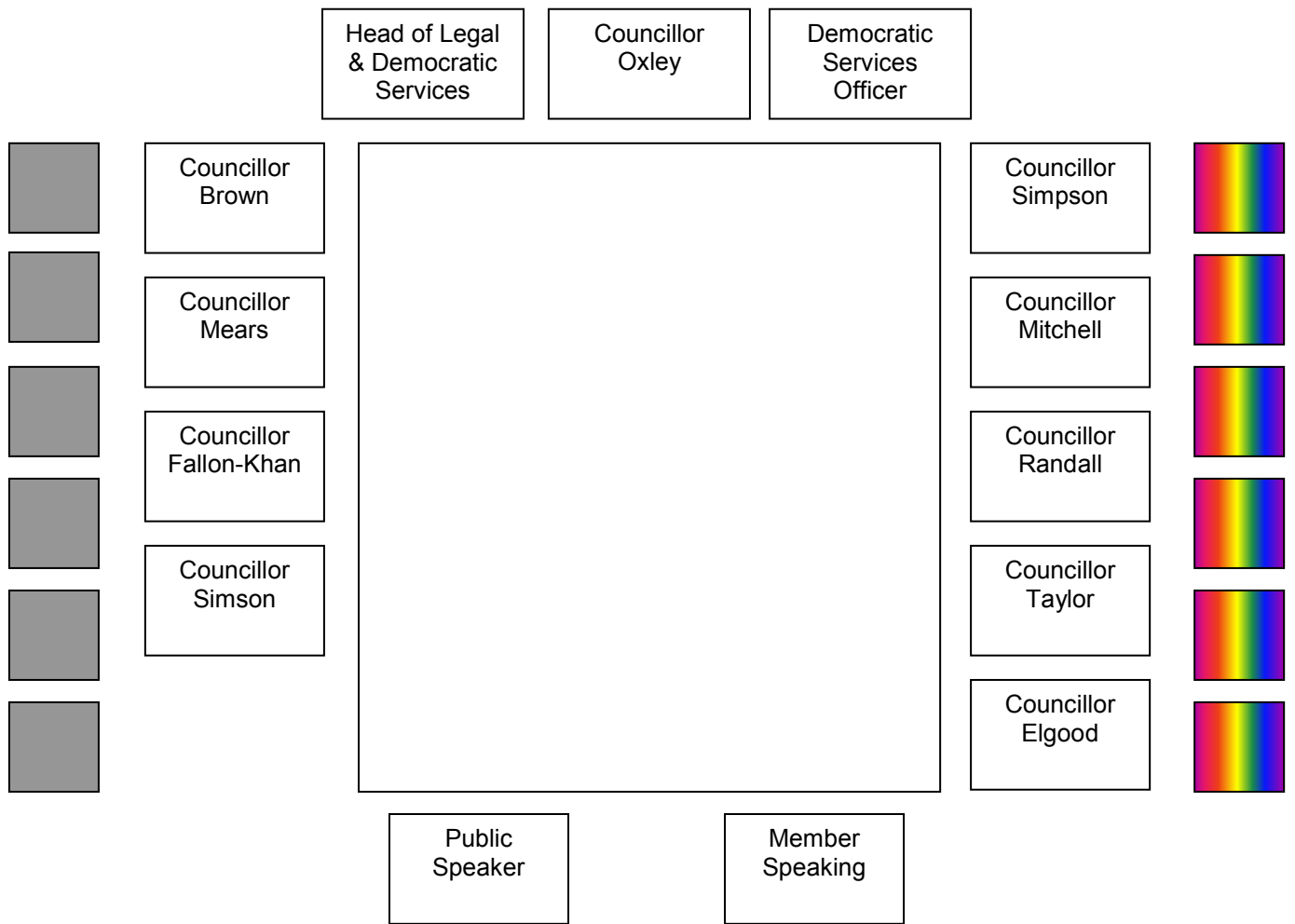
Brighton & Hove  
City Council

# Governance Committee

Title:	<b>Governance Committee</b>
Date:	<b>1 February 2011</b>
Time:	<b>4.00pm</b>
Venue	<b>Committee Room 3, Hove Town Hall</b>
Members:	<b>Councillors:</b> Oxley (Chairman), Simpson, Brown, Elgood, Fallon-Khan, Kitcat, Mears, Mitchell, Randall and Simson
Contact:	<b>Tanya Davies</b> Acting Democratic Services Manager 29-1227 tanya.davies@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

### 50. 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.*

### 51. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 16 November 2010 (copy attached).

### 52. CHAIRMAN'S COMMUNICATIONS

### 53. CALLOVER

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

### 54. PETITIONS

No petitions have been received.

### 55. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 25 January 2011)

No public questions received by date of publication.

## GOVERNANCE COMMITTEE

### 56. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 25 January 2011)

No deputations received by date of publication.

### 57. WRITTEN QUESTIONS, LETTERS AND NOTICES OF MOTION FROM COUNCILLORS 9 - 10

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

#### Letters from Councillors

(a) **Webcasting Protocol & Arrangements.** Letter from Councillor Kitcat (copy attached).

### 58. REVIEW OF MEMBERS' ALLOWANCES 11 - 22

Report of the Independent Remuneration Panel (copy attached).

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

### 59. POLLING DISTRICT AND POLLING PLACE REVIEW 23 - 54

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

Contact Officer: Paul Holloway Tel: 29-2005  
Ward Affected: All Wards

### 60. INDIVIDUAL ELECTORAL REGISTRATION 55 - 58

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

Contact Officer: Valerie Pearce Tel: 291850  
Ward Affected: All Wards

### 61. LOCALISM BILL 59 - 82

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

Contact Officer: Elizabeth Culbert Tel: 29-1515  
Ward Affected: All Wards

### 62. FUTURE OF OVERVIEW & SCRUTINY 83 - 90

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

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

### 63. CIVIC AWARENESS COMMISSION: UPDATE 91 - 94

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

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

## GOVERNANCE COMMITTEE

### 64. REVIEW OF MEETINGS TIMETABLE

95 - 108

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

Contact Officer: Mark Wall Tel: 29-1006

Ward Affected: All Wards

### 65. ATTENDANCE MANAGEMENT

109 - 114

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

Contact Officer: Charlotte Thomas Tel: 29-1290

Ward Affected: All Wards

## Part Two

Page

### PART TWO

### 66. PART TWO MINUTES OF THE PREVIOUS MEETING

115 - 116

Part Two Minutes of the meeting held on 16 November 2010 (copy attached).

### 67. EQUAL PAY (RESIDUAL ISSUES)

[Exempt Category 3 and 4]

Verbal update from the Head of Human Resources & Development.

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.

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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](mailto:tanya.davies@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Monday, 24 January 2011

# GOVERNANCE COMMITTEE

## Draft Work Plan for the Governance Committee

	<b>Agenda Item</b>	<b>Lead Officer</b>
	<b>Meeting 29 March 2011</b>	
	Chairman's communications	
1	Localism Bill	Elizabeth Culbert
2	Review of Officer Delegations	Abraham Ghebre-Ghiorghis
3	Equal Pay (Residual Issues) – Part Two	Charlotte Thomas
	<b>Meeting 12 July 2011</b>	
	Chairman's communications	
1	Petitions Scheme	Elizabeth Culbert
2		
3		
	<b>Future reports – dates to be decided</b>	
1	Byelaws – detailed report following publication of regulations	Oliver Dixon
2	Whistleblowing – progress update	
3	Attendance Management Procedure – update (Autumn/Winter 2011)	Charlotte Thomas
4	Future of Overview & Scrutiny	Tom Hook
5	Appointment of the Independent Remuneration Panel	Mark Wall

**BRIGHTON & HOVE CITY COUNCIL**

**GOVERNANCE COMMITTEE**

**4.00PM 16 NOVEMBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**PART ONE**

**35. PROCEDURAL BUSINESS**

**35a Declaration of Substitutes**

35a.1 There were none.

**35b Declarations of Interest**

35b.1 There were none.

**35c Exclusion of Press and Public**

35c.1 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential or exempt information (as detailed in Section 100A(3) of the Act).

35c.2 **RESOLVED** – That the press and public be excluded from the meeting during consideration of items 47 onwards.

**36. MINUTES OF THE PREVIOUS MEETING**

36.1 The Chairman reported that, since the previous meeting, he had met with the Consultation Manager in relation to assisting Saltdean Residents' Association with running an online survey about the potential administrative boundary review and the matter was being progressed.

- 36.2 **RESOLVED** – That the minutes of the meeting held on 28 September 2010 be approved as a correct record.

### **37. CHAIRMAN'S COMMUNICATIONS**

- 37.1 The Chairman reported that a portrait of Henry Allingham, suggested the Leader of the Council and pursued by the Civic Awareness Commission, had been unveiled in the reception area of Brighton Town Hall. He thanked all of those who supported the project and attended the unveiling on Armistice Day.
- 37.2 The Chairman advised that the council's Chief Executive attended a recent meeting of the Civic Awareness Commission and that its members now had a stronger sense of what it could achieve within the financial constraints and a sense of direction was emerging.
- 37.3 The Chairman congratulated the Democratic Services team for winning the award for the 'Most Improved Service' at the city's Public Service Awards.
- 37.4 The Chairman reported that the new electoral register would be published on 1 December and would be used for all elections from then until 30 November 2011. With local elections and a referendum on the voting system taking place in May 2011, it was important to note that it was still possible to register to vote after the new register was published under the rolling registration process; further guidance could be found on the council's website.

### **38. CALLOVER**

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

### **39. PETITIONS**

- 39.1 There were none.

### **40. PUBLIC QUESTIONS**

- 40.1 There were none.

### **41. DEPUTATIONS**

- 41.1 There were none.

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

- 42.1 There were none.

### **43. ATTENDANCE MANAGEMENT PROCEDURE**

- 43.1 The Committee considered a report of the Strategic Director, Resources concerning the revised procedure for the improved management of sickness absence within the council.



- 43.2 The Head of Human Resources & Organisational Development explained that the new procedure had been developed over two years and would replace and simplify existing procedures. Significant consultation had taken place with managers, trade unions and workers' forums within the council, in addition to benchmarking against other local authorities and organisations. The procedure aimed to be supportive, rather than disciplinary, and encourage early problem solving and consistency amongst managers across the whole organisation. Emphasis was also placed on appropriate training for managers to enable them to support staff and in particular to understand issues around staff with disabilities or long term health problems.
- 43.3 The Chairman noted that a further report would be brought to the Committee after 12 months following several months of operation of the new procedure.
- 43.4 Councillor Mears requested further clarity on when the procedure would be implemented and when the update report would be received. She requested that the benchmarking data be circulated to members of the Committee and that an additional report on sickness levels over the last five years be brought to a future meeting.
- 43.5 The Head of HR & OD agreed to circulate the benchmarking data and advised that training for managers was currently being arranged, after which the procedure would be implemented in line with the new HR payroll system, which would offer real-time data on sickness absence and alerts to managers; a report on progress would be most valuable after 12 months of operation.
- 43.6 The Chairman suggested that the Committee receive a progress report six months after the procedure has been implemented, which was likely to be in April 2011, and that a report on sickness levels over the last five years be brought to the next meeting.
- 43.7 In response to questions from Councillor Mitchell in relation to time off for medical appointments, the Head of HR & OD explained that the emphasis was on staff attending appointments during their own time, but that the procedure allowed for flexibility where this was not possible.
- 43.8 Councillor Randall welcomed the procedure and the aim of reducing the number of days of sickness through early intervention and support. He noted that different jobs across the organisation would have different pressures and supported Councillor Mears' request for more contextual information.
- 43.9 In response to a query from Councillor Randall in relation to the issuing of a written warning at stage one of the formal process following an Absence Review Meeting, the Head of HR & OD explained that the decision to make this a requirement was made in order to provide clear guidance to managers and achieve greater consistency across departments; it was hoped that managers would be able to use discretion in the future, but a more prescriptive approach would be taken in the first instance.

The trade unions were generally supportive of the new procedure and were particularly pleased with the inclusion of stipulations around making reasonable adjustments where appropriate.

43.10 In response to questions from Councillor Elgood, the Head of HR & OD explained that the reduction in the number of absence spells triggering an Absence Review Meeting was in line with data received from organisations successfully managing sickness absence and also followed the principal on early problem solving.

She also explained that the procedure did not include information on time off for staff when their children were unwell as this was covered by existing policies on special leave.

43.11 The Chairman requested that information on the special leave policy be circulated to members of the Committee along with further explanation of the wording used in the procedure to explain the requirement for managers to confirm all discussions with employees about sickness in writing, as requested by Councillor Simson.

43.12 The Chairman moved an amendment to the recommendations, which would provide greater clarity on timescales for implementation of the procedure and subsequent reports to the Committee.

43.13 Councillor Mears formally seconded the amendment and opposition Members confirmed their support for it.

43.14 The Chairman thanked the Deputy Chairman for engaging in valuable preliminary discussions about the report prior to the meeting.

43.15 **RESOLVED –**

(1) That the Committee approves the new Attendance Management Procedure.

(2) That the impact of the new procedure be monitored **and a report be presented to the Governance Committee six months** after implementation ~~and a report be presented to the Governance Committee in 12 months time.~~

(3) **That the procedure be implemented on 1 April 2011.**

(4) **That information on sickness levels in the last five years be reported to the Governance Committee in February 2011.**

#### **44. RESPONSE TO CONSULTATION ON THE CODE OF RECOMMENDED PRACTICE FOR LOCAL AUTHORITY PUBLICITY**

44.1 The Committee considered a report of the Strategic Director, Resources concerning the council's response to the government consultation on the Code of Recommended Practice for Local Authority Publicity.

44.2 The Senior Corporate Lawyer explained that the council's main area of concern with the proposed new Code was the stipulation that council's could not publish their own newspaper more frequently than once a quarter; City News was currently published once a month and the council was concerned about the effects of reducing the frequency, including the cost of paying for alternative advertising.

- 44.3 Councillor Kitcat stated that the council would have to consider whether City News met the requirement within the new Code for even-handedness, and that all of the many publications produced by the council met the requirements of the Code.
- 44.4 In response to a query from Councillor Kitcat in relation to the process of agreeing consultation responses when timescales did not fit with the dates of meetings, the Chairman advised that he always worked with opposition Members to achieve a consensus wherever possible and that previous responses and reports had been altered on the basis of comments received. He added that such items could also be taken through the Leaders' Group.
- 44.5 The Monitoring Officer explained that the council's constitution gave urgency powers to officers to act following consultation with the relevant Cabinet Member or Committee Chairman and there was no requirement to consult with opposition Members in such circumstances. Alternatively a special meeting of the Committee could have been convened.
- 44.6 Councillor Elgood thanked the Chairman for his consultative approach. He welcomed the requirement for even-handedness and stated that most readers relied on the printed version of City News rather than actively searching for it online and that it could easily be discarded as junk because it was delivered with a number of leaflets. He also asked why there was no Members' steering group for City News.
- 44.7 The Chairman reported that issue of accessibility and delivery would be considered as part of a forthcoming review of City News.
- 44.8 Councillor Mears confirmed that Administration did not sit on a steering group for City News and that it was reviewed by the Chief Executive prior to publication. She advised that the council had a responsibility to advertise statutory notices, but that the Argus' circulation had reduced and an alternative method was needed.
- 44.9 Councillor Randall stated that City News could play an important role if it was more even-handed and queried whether there was any evidence that people read the statutory notices. He also queried whether individual departments paid to advertise in City News.
- 44.10 The Monitoring Officer confirmed that departments were charged, but that cost less than using commercial newspapers. He confirmed that City News complied with all relevant statutory legislation, but that it was inevitable that some members would feature more frequently as a result of their respective portfolios.
- 44.11 The Chairman agreed to ask the Communications Team to provide any data that they may have on whether people read the statutory notices printed in City News.
- 44.12 **RESOLVED** – That the Governance Committee notes the report, the consultation document (see Appendix 1) and the Council's response (see Appendix 2).

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

- 45.1 The Committee considered a report of the Strategic Director, Resources concerning the implications of the Parliamentary Voting System and Constituencies Bill, which proposed a referendum on electoral reform and the creation of fewer and more equal sized constituencies.
- 45.2 The Head of Life Events explained that holding the referendum on the same day as the local elections presented some logistical issues for the Electoral Services Team and that it would be vital to provide the members of the public with clear information. He advised that the review of constituencies would take place by 2013 and that further information on both issues was expected and would be circulated.
- 45.3 Councillor Mitchell was concerned at the speed at which the Bill was going through Parliament and in particular highlighted worries over individual voter registration, which placed the onus on individuals to register or lose their vote, and the fact that there would be no right to appeal the forthcoming constituency boundary changes.
- 45.4 Councillor Mears stated that more detail on the proposals would be welcomed, particularly in relation to the referendum vote count. She reported that she had spoken with the Chief Executive to express a view that the vote count for the local election should take place during the night and not wait until the following day, and she hoped that opposition Members would also support this.
- 45.5 The Head of City Services gave a commitment to update Members on the points raised when further information was received from the Government. She added that that Electoral Services team would continue to provide the best possible service for councillors and members of the public, and that polling station staff would be sufficiently trained to offer assistance with both ballots.
- 45.6 Councillor Kitcat stated that dual elections could be problematic and that good preparation and publicity would be key. He advised that research had shown that vote counts were more likely to be accurate if conducted the next day and highlighted concerns that radical changes to constituency boundaries would break up natural communities.
- 45.7 The Chairman stated that it the responsibility of elected representatives to recognise the communities within their own wards, whatever the boundaries. He advised that political parties had a role to play in advising members of the public on the practicalities of voting.
- 45.8 Councillor Elgood noted that voters in Rottingdean had taken part in two ballots for a number of years without experiencing problems. He welcomed the referendum on the voting system and looked forward to the electorate's decision. He advised that natural boundaries were not easy to identify and it was, therefore, logical to have equal sized constituencies.

- 45.9 Councillor Simson advised that voters should not be underestimated and that polling staff were consistently well-trained. She highlighted concerns about the postal vote and the need for clear guidance.
- 45.10 Councillor Fallon-Khan wished to record his congratulations to the council's Business Rates Team, managed by the Head of City Services, for winning the award for 'Innovative Customer Service' at the Public Service Awards.
- 45.11 **RESOLVED** - That the Governance Committee notes the content and implications of the Parliamentary Voting System and Constituencies Bill.

#### **46. DECENTRALISATION AND LOCALISM BILL - UPDATE**

- 46.1 The Committee considered a report of the Strategic Director, Resources concerning Decentralisation and Localism Bill which was anticipated to deliver new freedoms and flexibilities for councils.
- 46.2 The Acting Assistant Head of Law noted that the Bill had not yet been published, but that it would almost certainly include reform of the planning system and housing subsidy system, as well as constitutional matters such as the opportunity for council's to return to the committee system of governance, and the abolition of the Standards Board. She advised that the most significant change from a legal perspective would be the 'general power of competence', which would allow councils to take any action unless it was strictly prohibited; this represented a major shift from the current approach, which meant that councils had to look for the authority to act.
- 46.3 Councillor Randall welcomed the general power of competence and the changes to the housing subsidy system, although he felt that the proposed new homes bonus would not make up for cuts to the housing allowance; the council needed to build new homes rather than subsidising the private sector. He also supported the community right to build in theory, but felt that it would not have the desired aims. He advised that he supported the overall aim of empowering communities, but felt that proposals in the Bill would instead create barriers to local decision-making.
- 46.4 Councillor Elgood welcomed the Bill, which he felt would bring important change. He stated that the general power of competence would give councils more freedom and that by removing ringfencing, communities would have a greater say in how money was spent. He also welcomed the abolition of the Standards Board, whose work could be undertaken by other bodies.
- 46.5 Councillor Mears stated that the proposals in the Bill would bring greater flexibility for councils and communities and that she looked forward to the full details. She welcomed the abolition of housing targets and advised that new council homes would be built in the city for the first time in many years.
- 46.6 The Deputy Chairman commented that the Bill would contain a wide range of proposals and that, while she welcomed reform of the housing subsidy system and the opportunity to return to the committee system, she had concerns about giving local communities the responsibility to determine neighbourhood planning applications without council

arbitration. She advised that she remained sceptical about the new homes bonus and its potential to incentivise councils to build new homes.

- 46.7 The Chairman welcomed the opportunity of the council to review its constitutional arrangements and confirmed that the Committee would consider a further report on the Bill in February 2011. He added that the new homes bonus had the potential to bring in a significant amount of money.
- 46.8 Councillor Fallon-Khan stated that the Bill would give local people powers to make decisions about the things that affected them and have a say in how city evolved.
- 46.9 **RESOLVED** - That the Governance Committee notes the report and requests officers to report back to the Committee once the draft Bill is published.

### **PART TWO SUMMARY**

#### **47. PART TWO MINUTES OF THE PREVIOUS MEETING**

- 47.1 **RESOLVED** – That the Part Two minutes of the meeting held on 28 September 2010 be approved as a correct record.

#### **48. EQUAL PAY (RESIDUAL ISSUES)**

- 48.1 The Committee received a verbal update from the Head of Human Resources and Organisational Development concerning residual issues in relation to equal pay.
- 48.2 **RESOLVED** – That the update be noted.

#### **49. PART TWO ITEMS**

- 49.1 The Committee considered whether or not any of the above items should remain exempt from disclosure to the press and public.
- 49.2 **RESOLVED** – That items 47 onwards, contained in Part Two of the agenda, remain exempt from disclosure to the press and public.

The meeting concluded at 5.53pm

Signed

Chairman

Dated this

day of

**Councillor Jason Kitcat**

Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

Cllr Brian Oxley  
Chair, Governance Committee  
Brighton & Hove City Council  
Kings House, Grand Avenue  
Hove BN3 2LS

**Date:** 17 January 2011

**Our Ref:** JK/

**Your Ref:**

Dear Cllr Oxley

**WEBCASTING PROTOCOL & ARRANGEMENTS**

I am writing to ask that the committee review the protocol and arrangements associated with the council's webcasting systems.

Specifically section 4.5 of the current webcasting protocol is excessively restrictive. As the findings of the First-Tier Tribunal (Local Government Standards in England) in my appeal of November 2010 state on para 71:

*A finding of a breach on the facts of this case would have been disproportionate and would effectively lead to discrimination against elected members by imposing restrictions on their use of certain publicly available Council resources which the general public would be under no obligation to observe, but without any objective justification for the discrimination.*

Since the date of the complaint from which this appeal arose, the webcasting protocol has been modified to create what the Tribunal judged to be unreasonable restrictions, namely that permission must be requested and certain uses forbidden, restricting Members' freedom of political expression.

Given the growing support for openness and transparency in government, I believe the protocol should be reviewed. I ask that, as the Leader of the Council has indicated a willingness to use the Open Government Licence, such a licence is used for council webcasts.

I am also aware that the Council's contract with webcast supplier Public-i restricts how the video captured may be used. Section 3.6 of Annex 7 from the contract renewal states in part:

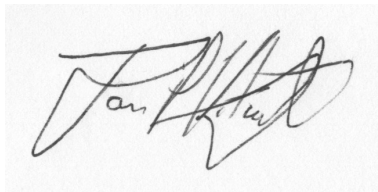
*You will not copy or reproduce the Content or the Webcast Data on to any other server or location for further reproduction without our prior consent, which will not be unreasonably withheld.*

Such a requirement would clearly prevent a Member from placing a clip on YouTube without having first sought permission from the supplier, Public-i. Again this would be deemed unreasonable by the Tribunal.

Thus the protocol and contractual arrangements should be reviewed so that elected Members and members of the public are free to use the tax-payer funded webcasts. Any abuse to misrepresent would be covered by existing laws including libel and should not be cause for adding restrictions.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jason Kitcat", is centered on a light gray rectangular background.

Councillor Jason Kitcat



**Subject:** Review of Members' Allowances  
**Date of Meeting:** 1 February 2011  
**Report of:** Independent Remuneration Panel  
**Contact Officer:** Name: Mark Wall Tel: 29-1006  
E-mail: mark.wall@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 At Full Council on 21 October 2010 the Independent Remuneration Panel's recommendations were noted and the existing Members' Allowances Scheme was retained for the payment of allowances in 2010/11.
- 1.2 It was noted also that the Panel would report to Full Council again in March 2011, in order that a decision could be made on an appropriate scheme for the payment of allowances in 2011/12.

#### 2. RECOMMENDATIONS:

- 2.1 That in view of the current economic climate the current Members' Allowances Scheme be retained and adopted for the 2011/12 municipal year, with effect from the 20 May 2011.
- 2.2 That the Panel's report be noted and a subsequent report be brought before this committee and Full Council later in 2011/12 when the outcome of the Localism Bill is known and further review has been undertaken.

#### 3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

- 3.1 In order to revise or maintain its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.
- 3.2 Since Full Council on 21 October 2010 the Panel has undertaken a short, sharp, focused review in direct response to concerns expressed on a number of aspects of the Panel's recommendations during the council debate These were as follows:
  - (a) New methodology for calculating the Leaders' Special Responsibility Allowances (SRA's);
  - (b) Proposed deletion of SRA's for Deputy Chairmen;

- (c) New allowances for Scrutiny Review Panel Chairmen;
- (d) Childcare package;
- (e) Entitlement to the Deputy Mayor's Allowance during periods of sickness/prolonged absence.

### 3.3 Leaders' Allowances

- 3.3.1 During its last review, the Panel felt that there was a need to recognise the level of responsibility for Leaders of opposition groups on an equal basis. It therefore sought to rationalise the level of allowance to take account of the percentage split of the Leader of the Council's level of responsibility and also have regard to the number of members in each respective group.
- 3.3.2 The Panel have considered at length whether these SRA's should be weighted in favour of *the number of councillors per group* or whether they should instead reflect *the roles of individual Group Leaders* who collectively play an active part in the good governance of the Authority as this interpretation is key to the way the allowances are set.
- 3.3.3 The Panel have also looked at other Members' Allowances Schemes, spoken to Panel Advisers and experts and held discussions with relevant officers before reaffirming their view that at Brighton & Hove the Group Leaders' allowances should include a supplement to reflect the size of their Group.
- 3.3.4 The Panel are mindful that this matter should be given further consideration and wish to consider the methodology for calculating the Leaders' Allowances again in their next review.

### 3.4 Deputy Chairmen

- 3.4.1 Some of the Group Leaders have made it clear to the Panel that they disagree with the proposals to abolish the payment of a Special Responsibility Allowance for Deputy Chairmen of the Overview & Scrutiny and Regulatory Committees. The Panel have looked to the 36 local authorities used throughout the 2008-10 review to see what changes if any have taken place. The Panel have also spoken directly with recognised experts on Members' Allowances and continue to be of the view that in the absence of clear evidence to the contrary, the Deputy Chairmen have no "significant" additional responsibilities over and above those of backbench councillors and that "waiting in the wings" is not sufficient reason for making such a payment.
- 3.4.2 The Panel are aware of the view that the role of Deputy Chairman is regarded as a means of training for a future role as a Chairman; however they do not regard this as sufficient criteria to qualify for the payment of an additional responsibility allowance.
- 3.4.3 The Panel feel that it is important for detailed evidence of actual workloads to be provided and preferably matched to individual role profiles to support a transparent scheme in which *significant* responsibility can be recognised.

### 3.5 Review Panel Chairmen

3.5.1 The Panel are mindful that proposals are being developed to change the Overview & Scrutiny set up and process, which will need to be considered as part of their next review of members' allowances. As a consequence the panel has accepted the view that an SRA attributed to the position of a Scrutiny Review Panel Chairmen may well be redundant.

### 3.6 Child care package

3.6.1 The Panel were concerned to learn that councillors eligible to claim child care costs felt that the proposed package was disappointing. The Panel sought to identify those concerns having regard also to latest local authority schemes and examples of best practice. In addition the Panel has recently consulted the District Auditor and relevant experts in the fields of child care and councillors' allowances both locally and nationally.

3.6.2 The Panel have set out below each of the comments that have been put before them and their responses to each of them:

- (a) **Councillors have made it known to us that their preference would be for a lump-sum child care allowance which they feel would give them greater flexibility in their choice of child care provision.** Under this type of system the claimant would generally need to retain some sort of record to prove that the lump sum had been spent in accordance with the rules of the scheme. Any audit of the spend, could only take place retrospectively and invalid payments under the scheme could only be detected after the payment had been made to a third party.

For this reason and to ensure openness, transparency and accountability, the Panel remain of the view that an expenses-based scheme should be retained for the reimbursement of care costs and supports the view of the District Auditor in his comment - "*from an audit perspective a receipted expenses system, where amounts are reclaimed after they are paid by the claimant, will generally offer a greater level of assurance than a scheme where a lump sum is paid in advance*". However, we realise that a number of factors must be considered if such a scheme is to be effective and we are working to address these.

- (b) **Councillors tell us that their changing roles mean that the percentage of time they spend on non-approved duties has increased dramatically over the past few years,** a fact that we were also aware of from the report of the Councillors' Commission "Representing the Future".

We recognise that this is a real issue and that a significant amount of time may be spent by councillors on ward and other non-approved duties, particularly for those in backbench positions. However, we consider that the criteria for determining an approved duty must be a matter for the council itself to decide.

- (c) **Councillors have criticised the At Home Childcare Scheme and other childcare provision because they feel that the ad hoc nature of their council role means reliance on a range of different carers to meet their needs and they feel this is not a suitable arrangement for their children.**

We agree with this view but feel confident that the At Home Childcare Scheme will meet their needs and we have suggested an informal meeting between Early Years officers and councillor parents to discuss the facilities and services available to meet their individual caring needs.

- (d) **We have been asked to consider the provision of maternity/ paternity pay and maternity/paternity leave for councillors** and as this is a specialist area, we have consulted with relevant officers at the Local Government Information Unit (LGIU) to obtain the best possible advice.

We understand that it is generally the role of an *employer* to provide maternity pay to their *paid employees* and generally therefore elected members do not fit into this category. However, for those in full time positions such as the Leader of the Council, maternity pay may be applicable. We recognise that this ruling does exclude backbench councillors and a number of others receiving SRAs but recommend that individual councillors seek this benefit from their employer should this be appropriate. All paternity benefits only apply to *paid employees* and these are not the responsibility of the city council.

In practice, time-off for maternity and paternity purposes is deemed to be “*employment leave*” and again, this cannot be applied to elected councillors. In addition, in this and all other local authorities it is a legal requirement that every elected member attends at least one meeting of the authority every six months and the Panel understand this ruling should not be broken for parental leave such as this.

However, whilst councillors joining the authority agree to abide by these rules and sign their acceptance of office and Code of Conduct documents to this effect, we feel that councillors should provide appropriate support in their councillor role.

### 3.7 Deputy Mayor’s Allowance

- 3.7.1 The Panel are mindful that the level and payment of the Deputy Mayor’s allowance do not fall under their remit. However, having previously been asked to review the level of allowances, which are paid in recognition of the duties undertaken by the Deputy Mayor, the Panel felt that the current scheme should take into account circumstances where those duties had to be covered by former mayors due to the Deputy Mayor being unable to fulfil that role for a period of time.

### 3.8 **Number of SRA's**

- 3.8.1 The Panel is mindful that the council is currently paying 33 of the 36 Special Responsibility Allowances in the scheme and that this remains significantly above the 50% guidance set down in the regulations as an indicator of good practice. The Panel's previous recommendations had sought to address this and it is intended to revisit the matter in the next review.

## 4. **CONSULTATION**

- 4.1 The Panel has consulted a number of local and national experts in Members' Allowances, childcare and councillors' benefits in order to reassess the recommendations put before Full Council and whether these are sound. We have also contacted the District Auditor for an auditor's perspective on certain allowances. (A list of those consulted is shown in Appendix 3 to this report.)
- 4.2 The recommendations of the Independent Remuneration Panel are being reported to the Governance Committee where all party groups are represented, before being submitted to Full Council on 24 March 2011.

## 5. **FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Subject to agreement at Council on 3 March the Members' Allowances revenue budget for 2011/12 has been set at £1,064,900 assuming the current level of take up of the superannuation scheme.
- 5.2 Whilst taking this into account, the cost of the current scheme is £1,046,820 including superannuation and national insurance costs at 18% based on current take up. This can be accommodated within the budget for 2011/12.
- 5.3 As a result an estimated £18,080 would be available to fund any additional take up of the local authority pension scheme or support other members' budgets.
- 5.4 The Members' Allowances Budget has previously resulted in an underspend because of the lower take-up in the local authority pension scheme. If there was a significant change in take up rate this could lead to a budget pressure. This is considered to be a low risk.

*Finance Officer Consulted: Anne Silley*

*Date: 07/01/11*

### Legal Implications:

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

*Lawyer Consulted:*

*Abraham Ghebre-Ghiorghis*

*Date: 07/01/11*

Equalities Implications:

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

Sustainability Implications:

- 5.10 None arising directly from this report

Crime & Disorder Implications:

- 5.11 None arising directly from this report.

Risk and Opportunity Management Implications:

- 5.12 None arising directly from this report.

Corporate / Citywide Implications:

- 5.13 None arising directly from this report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. SRA's for Deputy Chairmen of Regulatory and Overview & Scrutiny Committees
2. SRA's for Council Leaders
3. Consultation and comparison

### **Documents in Members' Rooms**

None

### **Background Documents:**

None

## Deputy Chairmen of Overview Scrutiny and Regulatory Committees

	Council	Overview & Scrutiny	Audit	Governance	Audit & Governance	Licensing	Planning
<b>Metropolitan Authorities</b>							
1	Birmingham						
2	Liverpool						
3	Manchester					3,358.00	3,358.00
4	Newcastle	2,178.00	2,178.00	2,178.00		2,178.00	2,178.00
5	Sunderland	4,184.00			6,033.00		
	<b>Brighton &amp; Hove</b>	<b>2,156.00</b>	<b>2,156.00</b>	<b>2,156.00</b>		<b>2,156.00</b>	<b>7,188.00</b>
<b>Unitary Authorities</b>							
6	Bath & NE Somerset						
7	Bristol						
8	Cardiff					4,024.00	8,048.00
9	Isle of Wight						1,580.00
10	Nottingham						
11	Portsmouth						
12	Southampton						
	<b>Brighton &amp; Hove</b>	<b>2,156.00</b>	<b>2,156.00</b>	<b>2,156.00</b>		<b>2,156.00</b>	<b>7,188.00</b>
<b>London Boroughs</b>							
13	Camden						
14	Croydon	10,522.00					
15	Hammersmith & Fulham						
16	Lambeth						5,556.00
17	Merton						
18	Richmond Upon Thames	600.00		600.00			2,562.50
19	Southwark	2,771.00					
20	Wandsworth	5,275.00					5,275.00
21	Westminster					1,275.00	1,275.00
	<b>Brighton &amp; Hove</b>	<b>2,156.00</b>	<b>2,156.00</b>	<b>2,156.00</b>		<b>2,156.00</b>	<b>7,188.00</b>
<b>County Councils</b>							
22	East Sussex						
23	Hampshire	2,901.00	1,449.00				2,865.00
24	Kent						
25	Surrey	3,000.00	3,000.00	3,000.00			3,000.00
26	West Sussex						
	<b>Brighton &amp; Hove</b>	<b>2,156.00</b>	<b>2,156.00</b>	<b>2,156.00</b>		<b>2,156.00</b>	<b>7,188.00</b>

Number of authorities paying an SRA

9/26

3/26

3/26

1/26

4/26

10/26





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	<b>Council</b>	<b>Leader of the Council's SRA</b>
		<b>£</b>
1	Birmingham	55,947.00
2	Wandsworth	51,191.00
3	Westminster	42,000.00
4	Southend	41,630.84
5	Cardiff	41,239.00
6	Croydon	40,355.00
7	Manchester	39,558.00
8	Lambeth	38,193.00
9	Bristol	37,366.00
10	Sunderland	36,201.00
11	Nottingham	34,399.74
12	Calderdale	31,362.00
13	West Sussex	30,744.00
14	Bath & North East Somerset	30,213.00
15	Plymouth	30,131.76
16	Richmond upon Thames	30,000.00
17	Hampshire	29,051.16
<b>18</b>	<b>Brighton &amp; Hove</b>	<b>28,758.00</b>
19	Camden	28,716.00
20	Sefton	25,560.00
21	Isle of Wight	23,709.00
22	East Sussex	23,616.00
23	York	23,520.00
24	Southampton	22,183.74
25	Blackpool	20,998.15
26	Liverpool	20,980.14
27	Bournemouth	18,581.20
28	Portsmouth	18,178.00
29	Newcastle-upon-Tyne	17,420.00
30	Torbay - Elected Mayor	-



**Those consulted as part of the Independent Remuneration Panel's Review  
October 2010 – January 2011**

Simon Mathers,  
Audit Manager, Audit Commission

Dame Jane Roberts,  
Former Chair of the Councillors' Commission and  
Former Leader of London Borough of Camden

Graham Russell,  
Independent Local Government Adviser

Local Government Information Unit (LGIU)

Family Information Service, Brighton & Hove City Council

**Brighton & Hove City Council's Audit Commission Family Tree**

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

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

**Other Local Authorities used for comparison**

Metropolitan Authorities:

Birmingham  
Liverpool  
Manchester  
Newcastle  
Sunderland

County Councils:

East Sussex  
Hampshire  
Kent  
Surrey  
West Sussex

Unitary Authorities:

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

London Boroughs:

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



**Subject:** Polling District and Polling Place Review  
**Date of Meeting:** 1 February 2011  
**Report of:** Strategic Director, Resources  
**Contact Officer:** Name: Paul Holloway Tel: 29-2005  
E-mail: paul.holloway@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report deals with a review of the polling districts and polling places provided for elections that take place within the City of Brighton & Hove. The Electoral Administration Act 2006 introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every four years. The second full review therefore needs to be completed by the end of 2011.
- 1.2 A public consultation was launched on 25 October and ended on 31 December 2010, inviting views on the current pattern of polling districts and polling places. This report addresses the issues raised in the responses and makes recommendations for revised polling arrangements to be implemented as from 1 March 2011.
- 1.3 The principles underlying the council's approach to polling districts and polling places are:
  - (a) To retain the current network of polling places and polling districts as far as possible, to minimise disruption to voters.
  - (b) To try and identify new polling places in areas where the existing provision is inadequate.
  - (c) To ensure, as far as practicable, that polling places are accessible to people with disabilities.
  - (d) To ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances.
  - (e) To try and minimise disruption to schools.

#### 2. RECOMMENDATION:

- 2.1 That the Governance Committee approves the following:
  - (i) That the proposals for polling districts and places be as outlined in Appendix 1 to this report and any further suggested amendments that may be proposed. In particular that:

- (a) the polling station for CV, Moulsecoomb & Bevendean Ward, be changed from Bevendean Primary School to the Church Hall, Norwich Drive.
  - (b) that Hertford Infant School be retained as the polling station for GZ, Hollingdean & Stanmer Ward, in the absence of any support for changing this polling station.
  - (c) that the polling arrangements within Patcham Ward remain unchanged, following a wider consultation.
  - (d) that the temporary building (portacabin) be retained as the polling station for JW, Preston Park Ward, in the absence of any support for changing this polling station.
  - (e) that the Friends Centre, Brighton Junction, Stroudley Road, be designated as the polling station for KS, St Peter's & North Laine Ward, as an alternative to St Bartholomew's CE Primary School.
  - (f) that the Aldrington Recreation Ground Pavilion, Wish Road, be retained as the polling station for SX, Wish Ward, in the absence of alternatives.
- (ii) That the Electoral Services Manager, on behalf of the Returning Officer and Electoral Registration Officer, be authorised to take the measures, as required by law, to bring the changes into effect.
  - (iii) That in the event that any recommendations cannot be implemented in time for the City Council elections on 5 May 2011, any outstanding issues be resolved by the publication of the electoral register on 1 December 2011.
  - (iv) That the Committee delegates to the Returning Officer (the Chief Executive), following consultation with the Group Leaders and respective ward councillors, the designation of alternative polling places in the event of any polling place not being available at any particular election.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Under the Representation of the People Act 1983, the Council has a duty to divide its area into polling districts and to designate a polling place for each district for UK Parliamentary elections. It also has to keep these arrangements under review. The arrangements made for parliamentary elections are also used at other elections.
- 3.2 The Electoral Administration Act 2006 introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every four years. The second full review therefore needs to be completed by the end of 2011. It has been decided that as there will be whole City Council elections in May 2011, that the review should take place by the early part of the year.

3.3 The existing Brighton & Hove City Council ward boundaries, and the parliamentary constituency boundaries, are not part of this review, although they will be reviewed periodically in future by the relevant Boundary Committee.

#### **4. CONSULTATION**

4.1 The consultation period for this review ran for 10 weeks from 25 October to 31 December 2011. Public notice of the review was given, and information about the review made available on the Council's website and on the Council's consultation portal. Any elector in the Brighton Kemptown, Brighton Pavilion and Hove constituencies was entitled to make representations.

4.2 The consultation paper, together with maps of each ward showing the polling district boundaries, can still be viewed on the Council's website at <http://www.brighton-hove.gov.uk/index.cfm?request=c1235114>.

4.3 The consultation paper was also sent to councillors, Members of Parliament, local political parties, the current polling station contacts and other interested groups or persons, including those who have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

4.4 Few suggestions for change have been received, and the responses to the consultation are summarised in Appendix 2.

#### **Appeal to the Electoral Commission**

4.5 Although the Electoral Commission has no role in the review process itself, it can consider comments if people do not think that the review has met the reasonable requirements of electors or taken sufficient account of the needs of disabled electors.

4.6 The following people can make representations to the Electoral Commission:

- 30 or more registered electors
- any person who made comments during the review
- any non-elector who the Commission feels has sufficient interest in the accessibility of disabled persons

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 The review of polling districts will mean a minimal change in hire costs. Electoral Services have included all hire costs within their budget for 2011/12.

*Finance Officer Consulted: Mike Bentley*

*Date: 12/01/11*

##### Legal Implications:

5.2 The legislative framework for reviews of polling districts and places consists of:

- (i) sections 18A to 18 E and Schedule A1 of the Representation of the People Act 1983, as inserted by section 16 of the Electoral Administration Act 2006; and
- (ii) The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 (SI 2006/2965)

5.3 All stages of the review completed thus far comply with the requirements of this legislation.

5.4 In agreeing the recommendations at paragraph 2 above, the Committee would be acting in its authorised capacity of exercising a non-executive function not delegated to another committee or sub-committee of the council.

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 06/01/11*

Equalities Implications:

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

Sustainability Implications:

5.6 There are no implications.

Crime & Disorder Implications:

5.7 There are no implications.

Risk and Opportunity Management Implications:

5.8 There are no implications.

Corporate / Citywide Implications:

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



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Polling station scheme and Returning Officer's recommendations
2. Summary of comments received during the consultation period

### **Documents In Members' Rooms**

None

### **Background Documents**

1. Review of Polling Districts and Polling Places Consultation Paper – 25 October 2010.
2. Consultation responses – file held by Electoral Services
3. Presiding Officer feedback – post 6 May 2010 General Election
4. Polling station customer satisfaction survey – 6 May 2010
5. Electoral Commission Circular EC19/2010 – Review of polling districts, polling places and polling stations



**Polling station scheme and Returning Officer's Proposals**  
(Electorates as at 1 September 2010)

**Kemptonown Constituency**

**Rottingdean Coastal Ward**

<b>Polling District</b>	<b>Electorate</b>	<b>Existing Polling Place</b>	<b>Number of stations</b>	<b>Issues and considerations</b>	<b>Proposals</b>	<b>Comments received</b>
AT	1280	St Nicholas Church Hall, Saltdean Vale	1	A step at the entrance.	No change, but investigate how to improve access.	None
AU	3116	Saltdean Primary School, School Lane	2	A small step, not sufficient to warrant a ramp.	No change	None
AV	1763	Rottingdean Public Hall, Park Road	1	Very good location, access and facilities	No change	None
AW	813	The Deans Leisure Centre, Longhill School, Falmer Road	1	At the General Election, there were issues with building works, lack of parking and poor signage. These building works are now complete.	To retain the use of the Deans Leisure centre, avoiding disrupting secondary school education. To ensure better signage.	None
AX	956	Ovingdean Village Hall, Ovingdean Rd	1	Very good location, access and facilities	No change	None
AY	1892	Brighton Steiner School, Roedeans Road	1	Good location, no complaints from voters	No change	None
AZ	942	Estate Office Board, Brighton Marina	1	Central location, good access.	No change	None

Woodingdean Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
BW	2398	Parish Room, Church of the Holy Cross, Downsway	1	Very good location, access and facilities	No change	None
BX	1770	Woodingdean Methodist Church Hall, the Ridgway	1	Very good access and facilities	No change	None
BY	1775	Rudyard Kipling Primary School, Chalkland Rise	1	At the General Election the Children's centre was used, which avoided the need to close the school. Good access and facilities.	No change	None
BZ	1546	St Patrick's Church Hall, Broad Green	1	Very good access and facilities	No change	None

**Moulsecroomb & Bevendean Ward**

<b>Polling District</b>	<b>Electorate</b>	<b>Existing Polling Place</b>	<b>Number of polling stations</b>	<b>Issues and considerations</b>	<b>Proposals</b>	<b>Comments received</b>
CS	3147	Coombe Road Primary School	2	Good location and access, but limited parking	No change	None
CT	839	Meadowview Community Centre, Meadowview	1	Very good access and facilities	No change	None
CU	2291	St Andrew's Church Hall, Hillside	1	The building has disabled access, but the area is hilly. Good location.	No change	None
CV	2154	Bevendean Primary School, Heath Hill Avenue	1	Complaints were made about the steep access to the school, poor lighting in the evening, and disruption caused to children's education.	To change the polling place to the Church Hall, Norwich Drive. This is a more suitable voting venue.	In favour of change to Church Hall (see appendix 2)
CW	1229	The 67 Centre, Hodshrove Lane	1	There is a permanent ramp to the building, and two steps into the main hall.	No change, but investigate how to improve access.	None
CX	828	St George's Hall, Newick Road	1	Good access and facilities	No change	None
CY	776	Temporary Building, Ashurst Rd / Halland Rd	1	A portable building has been used in recent elections. Temporary ramps are provided.	No change, in the absence of any other suitable venues.	None
CZ	842	Checkland Building, University of Brighton, Falmer	1	At the General Election a foyer in the Checkland Building was used, as no rooms were available at short notice. The foyer was noisy and not very private.	The boardroom, Mayfield House has been secured for the next elections, which is a more suitable venue. Access to this building to be kept under review as the Falmer site is developed.	None

East Brighton Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
DS	1297	Valley Social Centre, Whitehawk Way	1	Central location and good access	No change	None
DT	994	Valley Social Centre, Whitehawk Way	1	As above	No change	None
DU	2051	Whitehawk Youth Centre, Findon Road	1	Very good location, access and facilities	No change	None
DV	1509	St Mark's CE Primary School, Manor Road	1	Good access and facilities. Some complaints from voters who lived nearer to Steiner School – but that polling station serves a different ward and polling district	No change	None
DW	1126	TS Nautilus, 39a Chesham Road	1	This polling place is difficult to find. There is a step to the building which is difficult to ramp safely because of lack of space	No change, in the absence of any other suitable venues.	None
DX	2091	Kemp Town Crypt Community Centre, St George's Road	1	Good access and facilities	No change	None
DY	501	Craven Vale Resource Centre, Craven Road	1/2	Shared with a Queen's Park polling district. Good access.	2 polling stations to be used for City Council elections	None
DZ	626	Bristol Estate Community Centre, Donald Hall Road	1	Central location, disabled access via main entrance of flats.	No change	None

Queen's Park Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
ER	1734	Esswick TA Social Club, Essex Place	1	This has been a suitable polling place in the past. At the General Election there were problems with the building and we had to switch to the community room at Somerset Point at very short notice.	No change	None
ES	1041	Craven Vale Resource Centre, Craven Road	1/2	Shared with an East Brighton polling district	2 polling stations to be used for City Council elections	None
ET	1289	St Luke's Infant School, Queen's Park Rise	1	Also used for a Hanover & Elm Grove polling district Ramp provided by school	No change	None
EU	961	Queens Park Primary School, Park Street	1	Central location	No change	None
EV	1617	St Mary's Church House, St James's Street	1	Ramp provided by church. Good facilities	No change	None
EW	1339	Dorset Gardens Methodist Church Hall, Dorset Gardens	1	Good access and facilities	No change	None
EX	1520	Brighton Youth Centre, Grosvenor Street	1	Good access. Limited parking.	No change	None
EY	1314	Carlton Hill Primary School,	1	Good location and facilities, but access is not ideal.	No change, but investigate how to improve access.	None

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EZ	786	Sussex Street Community Room, Thornsdale, Albion Hill	1	Good access and facilities, centrally located	No change	None
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Pavilion ConstituencyHanover & Elm Grove Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments Received
FU	548	St Luke's Infant School, Queens Park Rise	1	Also used for a Queen's Park polling district Ramp provided by school	No change	None
FV	2271	Elm Grove Primary School, Elm Grove	1	Good access and facilities	No change	None
FW	1788	Fairlight Primary School, St Leonard's Road	1	Good access and facilities, but limited parking	No change	None
FX	2565	Milton Road Hall, Milton Road	1	Very good facilities and access	No change	None
FY	3240	Hanover Community Centre, Southover Street	2	Central location, good access	No change	None
FZ	1475	Elm Grove Primary School, Elm Grove	1	Good access and facilities	No change	None

Hollingdean & Stanmer Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
GT	2190	The Meeting House, Sussex University	1	Good access and facilities	No change	None
GU	2582	Coldean Primary School, Selham Drive	2	Good access and facilities	No change	None
GV	616	Moulsecroomb Public Hall, Lewes Road	1	Good access and facilities	No change	None
GW	402	United Reformed church Hall, Lewes Road	1	Good location, access and facilities	No change	None
GX	1964	St Richard's Church Hall, Mountfields	1	Access is not ideal, ramps are provided by Electoral Services	No change, but continue to review access	None
GY	800	Downs Infant School, Ditchling Road	1/2	Shared with a St Peter's & North Laine polling district	2 polling stations to be used for City Council elections	None
GZ	3286	Hertford Infant School, Hertford Road	2	There have been no problems with this polling station, but the Community Centre at 119 Hollingdean Terrace is a possible alternative. The Centre has full disabled access, very good facilities, and is still centrally located. However, the room is not very large.	Views were sought on whether this polling station should be changed.  In the absence of any comments supporting a change, it is proposed that Hertford Infant School is retained.	None

Patcham Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
HT	2097	The Fountain Centre Church Hall, Braybon Avenue	1	Good location and facilities. Access is not ideal.	No change, but investigate how to improve access.	None
HU	1915	Patcham Memorial Hall, Old London Road	1	Access is not ideal, ramp provided by Electoral Services This replaced Patcham special school in 2009.	No change, but continue to review access	None
HV	1683	Patcham Methodist Church Hall, Ladies Mile Road	1	Good access and facilities	No change Consulted with residents in Ladies Mile Road if they would prefer to vote at Mackie Avenue.	Majority in favour of retaining Church Hall as polling station (see Appendix 2)
HW	1270	Temporary Building, Mackie Avenue	1	A portable building has been used in recent elections. Temporary ramps are provided.	No change, in the absence of any other suitable venues.	None
HX	1326	Carden Park Community Centre, Carden Hill	1	Good location and facilities, but access is not ideal. The Centre replaced Carden Primary School as the polling place in 2008.	No change, but investigate how to improve access. Consulted with residents in Ladies Mile Road if they would prefer to vote at Patcham Methodist Church or Mackie Avenue.	Majority in favour of retaining Community Centre as polling station (See Appendix 2)
HY	850	The Gathering Place, Orchid View	1	Good access and facilities.	No change	None
HZ	1761	Hollingbury Methodist Church Hall, Lymminster Avenue	1	Good location, access and facilities	No change	None

Withdean Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
IU	2264	Church of the Good Shepherd Hall, Dyke Road	1	Good access and facilities	No change	None
IV	2049	Minor Club House, Withdean Sports Complex	1	Good access and facilities	No change	None
IW	1945	Westdene Primary School, Bankside	1	Building works caused some disruption at General Election, but access is usually good.	No change	None
IX	1468	Varndean College, Surrenden Road	1	Good access and facilities	No change	None
IY	991	Balfour Junior School, Balfour Road	1	Good location, access and facilities Some complaints from voters who live in Balfour Road, who cannot vote here, because they are in JZ polling district, in Preston Park ward.	No change	Yes (from elector in JZ, see appendix 2)
IZ	2297	Knoye Hall, Knoye Road	1	Good access and facilities	No change	None

Preston Park Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
JV	2746	St Luke's Church Hall, Exeter Street	2	Good location, small ramp	No change	None
JW	2169	Temporary Building, SW Side, Preston Park	1	The portacabin is not ideal, and the men's bowling pavilion is a possible alternative. The pavilion has good facilities, and is centrally placed in the park. However, there are steps to the building which would be difficult to ramp.	Views were sought on whether to change this polling place.  In the absence of any comments supporting a change, it is proposed that the temporary building is retained.	One, against use of portacabin, but not suggesting an alternative (see Appendix 2)
JX	1440	Florence Road Baptist Church Hall, Southdown Avenue	1	Good location and facilities, a lot of steps at front entrance.	No change, but ensure any alternative access is available.	None
JY	2709	Stanford Avenue Methodist Church, Fellowship Room	2	Good location, access and facilities. But too small for two polling stations	One polling station with extra poll clerk to be used in future.	None
JZ	1901	St Matthias Church Hall, Hollingbury Park Avenue	1	Good access and facilities. Some complaints from voters from Hollingbury Park Avenue who cannot vote here, because they are in GZ polling district, in Hollingdean & Stanmer Ward.	No change	Yes, from elector in GZ (see appendix 2)

St Peter's & North Laine Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
KS	793	St Bartholomew's CE Primary School, Ann Street	1	Centrally located, good access and facilities.  This polling district was created in 2008, to cater for the new development and increased population.	Alternative premises in the new development should be considered, to avoid closing the school.  The Friends Centre, Brighton Junction, Stroudley Road, has been identified as a suitable venue.	Two, wishing to avoid school closure (see appendix 2)  Ward councillors have been consulted.
KT	1976	St Paul's CE School, St Nicholas Road	1	Good location, access and facilities	No change	One, in favour of retaining (see appendix 2)
KU	1767	West Hill Hall, Compton Avenue	1	Good location, access and facilities	No change	None
KV	2263	Calvary Evangelical Church Hall, 72 Viaduct Road	1	Good location, access and facilities	No change	None
KW	896	Downs Infant School, Ditchling Road	1/2	Shared with a Hollingdean & Stanmer polling district	2 polling stations to be used for City Council elections	None
KX	3042	Wagner Memorial (St Martin's) Hall, Lewes Road	2	Good location, access and facilities	No change	None
KY	1125	Brighton & Hove Foyer, Pelham Street	1	Good location, access and facilities	No change	None
KZ	1535	Brighthelm Church and Community Centre, North Rd	1	Good location, access and facilities	No change	None

**Regency Ward**

<b>Polling District</b>	<b>Electorate</b>	<b>Existing Polling Place</b>	<b>Number of polling stations</b>	<b>Issues and considerations</b>	<b>Proposals</b>	<b>Comments received</b>
LW	1975	St Michael's Community Hall, St Michael's Place	1	Good location and facilities, but access is problematic. A lift is available, but has to be managed by polling staff	No change, but ensure sufficiently staffed	None
LX	2177	St Mary Magdalen Community Centre, Upper North Street	1	Central location, good access and facilities	No change	None
LY	2742	New Venture Theatre, Bedford Place	1	Good location and facilities. Small step, ramp not considered necessary	No change	None
LZ	1124	Middle Street Primary School, Middle Street	1	Good location and facilities. Step into room.	No change, but investigate how to improve access.	None

Hove ConstituencyBrunswick & Adelaide Ward

<b>Polling District</b>	<b>Electorate</b>	<b>Existing Polling Place</b>	<b>Number of polling stations</b>	<b>Issues and considerations</b>	<b>Proposals</b>	<b>Comments received</b>
MX	3320	St Patrick's Church Centre, Cambridge Road	2	Good location, but access is not ideal. There are a lot of stairs, but a lift is available.	No change, in the absence of alternative venues. But ensure sufficiently staffed.	None
MY	2137	Baptist Church Hall, Holland Road	1	Good location, access and facilities	No change	None
MZ	2338	Cornerstone Community Centre, Church Road	1	Good location, access and facilities	No change	None



Goldsmid Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
NV	4114	Somerhill Junior School, Somerhill Road	2	Central location. Slope to hall. Parents, teachers and governors were unhappy at the school closure at the General Election.	Suggestions for alternative venues will be considered.	None
NW	2256	All Saints Church Hall, Eaton Road	1	Good location and facilities.	No change, but ensure alternative access for disabled voters is available.	None
NX	2175	Vallance Community Centre, Sackville Road	1	Good access and facilities	No change	None
NY	1691	Cottesmore St Mary's RC Primary School, The Upper Drive	1	Replaced St Barnabas Church Hall in 2008. Good location, access and facilities Also used for a Hove Park polling district	No change	None
NZ	1606	Avondale Centre, Montefiore Road	1	Very good location, access and facilities	No change	None

Hove Park Ward (formerly known as Stanford Ward)

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
OX	3851	Hove Park Upper School, Nevill Road	2	Central location, but access is a problem. Ramp usually provided by school. Parking is limited.	No change, but continue to review access	None
OY	1895	St Peter's Church Hall, Hangleton Road	1	Good facilities. Alternative access for disabled voters	No change	None
OZ	2397	Cottesmore St Mary's RC Primary School, The Upper Drive	1	Good location, access and facilities Also used for a Goldsmid polling district	No change	None

Hangleton & Knoll Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
PU	2213	St Richard's Community Centre, Egmont Road	1	Good location, access and facilities	No change	None
PV	1697	Oasis Christian Fellowship Hall, Hangleton Way	1	Good location, access and facilities	No change	None
PW	1768	St Helen's Church Hall, Hangleton Way	1	Good location and facilities. Alternative access for disabled voters	No change	None
PX	1740	West Blatchington Infant School, Hangleton Way	1	Good location and facilities. Alternative access for disabled voters	No change	None
PY	1354	West Blatchington Windmill North Barn, Holmes Avenue	1	Good location, access and facilities	No change	None
PZ	2218	Hounsom Memorial Church Hall, Nevill Avenue	1	Good location, access and facilities	No change	None

North Portslade Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
QV	1185	Downland Court Community Building, Stonery Road	1	Good access and facilities	No change	None
QW	1112	Mile Oak Community Centre, Chalky Road	1	Good location, access and facilities	No change	None
QX	1374	Church of the Good Shepherd Hall, Stanley Avenue	1	Good location and facilities, but access is not ideal.	No change, but investigate how to improve access.	None
QY	1946	Mile Oak Community Centre, Chalky Road	1	Replaced Hazelholt residential home as the polling place in 2008. Also used for QW district.	No change	None
QZ	2058	Downs Park School, Foredown Road	1	Good location, access and facilities	No change	None

South Portslade Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
RW	1718	Scout Headquarters, Vale Park	1	Good location, access and facilities	No change	None
RX	1766	Portslade Town Hall, Victoria Road	1	Good location, access and facilities	No change	None
RY	1637	St Nicolas Parish Centre, South Street	1	Good location, access and facilities	No change	None
RZ	1978	Easthill House, Easthill Park	1	Good location, access and facilities	No change	None

Wish Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
SV	1998	St Leonard's Church Hall, Glebe Villas	1	Good location and facilities	No change, but review access, ensuring alternative access is available.	None
SW	1415	Aldrington Recreation Ground Pavilion, Saxon Road	1	Good location and access. Poor lighting at night.	No change, but review lighting situation.	None
SX	1372	Aldrington Recreation Ground Pavilion, Wish Road	1	Good location but facilities and access are not ideal.	Suggestions for alternative venues were sought, and issue of access to be investigated.  In the absence of alternatives, it is proposed that the Pavilion is retained.	One, in favour of retaining polling station (see appendix 2)
SY	1478	Children's Centre, West Hove Infant School	1	Good facilities. Access not ideal, a lot of steps. However a lift is usually available.  The YMCA in Marmion Road was used before 2009, but this is no longer available.	No change, in the absence of suitable alternatives.	None
SZ	780	Sanders House Communal Room, Ingram Crescent West	1	Good location and facilities. Alternative access for disabled voters	No change	None

Westbourne Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
TW	1993	St Philips Church Hall, New Church Road	1	Good location, access and facilities	No change	None
TX	1770	Holy Cross Church Hall, Tamworth Road	1	Good location, access and facilities	No change	None
TY	1877	Hove Methodist Church Hall, St Patrick's Road	1	Good location, access and facilities	No change	None
TZ	1919	Hove Museum & Art Gallery, New Church Road	1	Good location, access and facilities	No change	None

Central Hove Ward

Polling District	Electorate	Existing Polling Place	Number of polling stations	Issues and considerations	Proposals	Comments received
UY	4950	Hove Town Hall, Norton Road	3	Good location, access and facilities	No change	None
UZ	2122	The Connaught Centre, Connaught Road	1	Good location and facilities. Small step, ramp not considered necessary	No change, but keep under review, as the Centre may be subject to building works in near future.	None



## Review of polling districts and polling places

### Summary of responses received during consultation period (25 October – 31 December)

#### CV – Moulsecoomb & Bevendean Ward

Councillor Mo Marsh reiterated her support for the change of polling station from Bevendean Primary School to the Church Hall in Norwich Drive. Officers have looked at the Church Hall, and found it to be a suitable polling place, following complaints about Bevendean Primary School at the May 2010 General Election from voters, ward councillors and the polling station staff.

#### DY and ES – East Brighton and Queen's Park Wards

Roy Pennington sought clarification on where the Craven Vale polling stations would be situated. It is intended that two issuing desks will be set up with the Craven Vale Resource Centre, to keep the votes separate for the different wards.

#### GZ – Hollingdean & Stanmer / JZ Preston Park Ward

Jenny Moore, a resident of Hollingbury Park Avenue commented that she is unhappy with voting at Hertford School, as St Matthias Church Hall is nearer to her address.

However, this is because of the ward boundary – Hollingbury Park Avenue falling within Hollingdean & Stanmer ward, rather than Preston Park Ward. Ward boundaries are not within the remit of this review.

#### HV and HX – Patcham Ward

Due to anecdotal reports that some electors might find the current polling district boundaries problematic, electors in the top end of Ladies Mile Road were asked where they would prefer to vote.

##### HX

- 12 respondents wish to continue to vote at the Old Boat Community Centre.
- 1 respondent would prefer to vote at the portacabin, Mackie Avenue
- 11 respondents would prefer to vote at Patcham Methodist Church
- 5 respondents have no preference

##### HV

- 8 respondents wish to continue to vote at Patcham Methodist Church
- 1 respondent would prefer to vote at the portacabin, Mackie Avenue
- 3 respondents have no preference

IY – Withdean / JZ Preston Park Ward

Brian and Marion Cunningham, residents of Balfour Road, commented that there are unhappy with voting at St Matthias Church Hall, as Balfour School is nearer to their address. However, this is because of the ward boundary – Balfour Road falling within Preston Park ward, rather than Withdean Ward. Ward boundaries are not within the remit of this review.

JW – Preston Park Ward

Francis Tonks, OPC commented that the temporary building (portacabin) in Preston Park was problematic for frail and disabled voters. However, no suggestion for an alternative was put forward.

KS – St Peter's Ward

Francis Tonks, OPC commented that the use of St Bartholomew's CE Primary School causes the school to close, which should be avoided. However, no suggestion for an alternative was put forward.

Janine Cox, poll clerk, commented that this polling station was quiet at the 2007 local elections, and wondered whether voters for KS could be allocated to the nearby Pelham Street (KY) polling station. However, it could be considered that with the growth in population in this area, the polling station is warranted. The turnout at this polling station in the 2010 elections was 59%.

Ward Councillors Ian Davey and Pete West are happy with the proposed use of the Friends Centre, Brighton Junction, as long as the new polling station is well sign-posted.

KT – St Peter's Ward

Francis Tonks, OPC commented that St Pauls CE Primary School is a suitable polling station causing little disturbance for the children.

SX – Wish Ward

Councillor Garry Peltzer Dunn commented that this polling station has been used over a period of many years, and that he has never had a

## **Item 59 Appendix 2**

resident adversely commenting on this station. However, it is essential that lighting etc is working in a proper manner.



**Subject:** Individual Electoral Registration  
**Date of Meeting:** 1 February 2011  
**Report of:** Strategic Director, Resources  
**Contact Officer:** Name: Valerie Pearce Tel: 29-1850  
E-mail: valerie.pearce@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Coalition's programme for government sets out its intentions for political reform, some of which could bring significant changes to elections and electoral registration. The proposals include:
- A review of Parliamentary Constituencies to be carried out by October 2013, with the creation of fewer and more equal constituencies.
  - Establishing five year fixed terms Parliaments, with the next General Election being held on the first Thursday of May 2015.
  - A 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.
  - Introducing a 'Power of Recall' to allow electors to force a Parliamentary by-election.
  - More locally elected officials – elected Mayors and Police Commissioners.
  - Speeding up the introduction of Individual Electoral Registration, which will see an end to the traditional household form that only needs to be signed by one person per household.
- 1.2 On 15 September 2010, the Minister for Constitutional Reform, Mark Harper MP, made a statement to Parliament, announcing that the government intends to legislate to speed up the introduction of Individual Electoral Registration (IER) and introduce it in 2014.
- 1.3 This report considers the introduction of IER in more detail.

## **2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the government's intentions and the implications of the introduction of IER.

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The current system of electoral registration is based on an annual canvass form being completed by the head of the household on behalf of everyone at the address – “household registration”. If electors move house or need to register outside the annual canvass period, they can register individually under the rolling registration process. But it is the system of “household registration” which has come under criticism in recent years because of its potential vulnerability to fraud.
- 3.2 The previous government made a commitment to introduce IER in the Political Parties and Elections Act 2009. The intention was to have a voluntary phase from August 2011, where electors would be asked for, but not compelled to give, their personal identifiers – signature, date of birth and National Insurance number. The plan was that IER would be compulsory by 2015.
- 3.3 There has been a significant shift in approach under the new government, and the Minister for Constitutional Reform, Mark Harper MP, made a statement to Parliament on 15 September 2010. There will no longer be a voluntary phase, and the intention is to implement IER in 2014. Electors who do not provide their personal identifiers in 2014 will be given “one year's grace”, and will not be removed from the register until after the 2015 General Election.
- 3.4 At the moment, there is little detail on how IER will be implemented. The Cabinet Office is consulting with stakeholders, and is selecting local authorities to take part in data matching pilot schemes, to ascertain whether the use of other public records will help in maintaining the accuracy of electoral registers.
- 3.5 The planned timetable for implementation is as follows:
- 2011 – Data matching pilots
  - 2011 – 2012 – Legislation
  - 2013 – Detailed design and regulations
  - 2014 – First IER canvass
  - 2015 – First post election canvass – electors not registered individually removed from the register
- 3.6 The practical, resource and cost implications of implementing IER are difficult to assess at the current time. However, the new system will require processing much more information and carrying out detailed validation checks with the Department for Work and Pensions and other records.
- 3.7 There is also concern that registration levels will drop generally, and particularly amongst certain groups such as students, socially and economically deprived

groups, and people with physical and learning disabilities. If a person does not provide their personal identifiers, or the Electoral Registration Officer cannot validate them, then they will not be registered to vote. The Minister has stated that it will not be a legal requirement to register, but that registration should be seen as a civic duty<sup>1</sup>.

- 3.8 Another concern is the potential for confusion amongst the electorate, and it is clear that an effective publicity campaign will be key to the success of this change to the electoral registration system.
- 3.9 The Cabinet Office has committed to keep in contact with Electoral Registration Officers, providing regular progress updates on their thinking and as the policy develops.

#### **4. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 4.1 It is too early to assess the full financial implications of IER, given that implementation is not expected until 2014. They will become clearer once some of the pilot exercises have been carried out next year. The Cabinet Office will keep us updated on progress.
- 4.2 A further report will come back when more detailed information is known, which will include details on the funding of associated costs.

*Finance Officer Consulted: Mike Bentley*

*Date: 13/01/11*

##### Legal Implications:

- 4.3 Existing arrangements for carrying out an annual canvass of electors for the purpose of maintaining a register are provided for in section 10 of the Representation of the People Act 1983 and associated regulations (SI 2006/1694). With reference to paragraph 3.2 above, section 30 of the Political Parties and Elections Act 2009 provides for the voluntary provision of identifying information in connection with conducting a canvass under section 10 of the 1983 Act, but is not in force.
- 4.4 In his statement to Parliament on 15 September 2010, Mark Harper MP asserted that “we will legislate to implement individual registration in 2014. We will drop the previous Government’s plans for a voluntary phase.” As regards timing, the MP went on to say “We will therefore seek to bring forward a draft Bill for pre-legislative scrutiny in the current session followed by a Bill to introduce individual registration from 2014.”

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 06/01/11*

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<sup>1</sup> Oral answers to questions, House of Commons, 15 September 2010

Equalities Implications:

- 4.5 There is a concern about under registration among certain groups, for example disabled and elderly electors. The Electoral Registration Office is committed to working with local organisations, and an Equalities Impact Assessment will be carried out, once further details about implementing IER are available.

Sustainability Implications:

- 4.6 There are no implications.

Crime & Disorder Implications:

- 4.7 There are no implications.

Risk and Opportunity Management Implications:

- 4.8 At this stage, there are no implications

Corporate / Citywide Implications:

- 4.9 At this stage, there are no implications.

**SUPPORTING INFORMATION**

**Appendices:**

None

**Documents In Members' Rooms**

None

**Background Documents**

None



**Subject:** Localism Bill  
**Date of Meeting:** 1 February 2011  
**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 Localism Bill (the Bill) was published on 13<sup>th</sup> December 2010. The Bill has been described as the most radical piece of legislation in the Coalition's programme for government and is a key element in the government's Big Society and decentralisation agendas.
- 1.2 A preliminary report on the anticipated remit of the Bill came to Governance Committee on 16<sup>th</sup> November 2010 and a further report was requested once the Bill was published.

#### 2. RECOMMENDATION:

- 2.1 That Governance Committee notes the key provisions of the Localism Bill and requests further reports as the Bill progresses, including proposals for implementation in Brighton & Hove;

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 This briefing summarises the main provisions of the Bill. The Appendices set out each of the measures in detail. The Bill can be grouped into four key areas, considered below:-

- **Local Authority Governance arrangements**
- **Community empowerment**
- **Planning**
- **Housing**

#### 3.2 Local Authority Governance (Appendix One)

The arrangements for different models of Local Authority Governance and changes to general local government powers and duties are set out in **Appendix One**. The changes include:-

- **Local authority governance** - the Bill sets out new provisions as to the governance arrangements which authorities may adopt and the mechanisms

(including timing) for changing governance arrangements. Provisions include a new power for the Secretary of State to require authorities to carry out referendums on a move to a mayoral system.

- For the Governance Committee the proposals in Appendix One will be particularly significant, falling as they do within the Committee's decision making remit
- **The general power of competence** - this new power is intended to free local authorities from the existing restrictions on their ability to undertake activities outside their specific functions and matters incidental to those functions. It will give local authorities the very wide power to "do anything that individuals generally may do".
- **Clarification on predetermination rule** - the Bill aims to clarify that members are not prevented from voting on a matter where they have previously given indications of their view on that issue, as long as at the point the decision is taken this is done with an open mind and taking account of all that is said.
- **Abolition of existing standards regime**- the existing regime, including the Standards Board, the requirement to have a Standards Committee and the model Code of Conduct, is abolished. In its place is a broad requirement for authorities to "promote and maintain high standards of conduct by members", with an optional power for an authority to operate its own code of conduct and a mandatory requirement to operate a list of members' interests.
- **Policy statements on senior staff pay** - these will have to be published annually.

### 3.3 Community Empowerment (Appendix Two)

The Community Empowerment provisions are considered in detail in **Appendix Two**. The key provisions include:-

- **Assets of community value** - a new regime will require authorities to keep lists of "assets of community value" and prevent owners from disposing of such land until community groups have had the opportunity to bid for it.
- **Community right to challenge** - authorities will be required to consider expressions of interest from specified groups who wish to take over the provision of services which are provided by or on behalf of the local authority.
- **Referendums on local issues** - authorities will be required to hold referendums on local issues, either for the whole of their area or a smaller part of it, when this is requested by 5% of residents or at the request of local authority members. The existing provisions prescribing how local authorities deal with petitions are repealed.
- **Annual Council Tax Referendum** – if authorities propose a Council Tax increase in excess of the specified threshold, they will be required to hold a referendum seeking agreement to the proposal for that financial year.

### 3.4 Planning (Appendix Three)

The planning proposals are set out in detail in **Appendix Three** and include:-

- **Plans and strategies** - Regional Spatial Strategies are to be abolished and Councils are to be given greater flexibility in relation to the statutory examination of their development plans.
- **Pre-application consultation** - developers will be required to engage in pre-application consultation on major schemes (within a centrally determined threshold).
- **Neighbourhood planning** – a radical new system of planning and development at neighbourhood level is introduced, incorporating the ability of qualifying neighbourhood bodies to make Neighbourhood Development Orders and Community Right to Build Orders.
- **Community Infrastructure Levy (CIL)** - reporting requirements in relation to the CIL are reduced and the Secretary of State will have the power to require local authorities to pass CIL onto other bodies.
- **Enforcement** - local planning authorities will have the power to decline retrospective planning applications once an enforcement order has been served. The Bill also creates a “Planning Enforcement Order” which will allow local authorities to take enforcement action against a planning breach even where the standard time limits have expired.
- **Nationally Significant Infrastructure projects** – national infrastructure decisions are transferred from the Infrastructure Planning Commission to the Secretary of State.

### 3.5 Housing (Appendix Four)

Significant reforms to the social housing sector are included in the Bill and these are considered in more detail in **Appendix Four**. The measures set out in the Bill include:-

- **Social housing allocation and homelessness** - the Bill gives greater powers to local authorities to develop their own allocations policies and flexibility in terms of dealing with their homelessness obligations.
- **Social housing tenure reform** - there will be a new flexibility for social landlords to introduce fixed term tenancies of two or more years in place of the current lifetime tenancy, and to limit succession rights to a spouse or partner. This will be a flexibility rather than a requirement.
- **Housing finance** - the current centralised Housing Revenue Account system will be replaced with a locally run, self-financing system. Provisions are made for a one off payment to each council to enable them to support their stock from their own income.

- **Housing mobility** - a National Home Swap Scheme will be introduced with the intention of making it easier for social tenants to move to a new home.
- **Social housing regulation** – the Tenant Services Authority is to be abolished and replaced by a statutory committee of the Homes and Communities Agency.
- The above provisions are those that currently appear on the face of the Bill. There are other significant proposals in relation to housing which are being progressed through separate consultation mechanisms, such as the New Homes Bonus and affordable rent schemes, as discussed at Appendix Four.

### **The Localism Bill - next steps**

- 3.6 The Bill passed its second reading in the House of Commons on 17<sup>th</sup> January 2011 and will now be considered by a Public Bill Committee. The intention is for Committee stage to be completed by 10<sup>th</sup> March 2011. Royal Assent is expected by November 2011. The implementation dates for the provisions in the Bill will vary and be subject to the progress of necessary secondary legislation and guidance.
- 3.7 Officers will ensure that any key amendments and the stages of the Bill's progress are brought to Members' attention.
- 3.8 In anticipation of the significant number of new powers and duties introduced in the Bill, officers will need to bring forward draft proposals for implementation in Brighton & Hove in relation to each area. This will need to include proposals and implications for the Council where previous statutory obligations are set to be repealed - such as the Standards regime and the duty to respond to petitions – as well as proposals to take forward new responsibilities such as neighbourhood planning arrangements, other community empowerment proposals and new housing policies. These will be brought to the appropriate Member forum for each issue.

## **4. CONSULTATION**

- 4.1 No specific consultation was undertaken in relation to this report which is for information. Previous briefings have been taken to Governance Committee and Leaders Group. The Bill is now at Public Committee stage, where written representations from interested parties are invited.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications

- 5.1 It is too early to assess the financial implications arising from the Localism Bill, which is still in draft form. There are likely to be significant resource implications relating to individual proposals as they are taken forward and these will need to be carefully considered, quantified and reported back at a later date.

*Finance Officer consulted:* Mike Bentley

*Date:* 19/01/11

Legal Implications:

- 5.2 The legal implications are addressed within the body of the report.

*Lawyer consulted:*

Elizabeth Culbert

*Date* 19/01/11

Equalities Implications:

- 5.3 Equalities implications will be addressed as part of a formal Equality Impact Assessments in relation to the provisions of the Bill and this is anticipated to be published shortly.

Sustainability Implications:

- 5.4 There are no direct sustainability implications arising from this report. Any implications in relation to specific proposals for decision locally will need to be reported on as proposals are brought forward.

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

- 5.6 There are no direct risk and opportunity management implications arising from this report. Any implications in relation to specific proposals for decision locally will need to be reported on as proposals are brought forward.

Corporate / Citywide Implications:

- 5.7 None at this stage. Any implications in relation to specific proposals for decision locally will need to be reported on as proposals are brought forward.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Local Authority Governance arrangements
2. Community Empowerment
3. Planning
4. Housing

**Documents in Members rooms:**

None

**Background Documents**

None



## **Local Authority governance arrangements and general powers and duties under the Localism Bill (clauses 1 to 37)**

The first chapter in the Localism Bill is focused on “lifting the burden of bureaucracy” on councils and increasing their powers and flexibility to act in the best interests of their area. The provisions include devolving significant new powers to councils and introducing new flexibilities in relation to local authority governance.

### **1. Local Authority Governance**

- 1.1 The Bill will put in place provisions permitting authorities to change their governance arrangements – including the power to return to the committee system. The Bill sets out the governance options that will be available to local authorities. They will be as follows:
- Executive arrangements (either Leader and Cabinet or an Executive Mayor and Cabinet);
  - A committee system;
  - Another prescribed system (councils may propose their own system, subject to Secretary of State approval).
- 1.2 Authorities operating executive arrangements must continue to have at least one scrutiny committee. Authorities operating under the committee system may have one or more scrutiny committees. Scrutiny powers are consolidated under the Bill and are currently largely unamended from previous legislation.

### **Changing Governance Arrangements**

- 1.3 The process for changing governance arrangements is a two stage one. First, a resolution of Full Council is required. Following such a resolution, changes to governance arrangements can be made **immediately following the next relevant election**.
- 1.4 This means that **the earliest** that Brighton & Hove City Council could change its governance arrangements (subject to the passage of the Bill as currently drafted) would be **May 2015** and every four years after this time. An alternative approach would be to pursue the third option of “another prescribed system” proposed to the Secretary of State which would be dependent upon Regulations and may not be subject to the same timetable. There is also the possibility that the timetable for the transitional provisions will change as the implications of the potentially long wait are examined during the passage of the Bill.
- 1.5 Different provisions will apply for the 12 largest cities, which must hold confirmatory referenda on adopting an executive mayor after the Bill becomes law, with the leader of the council being a “shadow mayor” in the meantime.
- 1.6 Under certain circumstances a referendum must be held when it is proposed to change governance arrangements. This will include where previous changes to governance were also confirmed by referendum, or where the council decides that they want to subject proposals to a referendum. A referendum will also be

required where a petition requests one and is signed by 5% of local government electors in the area.

- 1.7 Once a referendum has been held in an area, future changes in governance must be based on a referendum as well. This will limit changes in governance arrangements to once in every ten years in those authorities, as the restriction on the number of referendums on governance arrangements remains – that is governance referendums are prohibited within 10 years of the previous referendum.

#### **Powers relating to Executive Mayors**

- 1.8 An executive mayor can also be the Chief Executive of the authority, but may not hold the post of Head of Paid Service. Where this occurs the authority must appoint an officer to be responsible for providing advice to councillors.
- 1.9 The Mayor must, under these provisions, set out in a report his/her plans for the operation of the authority, including cross-cutting strategy and staffing.
- 1.10 Any local public service function may be transferred to the Mayor by the Secretary of State. This must be based on a proposal from the Mayor which must be made to the Secretary of State within one year of the most recent election (which means that Mayors in some areas may have different powers to those in others). “Public service” is not defined, but has the potential to be broad.
- 1.11 An elected executive mayor cannot also be a councillor. Transitional arrangements exist whereby a council’s Leader will be its “shadow mayor” in the period leading up to an election, where governance arrangements have changed accordingly. The shadow mayor does not have the powers of the elected mayor in terms of setting out his/her report on plans for the operation and staffing of the authority;

#### **The Committee System**

- 1.12 The Bill covers practical and procedural issues in relation to the committee system, in particular, the delegation of powers under a committee system. The Secretary of State will be making further regulations on delegations. It is anticipated that there will be limits on the use of delegated powers for strategic decision making but that significant freedom will attach to the use of those powers for more operational decisions – encouraging a more streamlined approach to committee decision-making.
- 1.13 As set out above, scrutiny committees are not required to be, but may be, operated by committee system authorities. The Bill makes provision for regulations about the precise powers and composition of such committees. Arrangements are set out to cover the responsibilities of health and community safety, flood risk and crime and disorder scrutiny committees.



**2. Clarification on Predetermination**

- 2.1 The Bill confirms the common law position that a local authority member is not to be taken to have had, or to appear to have had, a closed mind when making a decision just because that decision maker had previously done anything of relevance to the decision that indicated what view the decision maker took or would or might take. The key point is that a member needs to retain an open mind at the point of taking a decision and that a prior indication of view of a matter does not amount to pre-determination.

**3. Standards**

- 3.1 The existing standards regime, including the requirement to adopt a code of conduct for members, the Standards Board and the procedures for determining complaints about conduct, is abolished.
- 3.2 In its place, the Bill imposes on all authorities a general duty "to promote and maintain high standards of conduct by members". There is a power to adopt a code of conduct that is expected of members, but there is no requirement to have such a code.
- 3.3 Where an authority has a code, if the authority receives a written allegation that a member has/may have failed to comply with its code of conduct then it must (a) consider whether it is appropriate to investigate the allegation; and (b) if it decides that is appropriate, investigate the allegation "in such manner as it thinks fit". If, whether following an investigation or otherwise, the authority finds that a member has failed to comply with its code of conduct, it "may have regard to the failure in deciding whether to take action in relation to the member and what action to take".
- 3.4 As an interim measure, guidance has been given that existing standards cases are to proceed but that a sanction in excess of censure should not be imposed.
- 3.5 In Brighton & Hove, the Council will need to consider whether to revise its existing code, adopt a new code or withdraw its code without replacing it. Equally the role of the Standards Committee will need to be reviewed as its statutory function has been removed. In view of the obligation set out in the Bill for councils to promote and maintain high standards of conduct, there may be support for maintaining some level of standards framework to ensure that, if complaints are made or issues raised, a consistent and proportionate approach is adopted.
- 3.6 In addition to general conduct issues, the Bill makes provision for registration of members' interests. The Secretary of State is empowered to make regulations requiring monitoring officers of local authorities to establish and maintain a register of the interests of members. Those regulations may include provision as to the sanctions that local authorities can impose on members who do not comply with the registration requirements, and requirements to make the registers public. Failure to comply with these regulations can also be an offence, leading to fine and disqualification from acting as a member of a local authority

**4. Policy statements on senior staff pay**

4.1 Authorities will be required to publish senior pay policy statements annually, with the first one to be published by 31 March 2012. The statement will set out the authority's policies for the financial year relating to the remuneration of its chief officers and must cover policies on:

- (a) the level and elements of remuneration for each chief officer;
- (b) the remuneration of chief officers on recruitment;
- (c) increases and additions to remuneration for each chief officer;
- (d) the use of performance related pay for chief officers;
- (e) the use of bonuses for chief officers;
- (f) the approach to payment of chief officers on their ceasing to be employed by the authority;
- (g) the publication of and access to information relating to remuneration of chief officers.

4.2 These provisions will relate to the Chief Executive, statutory and non statutory Chief Officers and the Monitoring Officer. They are in addition to the provisions of the Accounts and Audit (Amendment Number 2) (England) Regulations 2009 which are already in force and introduced a legal requirement for reporting remuneration of senior employees to increase transparency and accountability in Local Government. This data must be published by 31st January 2011 and Brighton & Hove Council is making the relevant preparations to comply with the new requirements.

**5. General Power of Competence**

5.1 The very first provision in the Bill creates a general power to act which effectively puts local authorities on a similar legal footing to individuals. As creatures of statute, local authorities have always been required to identify a specific statutory power for all actions. The general power of competence will change that by enabling local authorities to "do anything that individuals generally may do". This includes doing things "in any way whatever" that are unlike anything local authorities or other public bodies may currently do. Where the general power of competence allows Councils to do something, it can be done anywhere in the UK or elsewhere, for a commercial purpose or otherwise and with or without charge.

5.2 This new general power is framed very broadly and the Government has stated that it is designed "to give councils the legal reassurance and confidence to innovate and drive down costs to deliver more effective services."

5.3 There are restrictions on the power, as it is subject to a number of types of limitation:-

- Existing legislative restrictions will continue to apply to the exercise of the general power. This includes any limitations on existing local authority powers which overlap with the new general competence power;
- Any subsequent limitations expressed in legislation passed after the Bill becomes law will apply;

- Specific limitations in the Bill itself state that authorities cannot use the general competence power to make or alter provisions about the discharge of council functions by committees, joint committees or officers. The power cannot be used to alter models of local governance or to alter the existing restrictions on authorising or delegating the performance of functions.
- **Limits on the power to charge:** if an authority is providing a service for a non-commercial purpose and the service provision is or could be covered by the general competence power, then the authority can charge for the service only if the authority has no statutory duty to provide the service, the person has agreed to the provision of the service and there would be no power to charge in the absence of the Localism Bill provisions and section 93 of the Local Government Act 2000. Any charges which are levied for a service delivered under the general power for non-commercial purposes must not exceed the costs of providing that service.
- **Limits on using the power to do things for commercial purposes:** authorities cannot use the power to do something for a commercial purpose under the general power if it has a statutory duty to do/provide it. Anything done for a commercial purpose must be done through a company.

5.4 This is a widely drawn, substantive power, expressly broader than the current well-being power (which is repealed). The Courts will continue to apply administrative law principles to the exercise of the new powers. This means that Councils will still need to act reasonably and fairly, in conformance with Convention rights and consistently with their fiduciary duty to the public purse.



## **Community Empowerment under the Localism Bill (clauses 39-88)**

One of the essential actions identified by the Government to achieve decentralisation and disperse power is to empower communities to “do things their way”. The Community Empowerment provisions are set out below.

### **1. Assets of community value**

- 1.1 The Bill introduces a new regime which requires local authorities to keep and publish a list of land in its area that is “land of community value”. The purpose of this list is to give local groups the opportunity to bid for land or assets which they would wish to retain for community purposes, where the owner proposes to sell them. There will be an interim moratorium period on the proposed sale in which local groups have the chance to express an interest in the land, and an overall moratorium period which is the total period for which the disposal can be delayed/halted. During this period any community groups interested in the land will have to produce the finances and complete the deal.
- 1.2 The Bill sets out a procedure for nominating land for inclusion on the list, providing for appropriate notice to landowners. Once the land is included on the list, the owner of the land must not dispose of it unless each of three conditions is met:-
  - (1) the landowner has notified the local authority in writing of his/her wish to dispose of the land and that notice has been published; and
  - (2) either (a) the interim moratorium period has ended without the local authority or the owner having received from any community group a written request for the group to be treated as a potential bidder in relation to the land; or (b) the full moratorium period has ended; and
  - (3) all the relevant protected periods to be prescribed by Regulations are complied with.
- 1.3 Regulations will make further provisions on the form of the list, its contents and, in particular, when land is to be regarded as “land of community value”. These key details will determine which assets are caught by the regime and how long community groups will have to express an interest and sort out their funding to make a bid. Regulations may also address compensation to be paid in relation to this regime.

### **2. Community Right to Challenge**

- 2.1 A new right of community engagement will allow expressions of interest to be submitted by voluntary and community bodies, employees of a relevant local authority and parish councils to bid to a local authority to run a service provided by or on behalf of the council.
- 2.2 Local Authorities will be required to consider expressions of interest received which comply with the relevant requirements. An authority can specify periods during which expressions of interest, or expressions in relation to a particular service, may be submitted and may refuse to consider an expression of interest submitted outside this period. Expressions of interest may only be rejected on

one or more grounds which are to be specified by the Secretary of State in Regulations.

- 2.3 The grounds for rejection and the rules regarding the ability of councils to control the timetable for expressions of interest will be central to understanding the full impact of this provision.
- 2.4 At this stage, the Bill sets out that if the expression of interest is accepted, then the local authority must carry out an appropriate procurement exercise relating to the provision of the service. In considering the expression of interest, the local authority must consider whether acceptance would promote or improve the social, economic or environmental well-being of the authority's area.

### 3. **Referendums on local issues**

- 3.1 The Bill includes a new duty on Councils to hold local referendums. A local referendum must be held where either;-
- (1) a petition is received asking the authority to hold a local referendum on a stated question in a relevant area of that authority (either the whole of the area or one or more adjoining electoral areas within it), and that petition is signed by **5% of local government electors** in that area; or
- (2) one or more **members of the authority** requests the authority to hold a local referendum on a stated question in a relevant area of that authority. For the request to be valid, each member who requests the referendum must be a member for an electoral area in that relevant area and where an electoral area has more than one member, all or the majority of the members for the area must make the request.
- 3.2 Where a request of one of these two types is received, the authority can only refuse the request on one of the following grounds:
- that the authority thinks that action taken to promote or oppose the referendum question is likely to lead to contravention of an enactment or a rule of law;
  - that the authority thinks that the matter to which the referendum question relates is not a local matter over which the authority has an influence or which affects the authority's area/the inhabitants of the area (the Bill states that a matter is a "local matter" if it relates to the economic, social or environmental well-being of the area in which the referendum is proposed to be held, and it has a particular connection with that area);
  - the referendum question relates to a matter specified by order by the Secretary of State;
  - the petition or request is vexatious or abusive.
- 3.3 In the case of a request from a member, there is a specific requirement that the authority must also pass a resolution to hold the referendum.

- 3.4 In addition an authority can resolve of its own motion to hold a local referendum throughout the area of the authority on a particular question.
- 3.5 The authority may substitute its own wording for the referendum question as submitted by residents or members, if it considers that the wording specified in the petition or request is "misleading". The referendum must be held more than two months but less than twelve months after receipt of the petition/request. The authority has a duty to publicise the referendum (its existence, the date, the question being asked) and a power to publish material either supporting or opposing the question.
- 3.6 The result of the referendum must be published. "As soon as reasonably practicable" after the result is known, the authority must consider what (if anything) it proposes to do to give effect to the result, and if no action is proposed then it must publish that decision together with the reasons for it.
- 3.7 The provisions requiring local authorities to adopt a petitions scheme, including the right to trigger a full council debate and hold senior officers to account are repealed.

#### **4. Annual Council Tax Referendum**

- 4.1 The Bill amends the Local Government Finance Act 1992, setting out provisions on the calculation of council tax increases. New provisions include a requirement to hold a referendum each year on the basic council tax amount fixed for the financial year where the authority proposes an increase which is above a specified threshold, so as to give local residents a power to veto excessive council tax increases.
- 4.2 The referendum, to be held no later than the first Thursday in May in the financial year, will ask local voters to indicate whether or not they accept the proposed council tax figure for that year. If the figure is not accepted, then a substitute figure (calculated by methods set out in the new provisions) will apply in place of the authority's original figure. The result of the referendum must be reported to the Secretary of State. The Secretary of State may make regulations about the conduct of these referendums.





## **Planning reforms under the Localism Bill (clauses 89 to 120)**

The proposals in relation to planning are aimed at decentralising planning as far as possible to local areas and communities with the expectation that economic regeneration will be most efficiently encouraged at that level.

### **1. Plans and strategies**

- 1.1 The system of Regional Strategies is to be abolished. This will enable Brighton & Hove City Council to develop deliverable local housing targets rather than work to imposed regional housing targets.
- 1.2 A new duty to co-operate between councils and other key partners in relation to the planning of sustainable development is introduced. This requires constructive engagement by prescribed bodies, or individuals, in the preparation of development plan and other local development documents and in relation to other activities that support the planning of development, for example through the Local Economic Partnership. This duty extends to bodies beyond local authorities and will be subject to government guidance.
- 1.3 The regime for developing local authorities' planning policies is amended to remove the binding nature of Inspectors' Reports on development. The proposed changes allow greater flexibility for councils to react to statutory examination of their development plans. Local authorities will be able to suggest changes during the examination and withdraw development plan documents before their adoption, without seeking clearance from Government.
- 1.4 There are changes to the role of the Secretary of State in directing changes to local development schemes (the work programming document for the Local Development Framework). Changes – through Planning Inspectors - will now only be permitted for the very restricted purpose of “ensuring effective coverage of the authority’s area by the development plan documents”.

### **2. Pre-application consultation**

- 2.1 The Bill introduces a duty on developers to consult on development proposals with specified people before they make a planning application. Developers will also need to publicise the proposals to "the majority of those in the vicinity of the relevant land". Regulations will set out the categories of development to which this will apply but it is understood that it will concern larger developments only. There will be a requirement for developers to take into account the results of the consultation and be able to demonstrate this.
- 2.2 This formalises a requirement that Brighton & Hove CC has been seeking with major planning applications and is welcomed, particularly the need for applicants to be clear with their supporting documentation how the results of the consultation have been taken into account.

### **3. Neighbourhood planning**

- 3.1 The Bill incorporates a system of planning policy and development orders at “neighbourhood area” level. The neighbourhood areas will be designated by local authorities upon application by the local parish council or, where there is no such council, a community based “neighbourhood forum”. In order to become a neighbourhood forum, an organisation or body will need to seek designation by the local authority and would need to satisfy criteria relating to its social, economic and environmental aims and local membership (including for example that there must be at least three members with a written constitution). Only one forum will be allowed in an area, with no overlapping.

#### **Neighbourhood Development Plans**

- 3.2 The Parish Council or neighbourhood forum will be able to prepare a Neighbourhood Development Plan (NDP) for the approved neighbourhood area which will set proposals for development and use of the land in the area. This will require the local planning authority to support that preparation process and organise the process of its examination and adoption.
- 3.3 A process of independent examination of the plan is proposed to check that the proposed plan is in “general conformity with the strategic development policies contained in the development plan for the area”. If the proposed plan gets through this stage of examination, it will be put to a local referendum and approved if over 50% of those voting are in favour. The plan cannot relate to certain types of excluded development, for example major development or development that requires an environmental impact assessment. An approved NDP will become part of the statutory development plan.

#### **Neighbourhood Development Orders**

- 3.4 In addition, neighbourhood bodies will be able to make a Neighbourhood Development Order (NDO) granting planning permission in advance for development. This could be for specific developments or specific types of development (similar to permission granted by General Permitted Development Order) and could be subject to conditions. NDOs are subject to examination similar to a local plan inquiry, although the presumption is that this will be done by written representations only. As with Neighbourhood Development Plans, if it is to go ahead the NDO must be approved in a referendum which can be just the voters on the neighbourhood area or the local authority can extend it to neighbouring areas as it sees fit.

#### **Community Right to Build Orders**

- 3.5 The Bill also creates a Community Right to Build Order (CRBO) as a particular type of Neighbourhood Development Order. For these orders, “community organisations” will be able to apply for planning permission for specified development in relation to a particular site within the neighbourhood area. The community organisation must be a corporate body established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area. More than half of the

members of the community organisation must live in the neighbourhood area and there will be examination and referendum provisions similar to the NDP and NDO provisions. It will be necessary to await further guidance from the Government to understand how CRBO's will be used and the distinction between them and more general NDOs. At this stage it is understood that:-

- CROBOs will be restricted to small scale site-specific development;
- There will be no restriction on the number of promoting "community organisations" in a particular area (unlike a neighbourhood forum);
- Measures will be included to ensure resulting assets will remain in the community.

3.6 The neighbourhood planning proposals will require detailed regulations and guidance on the procedures and application of other planning legislation to these orders. At this stage concerns have been raised regarding how to define neighbourhood areas and in ensuring accountability. Regulations will also cover charging by local planning authorities and other financial assistance in relation to neighbourhood planning.

#### **4. Community Infrastructure Levy**

4.1 The Bill provides greater flexibility for local authorities to adopt the Community Infrastructure Levy (CIL). CIL is an optional tariff that local authorities can impose when granting planning permission to spend on infrastructure. The Bill clarifies that CIL can be used for ongoing operational and maintenance costs of infrastructure. Whilst independent examination of CIL charging schedules will still be required, the Bill restricts the power of the examiner and allows more flexibility for local authorities to amend their schedule to comply with examiner's proposed modifications.

4.2 The Bill also introduces a mechanism for CIL contributions to be passed onto third parties. The Government has indicated that this will be used to pass funds onto neighbourhoods and Regulations will specify the circumstances in which this will occur and how contributions will need to be managed. Community groups could for example spend the money locally on the facilities they want, either by contributing to larger projects funded by the council, or funding smaller local projects like park improvements, playgrounds and cycle paths.

#### **5. Enforcement**

5.1 Several high-profile cases have underlined the difficulty of enforcing against planning breaches when a developer intentionally conceals the true form of a development from a local authority. In the Bill, the Government has tackled this by creating a new concept of "planning enforcement order" (PEO). A PEO from a magistrates court will allow a local authority to take enforcement action against a planning breach even if the standard time limits for planning breaches have already expired. In order to obtain a PEO, the court would need to be persuaded that:-

- there has been an "apparent breach" of planning control (at any time);
- any person has contributed to concealing it; and

- the court considers it "just" to make the order.
- 5.2 The authority must seek the PEO within 6 months of becoming aware of the apparent breach and, if it is granted, then has a year to commence enforcement action (in the normal way).
- 5.3 The Bill also creates a new right for local authorities to decline to determine retrospective applications when a corresponding enforcement notice appeal is outstanding. This is intended to curtail the practice of defending enforcement action and making a new application at the same time – local authorities will not now need to consider the new application.
- 5.4 There are increased penalties for non-compliance with Breach of Condition Notice and an extension of time limit for prosecuting advertisement and certain tree offences as well as increasing powers for the removal of illegal advertisements and graffiti and prevention of fly-posting.

## **6. Nationally Significant Infrastructure Projects**

- 6.1 The Bill abolishes the Infrastructure Planning Commission (IPC) and transfers decision-making on nationally significant infrastructure projects to the Secretary of State. A new Major Infrastructure Planning Unit within the planning inspectorate will be established to examine applications and report and make recommendations to Ministers. The provisions provide that the Secretary of State will be tied to the same timescales for examination and decision-making as apply currently to the IPC under the Planning Act 2008.
- 6.2 In addition, the Bill introduces a new requirement for Parliamentary approval of National Policy Statements. There is also the proposal to streamline existing planning policy statements within a national planning policy framework.

## **Housing reforms under the Localism Bill (clauses 121 to 156)**

The Localism Bill sets out a number of fundamental reforms to the social housing sector. The Government intends that the new proposals will give Councils more flexibility and will be fairer, enabling Councils to genuinely meet the needs of local people.

### **1. Social Housing Allocation**

- 1.1 The Bill amends the Housing Act 1996 so that authorities can prepare an allocation scheme through which they will have the freedom to determine who should qualify to go on their housing waiting list. Whilst the rules on eligibility will continue to be set centrally, this measure will allow local authorities to set waiting list policies that are appropriate to their local area.
- 1.2 Requests for transfer from existing tenants will be able to be dealt with through separate rules and criteria outside the allocations process. This is intended to make it easier for tenants to move and easier for landlords to manage their stock.

### **2. Homelessness**

- 2.1 Under current legislation people who experience a homelessness crisis can insist on being provided with temporary accommodation until social housing becomes available. The Bill will amend the Housing Act 1996 to give local authorities the flexibility to bring the homelessness duty to an end with an offer of suitable accommodation in the private rented sector without requiring the household's agreement.
- 2.2 There will be safeguards: as now, an offer of private sector housing will only bring the duty to an end if the accommodation is suitable for the whole household. The private sector tenancy would need to be for a minimum fixed term of 12 months, and the duty would recur if, within 2 years, the applicant becomes homeless again through no fault of his or her own (and continues to be eligible for assistance).

### **3. Social Housing Tenure – introduction of flexible tenancies**

- 3.1 Currently, social landlords are normally only able to grant secure lifetime tenancies. This means a landlord is not able to review the person's occupation of the property even if subsequent changes, mean that the person's need only short-term. The provisions in the Localism Bill will enable local authority landlords to grant tenancies for a fixed length (the minimum length being two years). Local Authority landlords will retain the power to grant lifetime tenancies and the ability to determine what approach is taken as best fits the local context and needs of the area.
- 3.2 The flexible tenancy would be protected for two years, with 6 months notice to be given of the landlord's intentions at the end of the protection. The Tenancy Standard will be reviewed to fit the new approach. The regime in relation to introductory tenancies and family intervention tenancies may need some modification to fit with new flexible tenancies.

3.3 Under the Bill, new secure tenants will be guaranteed one succession to a spouse or partner, with landlords free to grant further succession rights. Succession rights of existing council and housing association tenants at the time the Localism Act comes into force are not proposed to be affected.

3.4 Councils will be required to introduce a “tenancy strategy” to set out the objectives of the housing authority and to guide lettings policies of all social landlords who must be consulted on its preparation.

#### **4. Council Housing Finance**

4.1 The current annual centralised system for subsidising council housing (the Housing Revenue Account) is replaced with a locally run system. Under the new system, councils will keep their rental income and use it locally to maintain their homes. To achieve this, the Bill will enable a one-off payment between Government and each council.

4.2 This significant proposal is intended to put all local authorities in a position where they can support their stock and housing debt from their own income in future and gives councils control over a key area of spending and service provision.

#### **5. National Home Swap Scheme**

5.1 In order to create more mobility within the social housing stock and give greater choice to tenants over where they live, a national scheme is proposed to enable tenants to see a wide range of properties across providers.

5.2 This measure, authorised in the Bill, is intended to create a National Home Swap Scheme, open to all eight million tenants in social housing in England and will enable a swap of accommodation between tenants where each party moves permanently into their exchange partners’ property.

#### **6. Regulation of Social Housing**

6.1 The system for regulation of social housing is reformed by the Bill. The Tenant Services Authority (TSA) is abolished and its remaining functions will be transferred to the Homes and Communities Agency.

6.2 Housing Associations will continue to be subject to robust economic regulation with a stringer focus on value for money.

6.3 A system of a single Ombudsman specialising in complaints about social housing will be introduced to ensure consistency, and provide a common route of redress for all social housing tenants.

#### **7. Facilitating moves out of the social rented sector**

7.1 The Government is keen to see that support is given to help realise social tenants’ ownership aspirations, which in turn can help to enable better housing outcomes for those in need through more effective use of social rented stock.

The Bill will ensure that housing association tenants who are also members (e.g. share holders) of their landlord organisation are allowed to take up incentive schemes which facilitate moves out of the social rented sector into owner occupation. Current legislation does not allow this because it precludes the making of any gifts (including such an incentive payment) to tenant members or former members.

**8. Other housing reform proposals**

- 8.1 In addition to the above measures that are currently set out in the Bill, a number of consultations have been issued in relation to further housing proposals. These include the consultation on the proposed New Homes Bonus and the measures set out in the “Local Decisions: a fairer future for social housing” consultation, such as affordable rents for social housing and a scheme to bring empty homes back into use.





**Subject:** Future of Overview & Scrutiny  
**Date of Meeting:** 1 February 2011  
**Report of:** Strategic Director, Resources  
**Contact Officer:** Name: Tom Hook Tel: 29-1110  
E-mail: tom.hook@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The current scrutiny system was established in 2008 to operate within a directorate structure and is broadly comparable in terms of size, ways of working and configuration to other local authority's scrutiny functions.
- 1.2 Moves to the Intelligent Commissioning model, an increased prevalence of jointly commissioned/shared service delivery and legislative changes mean it is germane to consider how the current system could be improved.

#### 2. RECOMMENDATION:

- 2.1 That the Committee agrees in principle the direction of travel as set out in the report and instructs officers to further develop proposals for a partnership based, commissioning friendly scrutiny function.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### **Partnership Based Scrutiny**

- 3.1 With increasing focus on partnership working shared service delivery across the public, private and third sectors is becoming increasingly significant. The move to an Intelligent Commissioning<sup>1</sup> framework will only strengthen the importance of partnership working in the city.
- 3.2 It is therefore suggested that the authority considers moving towards a partnership based scrutiny function. This enhanced scrutiny function would ensure the council, with its democratic accountability, is better integrated into the decision making processes of all the city's key public sector organisations.

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<sup>1</sup> Commissioning is the process of identifying strategic outcomes in relation to assessed user needs, and designing and securing appropriate services to deliver these outcomes. The commissioning cycle can be summed up as understand, plan, do, review. Scrutiny will relate to each stage in the cycle in a different way.

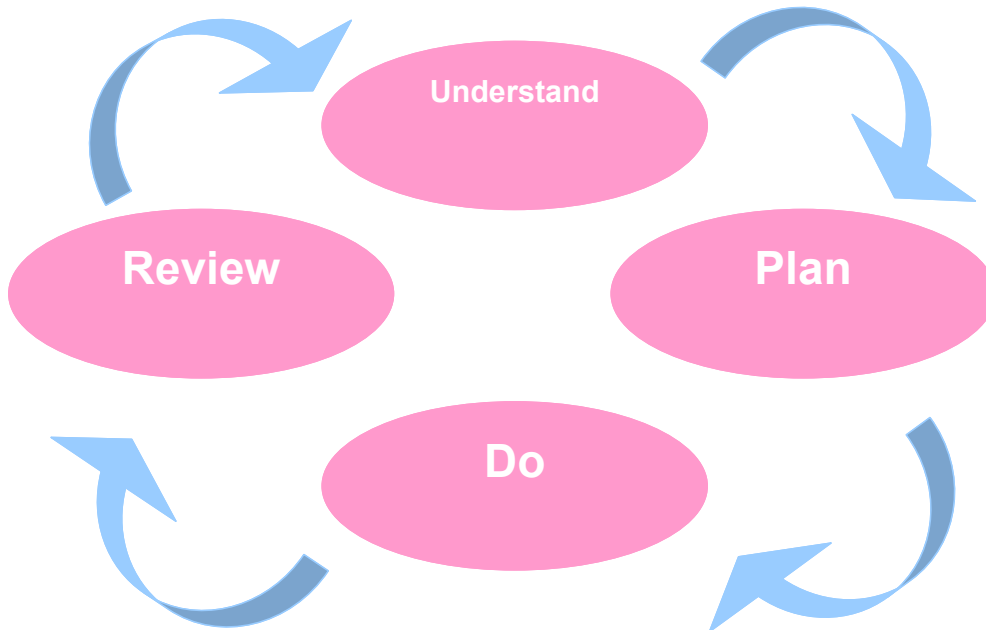
- 3.3 A Brighton & Hove partnership based scrutiny function could:
- Provide increased democratic accountability and input to all organisations within the city
  - Allow critical friend challenge to key decision makers and funding priorities
  - Review service provision in areas of weakness/priority areas for intervention
  - Act as a mechanism for innovative policy development
  - Provide a means for increased citizen and community involvement in decision making and service review
  - Offer a mechanism for independent review of issues of contention between organisations
- 3.4 In addition to Intelligent Commissioning a move to partnership based scrutiny is supported by a number of drivers:
- The findings of the 'Total Place' pilots that have highlighted the complexity of public service funding arrangements leading to inefficiencies and reductions in the effectiveness of services meeting resident's needs. HM Treasury's report into the Total Place pilots stated: *'Local authorities need strong scrutiny powers: including the ability to investigate and challenge, on behalf of their communities, those delivering local public services and spending public money in their area.'*
  - Anticipated reductions in funding for public service provision requiring closer partnership cooperation.
  - Legislative direction of travel, supporting a more integrated approach to scrutiny.
- 3.5 There already exists a protocol between the council's scrutiny function and Brighton & Hove's Strategic Partnership. Responding to the Local Government and Public Involvement in Health Act 2007 (LGPiH), this protocol recognised the need for co-operation between the Strategic Partnership and the development of overview and scrutiny work. The protocol sought to avoid duplication of effort and allows partners to request issues are reviewed by scrutiny.
- 3.6 The work being undertaken by scrutiny members considers some of the substantial cross-cutting issues that affect the city as a whole. Partners are involved in scoping panel topics, advising and supporting panels and as witnesses. The involvement of co-opted members sitting on panels, and in some cases chairing them has further helped develop links.
- 3.7 Consultation on an annual plan of scrutiny panels has been undertaken. In developing this plan, involvement of partner organisations (public, private and third sectors) has been sought. Ultimately there should be a degree of co-operation and co-ownership in regard to priorities of residents, partners, the council and the topics selected for scrutiny review.
- 3.8 Where specific issues arise scrutiny committees have been able to secure information and attendance from partner organisations, highlighting the strong partnership working that a new system could build upon.
- 3.9 Draft legislation has to date been silent as to the government's intent with regard to replacing scrutiny partnership powers relating to the LAA. Currently a number

of public sector organisations are required to provide information and evidence to scrutiny committees if requested under the LGPIH Act 2007.

- 3.10 Real value could be added through the use of an independent scrutiny function reviewing services and advocating improved working between partners. For example the Transfer of Care – the pathway for moving patients from hospital to community care involves a number of partners and is precisely the kind of area where partnership based scrutiny can add real value.
- 3.11 Another opportunity could be the budget scrutiny process; each organisation could bring their budgets proposals to the Scrutiny Board prior to final agreement in much the same way as occurred for the council budget during 2010/11. The Scrutiny Board would be able to look at the allocation of resources across the city, ensure strong synergy between the priorities of organisations and talk to all parties affected by changes to funding e.g. CVS re grant funding and the bus company re transport priorities.
- 3.12 There are a number of challenges that will need to be considered:
  - The determination of scrutiny reviews would be subject to peer review
  - Partners will need to appreciate the benefits of scrutiny if they are to really buy into the process and have decisions and services questioned
  - Increased involvement of non-elected members in the scrutiny process and acceptance of their role
  - Resources will have to be appropriate to the challenge
- 3.13 Buy-in from partners will be vital for this approach. This will include an understanding not just that scrutiny will look at some of the key high level outcomes that partners are signed up to, but that they will as a matter of course; proactively bring issues to scrutiny for pre-decision scrutiny. This will require significant cultural change for bodies external to the council.
- 3.14 Whilst it is reasonably easy to envisage a scrutiny function undertaking reviews of services or policy development at a strategic partnership level it is harder to see some of the more confrontational elements of the scrutiny system sitting well within the partnership.
- 3.15 Call-in well illustrates the point. In a partnership scrutiny system would it be possible for a decision of any participating organisation to be called in? Would non-council members of a scrutiny board be able to call-in a council decision? This could raise some interesting constitutional arguments with regards the legitimacy of councillors versus non-elected members.
- 3.16 In addition some of the reviews scrutiny has undertaken have been very council-centric. You could argue that looking at something like Dignity at Work (bullying and harassment at work) is organisationally specific. However there would be nothing to stop a review of bullying and harassment policies across the council, PCT, Police, etc. This would require a level of acceptance of the role of scrutiny beyond that of just looking at joint policies for service delivery.

### **Scrutiny and Intelligent Commissioning**

- 3.17 Intelligent Commissioning will change the way in which scrutiny committees undertake work. There should be far more pre-decision input, with items being routed through scrutiny as part of their development. This kind of pre-decision scrutiny has been identified by the Secretary of State for Communities and Local Government, as good practice by local authorities.
- 3.18 The basic commissioning cycle offers opportunities for scrutiny to add value to the services the council and partners commission.



- **Stage 1 - Understanding**  
The commissioning process presumes there should be a clear intelligence base upon which service provision is delivered. This intelligence base should be considered by Scrutiny to quality assure intelligence, ensure adequate community and stakeholder engagement and using its democratic accountability recommend priorities for consideration.
- **Stage 2 - Planning**  
At this stage draft delivery plans should be brought to scrutiny and pre-decision scrutiny would look to ensure clear links between intelligence base and the proposed service/actions designed to meet the needs identified. Member comments would be utilised to further refine the proposed service provision and seek broad support for the allocation of resources. Members will also want to be satisfied that performance monitoring arrangements are adequate.  
Bringing information to scrutiny at this stage would provide democratic input into the process prior to an Executive decision on allocating resources. This would also allow for citizen and community participation into the decision making process.

- **Stage 3 – Do (delivery)**  
It is not anticipated that scrutiny would have involvement at this stage beyond general overview.
- **Stage 4 - Review**  
Possibly the most significant role for scrutiny is in evaluating services commissioned and their impact on city outcomes. From a scrutiny point of view the commissioning cycle offers clear statements of need and intent. Scrutiny could consider:
  - Are services value for money?
  - Do interventions/services meet the needs of residents?
  - Have services resourced addressed the need identified?
  - How can services be improved or changed?

- 3.19 Intelligent Commissioning presents challenges for scrutiny in that panel work will need to be closely linked into the Commissioning Cycle. Detailed intervention into a policy area will need to be timed to ensure recommendations can feed into the next stage of commissioning.
- 3.20 This will require a high level of understanding amongst scrutiny practitioners of the commissioning cycle and focusing limited resources to the greatest effect.
- 3.21 Moves towards an annual priority list of scrutiny panels and consultation on these across the Council and with partners should help with this process.
- 3.22 If scrutiny's pre-decision role is established within IC it would be possible to redesign the existing arrangements and achieve better outcomes for the authority across the city.

### **Legislative Changes**

- 3.23 In developing new ways of working it will be necessary to ensure that Government proposals for health and police accountability are taken into account and along with changes prescribed by the Localism Bill.
- 3.24 Changes put forward by the Government regarding health scrutiny provide an opportunity for considerable development. Along with the abolition of PCTs and a greatly enhanced commissioning role for GPs, HOSCs are set to enjoy increased responsibilities.
- 3.25 The Police Reform and Social Responsibility Bill sets out plans for directly elected Police and Crime Commissioners (PCC) and Police and Crime Panels (PCPs), consisting of Councillors from all local authorities within police authority area to support/challenge PCC. The Council is currently required to have a Crime and Disorder Scrutiny Committee (ECSOSC) which has powers to scrutinise the Safer Communities Partnership.
- 3.26 Essentially any new scrutiny function needs to ensure a more cross-cutting and strategic approach to work, dovetailing with intelligent commissioning agenda whilst enjoying a city-wide focus.

○ **Option 1:**

A single Scrutiny Board with themed sub-boards reporting to it. Each themed board would focus on an agreed set of LSP priorities for example:

- Health and Well-being
- Housing and Environment
- Communities and Culture
- Learning and Enterprise

Under this arrangement it would be possible to take the opportunity to reduce the number of standard meetings for each of the Boards, to minimise the treadmill effect that is not conducive to good scrutiny. Instead built into the commissioning cycle could be a requirement for engagement with scrutiny. This would allow for far greater use of single issue workshop review/policy development sessions.

○ **Option 2:**

A more radical option would be to have a single Scrutiny Board that manages the entire scrutiny agenda, but does no scrutiny itself. Rather establishing workshops, panel and task-and-finish groups to undertake specific pieces of work, the Board would include non-executive members from public sector partners and other co-opted members.

This approach could fit well with Intelligent Commissioning so long as Commissioners are clear on the requirement to engage with the scrutiny process at various points within the cycle.

**4. CONSULTATION**

4.1 Political Group Leaders have been consulted.

**5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

5.1 There are no direct financial implications arising from the report. Any future recommendations for changes to the scrutiny function may have financial implications.

*Finance Officer consulted: Anne Silley Date: 19/01/11*

Legal Implications:

5.2 Under existing legislation, the Council is required to have one or more overview and scrutiny committees which must include provision for: (a) the planning, provision and operation of health services in the city; and (b) a Crime & Disorder Committee. Further, the council must designate one of its officers to be a 'scrutiny officer' to carry out functions such as promoting the role of overview and scrutiny, and to provide support and guidance to members and officers on O & S matters. Any proposals for changes to the scrutiny function will need to meet legislative requirements in force at the time.

*Lawyer consulted: Oliver Dixon Date: 19/01/11*

Equalities Implications:

- 5.3 Changes to the scrutiny function will need to ensure that mechanisms exist to ensure that equality issues can be addressed. Currently six monthly updates on equality are reported to the Overview and Scrutiny Commission.

Sustainability Implications:

- 5.4 Changes to the scrutiny function will need to ensure that mechanisms exist to ensure that sustainability issues can be addressed.

Crime & Disorder Implications:

- 5.5 The Council is currently required to have a Crime and Disorder Scrutiny Committee. Any new arrangements will need to incorporate this requirement.

Risk and Opportunity Management Implications:

- 5.6 In developing more detailed proposals for changes to scrutiny a risk assessment of the various options will need to be considered.

Corporate / Citywide Implications:

- 5.7 A citywide, partnership based scrutiny function will add value to the city; improve decision-making and policy development across partners.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents In Members' Rooms**

None

**Background Documents**

None





**Subject:** Civic Awareness Commission: Update  
**Date of Meeting:** 1 February 2011  
**Report of:** Strategic Director of Resources  
**Contact Officer:** Name: Mark Wall Tel: 29-1006  
E-mail: mark.wall@brighton-hove.gov.uk  
**Wards Affected:** All

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Civic Awareness Commission has been acting as a steering group with the remit to promote civic engagement and understanding within the city. The report provides an update on the work of the Commission in accordance with its agreed terms of reference.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the report.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Following the approval of its terms of reference, the Commission has co-ordinated the commissioning of a portrait of Henry Allingham as a mark of respect for the former Freeman of the City. A commission brief was agreed and sent out to local artists and following an appraisal of submissions, local artist Mary-Jane Ansell was awarded the commission.
- 3.2 The portrait was completed by the end of October and a small ceremony with the Mayor, Leaders, members of the Commission, former carers of Henry Allingham and the artist was held at Brighton Town Hall to unveil the portrait on the 11<sup>th</sup> November.
- 3.3 The Commission is currently considering ways of highlighting civic engagement and increasing public awareness.
- 3.4 The Commission's terms of reference were approved by the Governance Committee in July 2010 and a revised version taking into account the restructuring of the council are set out below:

***Civic Awareness Commission Terms of Reference***

**Membership**

The membership of the Civic Awareness Commission will be as follows:-

- The Chairman of the Governance Committee and a Member from each of the other Groups represented on the council;
- Freeman, Aldermen and ex-councillors with an interest in civic awareness appointed by the Chairman of the Governance Committee following consultation with Group Leaders;
- Any other members co-opted by the Commission.

### **Role**

- To promote civic awareness and civic engagement in the city and to encourage a greater appreciation of the civic history of Brighton and Hove.
- To seek appropriate resources from all avenues to assist with the promotion of civic awareness.
- The Commission will be supported by the city council and this will include project management and secretariat support.
- Lead Officers for the city council will be the Strategic Director for Communities, Commissioner for Culture and the Head of Royal Pavilion & Museums who will be in attendance at meetings in order to support the Commission.
- The Commission will engage with the various Directorates, Partner Organisations and community.
- There will be an initial scoping meeting to determine the work programme.
- The Commission will have both private and public meetings.

### **Reporting**

- The Civic Awareness Commission is not a decision making body.
- Regular updates will be presented to the Governance Committee for the duration of the Commission on a six monthly basis.

The Commission will engage with all Directorates, partner organisations and citizens.

- 3.5 The Commission appointed Adam Trimmingham as its Chairman and has met on 9 occasions since October 2009.

## **4. CONSULTATION**

- 4.1 There has been no formal consultation as the report is for information and the political groups have representatives on the Commission.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The establishment of the Commission has no direct financial implications, however, any actions resulting from the work of the Commission and in the promotion of civic awareness will either need to have new resources identified or carried out from within existing budgets.

*Finance Officer Consulted: Anne Silley*

*Date: 05/01/11*

Legal Implications:

- 5.2 There are no legal implications arising from the report. The Commission is not a decision making body and any recommendations will be considered at the Governance Committee with full legal and financial implications at that stage.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 05/01/11*

Equalities Implications:

- 5.3 There are no equalities implications arising from the establishment of the Commission.

Sustainability Implications:

- 5.4 The work of this Commission will take into consideration any sustainability issues affecting the council and the city.

Crime & Disorder Implications:

- 5.5 There are no crime & disorder implications arising from the establishment of the Commission.

Risk and Opportunity Management Implications:

- 5.6 There are no risk and opportunity management implications arising from the establishment of the Commission; and any such implications arising from the work of the Commission will be taken into consideration.

Corporate / Citywide Implications:

- 5.7 The establishment of the Commission will provide a specific focus for the promotion of civic engagement and civic history of Brighton and Hove.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents in Members' Rooms**

None

**Background Documents**

None



**Subject:** Review of Meetings Timetable  
**Date of Meeting:** 1 February 2011  
**Report of:** Director of Resources  
**Contact Officer:** Name: Mark Wall Tel: 29-1006  
E-mail: mark.wall@brighton-hove.gov.uk  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To look at the proposed schedule of meetings for the municipal year 2011/12 based on the current meetings timetable.

#### 2. RECOMMENDATIONS:

- 2.1 That the proposed timetable of meetings for 2011/12 be approved.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### Existing Arrangements

- 3.1 The proposed timetable for 2011/12 maintains a similar cycle of meetings to those in 2010/11. In summary, the proposals are:-

##### Executive Meetings:

Cabinet meeting: 4 weekly / 10 times

Environment CMM: 6 weekly / 7 times

Housing CMM: 6 weekly / 8 times

Adult Social Care & Health, Children & Young People, Culture, Recreation & Tourism, Enterprise, Employment & Major Projects CMM's: Quarterly.

##### Full Council and Regulatory Committees:

5 Ordinary Council meetings, plus the Annual Council and Budget Council

Governance: 8 weekly

Planning: 3 weekly

Audit and Standards: Quarterly

Licensing: 3 meetings a year, plus numerous Panels

Personnel Appeals: Monthly

##### Overview & Scrutiny:

Overview & Scrutiny Commission: 6 weekly

Health Overview & Scrutiny Committee: 6 weekly

Adult Social Care & Housing, Children & Young People,  
Culture, Tourism & Enterprise, Environment &

Community Safety Overview & Scrutiny Committees: 8 weekly.

### Forums

Community Safety Forum	Quarterly
Housing Management Consultative Committee	6 weekly

### Partnerships:

Children's Trust Board:	6 meetings
Joint Commissioning Board:	Quarterly

- 3.2 The proposed timetable for 2011/12 provides for a total of 135 meetings (see Appendix 1).

### **Governing Principles for the Meetings Timetable**

- 3.3 The following guidelines have been applied in reviewing the meetings timetable:

- As far as possible clashes of meetings have been avoided. However, inevitably, given the constraints of avoiding school/public/religious holidays and the number of meetings to be accommodated on specific days of the week, there are occasions where there are overlaps of meetings.
- What appear at the moment to be "free" days will be filled by Licensing Panel hearings and the various chairman's and political group meetings.
- As far as possible meetings have not been scheduled on Fridays.
- As far as possible school holidays, religious holidays and party conference weeks have been avoided, although it has not been possible to keep those weeks completely clear.
- Meeting start times generally are scheduled for 4pm or later to encourage public attendance. However, Cabinet Members and Committees can determine whether to continue with the programmed start time or if an alternative time would be more appropriate for their particular meeting.

- 3.4 There must be a sufficient number of meetings to enable the council business to be transacted. The schedule of Council and Cabinet meetings is designed to ensure that:

- Committee and Scrutiny reports can be received without undue delay;
- Consideration of the various plans and strategies to be adopted by Full Council can be accommodated;
- there is scope to accommodate city-wide debates if necessary; and
- Public interest and participation through questions, deputations and petitions continues to be facilitated.

- 3.5 The Overview & Scrutiny Commission is programmed to meet once a cycle in line with the Overview and Scrutiny rules.

- 3.6 Whilst every effort will be made to keep meetings on the dates listed there may be a need to alter them and additional meetings may be required for dedicated debates on key issues or particular plans and strategies.

3.7 As usual, a number of further meetings, which are not part of the formal meetings cycle, have been programmed to meet on a regular basis e.g. the Community Safety Forum and the Cabinet Sustainability Committee.

3.8 The time table also lists the dates and times of other meetings such as the Police and Fire Authorities and the LSP; and as such there are occasional clashes with council meetings which are unavoidable.

#### **4. CONSULTATION**

4.1 Leading Members, Directors and appropriate officers have been consulted on the proposed timetable and appropriate committee and council dates set to meet statutory requirements.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 There are no financial implications arising from the report.

*Finance officer consulted: Anne Silley*

*Date: 25/11/10*

##### Legal Implications:

5.2 The proposed timetables of meetings does not prevent the calling of Special Meetings or the use of Urgency Sub-Committee meetings should circumstances arise, however it does enable a more fluent scheduling of meetings to be maintained throughout the municipal year.

5.3 The proposed timetable allows for continued compliance with the Access to Information Procedure Rules set out in Part 8.1 of the Constitution

*Lawyer consulted: Abraham Ghebre-Ghiorghis Date: 25/11/10*

##### Equalities Implications:

5.4 The majority of meetings are scheduled for 4pm or later to encourage public attendance and interest. Holiday periods are also avoided as far as is feasible.

##### Sustainability Implications:

5.5 There are no sustainability implications arising from the report.

##### Crime & Disorder Implications:

5.6 There are no crime & disorder implications arising from this report.

##### Risk and Opportunity Management Implications:

5.7 The scheduling of meetings aims to accommodate the decision-making processes for the year, but there is always the possibility of additional meetings having to be called.

Corporate / Citywide Implications:

- 5.8 The scheduling of meetings accommodates the Council priority for open and effective city leadership

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Proposed Timetable for 2011/12

**Documents in Members' Rooms**

None

**Background Documents**

1. Timetable of Meetings for 2010/11



**BRIGHTON & HOVE CITY COUNCIL**

**PROVISIONAL TIMETABLE OF MEETINGS  
2011/12**

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2011	MAY	MAY	MAY	MAY / JUNE	JUNE	JUNE	JUNE
MONDAY	9 Yom HaAtzma'ut - Jewish	16	23	30 BH	6 Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	13 CMM – ASC&H 4.00pm Housing Management Consultative Cttee 3.00pm	20 CMM – C&YP 4.00pm
TUESDAY	10 Brighton Festival Board 5.00pm	17 Buddha Day - Buddhist Site Visits for Planning 2.00pm Pre-application presentation	24 LSP 4.00pm	31 SH	7 Site Visits for Planning 2.00pm Pre-application presentation Overview & Scrutiny Commission 4.00pm	14 CMM – Culture, Recreation & Tourism 4.00pm (followed by) CMM – Enterprise & Major Projects	21 Standards Cttee 5.00pm
WEDNESDAY	11	18 Planning Cttee 2.00pm	25 CMM – Housing 4.00pm	1 SH Shavu'ot – Jewish	8 Planning Cttee 2.00pm	15 Health Overview & Scrutiny Cttee 4.00pm	22 Children & Young People Overview & Scrutiny Cttee 5.00pm
THURSDAY	12	19 ANNUAL COUNCIL 4.30pm	26 Sussex Police Authority 2.00pm CMM – Environment 4.00pm	2 SH East Sussex Fire Authority 10.30am	9 Cabinet 4.00pm	16 Adult Social Care & Housing Scrutiny Cttee 4.00pm	23 Licensing Cttee 3.00pm
FRIDAY	13	20 Planning training day	27 Planning training day	3 SH	10	17	24

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2011	JUNE/JULY	JULY	JULY	JULY	JULY	JULY	AUGUST	AUGUST
MONDAY	27 LGA AGM	4	11	18	25	SH	1 <i>Ramadan –Islam</i>	8 SH
TUESDAY	28 LGA Annual Conference Site Visits for Planning 2.00pm <i>Pre-application presentation</i> <b>Audit Cttee 4.00pm</b>	5 Corporate Parenting Forum 5.00pm <b>Sustainability Cabinet Cttee 3.00pm</b>	12 <b>Joint Commissioning Board 5.00pm</b>  <b>Governance Cttee 4.00pm</b>	19 Site Visits for Planning 2.00pm Pre-application presentation <b>Overview &amp; Scrutiny Commission 4.00pm</b>	26	SH	2	9 <i>Tisha B'Av – Jewish</i> Site Visits for Planning 2.00pm <i>Pre-application presentation</i> SH
WEDNESDAY	29 LGA Annual Conference <b>Planning Cttee 2.00pm</b>	6 <b>CMM – Housing 4.00pm</b>	13	20	27 <b>Health Overview &amp; Scrutiny Cttee 4.00pm</b>	SH	3	10 SH
THURSDAY	30 LGA Annual Conference <b>Culture, Tourism &amp; Enterprise Overview &amp; Scrutiny Cttee 4.00pm</b>	7 <b>CMM – Environment 4.00pm</b>	14 <b>Cabinet 4.00pm</b>	21 <i>Sussex Police Authority 2.00pm</i> <b>Planning Cttee 2.00pm</b>	28	SH	4	11 <b>Planning Cttee 2.00pm</b> SH
FRIDAY	1	8	15	22 <b>COUNCIL 4.30pm</b>	29	SH	5	12 SH

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2011	AUGUST	AUGUST	AUG/SEPT	SEPTEMBER	SEPTEMBER	SEPTEMBER	SEPTEMBER
MONDAY	15	22	29	5	12	19	26
	SH	SH	BH	Housing Management Consultative Cttee 3.00pm Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	Green Party Conference <b>CMM – C&amp;YP 4.00pm</b>	Liberal Democrat Party Conference	Labour Party Conference <b>Housing Management Consultative Cttee 3.00pm</b>
TUESDAY	16	23	30	6	13	20	27
	SH	SH	SH <i>Eid Al-Fitr – Islam</i> Site Visits for Planning 2.00pm <i>Pre-application presentation</i>	<b>CMM – Culture, Recreation &amp; Tourism 4.00pm</b> (followed by) <b>CMM – Enterprise &amp; Major Projects</b>	Overview & Scrutiny Commission 4.00pm	Liberal Democrat Party Conference <i>Brighton Festival Board AGM</i> LSP 4.00pm Site Visits for Planning 2.00pm <i>Pre-application presentation</i> <b>Governance Cttee 4.00pm</b>	Labour Party Conference <b>Standards Cttee 5.00pm</b>
WEDNESDAY	17	24	31	7	14	21	28
	SH	SH	SH	<b>CMM – Housing 4.00pm</b>	Children & Young People Overview & Scrutiny Cttee 5.00pm	Liberal Democrat Party Conference <b>Planning Cttee 2.00pm</b>	Labour Party Conference <b>Health Overview &amp; Scrutiny Cttee 4.00pm</b>
THURSDAY	18	25	1	8	15	22	29
	SH	SH	SH	<b>Adult Social Care &amp; Housing Scrutiny Cttee 4.00pm</b>	<b>CMM – Environment 4.00pm</b>	<b>Cabinet 4.00pm</b>	<i>Rosh Hashanah – Jewish</i> <b>Culture, Tourism &amp; Enterprise Overview &amp; Scrutiny Cttee 4.00pm</b>
FRIDAY	19	26	2	9	16	23	30
	SH	SH	SH	Green Party Conference			

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2011	OCTOBER	OCTOBER	OCTOBER	OCTOBER	OCTOBER	OCT/NOV	NOVEMBER	NOVEMBER
MONDAY	3 Conservative Party Conference	10	17	24	31	7	14	
		Community Safety Forum 4.00pm	CMM – ASC&H 4.00pm Children & Young People's Trust Board 5.00pm		Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	Housing Management Consultative Cttee 3.00pm	Joint Commissioning Board 5.00pm	
TUESDAY	4 Conservative Party Conference Sustainability Cabinet Cttee 3.00pm Audit Cttee 4.00pm	11	18	25	1	8	15	
		Corporate Parenting Forum 5.00pm Site Visits for Planning 2.00pm Pre-application presentation		SH	Site Visits for Planning 2.00pm Pre-application presentation Overview & Scrutiny Commission 4.00pm			
WEDNESDAY	5 Conservative Party Conference	12	19	26	2	9	16	
			CMM – Housing 4.00pm	Diwali - Hindu		Children & Young People Overview & Scrutiny Cttee 5.00pm	Health Overview & Scrutiny Cttee 4.00pm	
THURSDAY	6	13	20	27	3	10	17	
		Sukkot – Jewish Cabinet 4.00pm	Shermini Atzeret – Jewish COUNCIL 4.30pm	SH	Planning Cttee 2.00pm CMM – Environment 4.00pm Adult Social Care & Housing Scrutiny Cttee 4.00pm	Cabinet 4.00pm		
FRIDAY	7	14	21	28	4	11	18	
			Simchat Torah - Jewish	SH			Licensing Cttee 3.00pm	

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2011/12	NOVEMBER	NOV/DEC	DECEMBER	DECEMBER	DECEMBER	DECEMBER	DECEMBER	JANUARY
MONDAY	21	28	5	12	19	SH	26 <i>Boxing Day</i>	2 BH
TUESDAY	22 Site Visits for Planning 2.00pm <i>Pre-application presentation</i>	29	6 LSP 4.00pm <b>CMM – Culture, Recreation &amp; Tourism 4.00pm</b> <i>(followed by) CMM – Enterprise &amp; Major Projects</i>	13 <i>Brighton Festival Board 5.00pm</i> Site Visits for Planning 2.00pm <i>Pre-application presentation</i> <b>Overview &amp; Scrutiny Commission 4.00pm</b>	20	SH	27 BH	3
WEDNESDAY	23	30 St. Andrew's Day - Christian <b>CMM – Housing 4.00pm</b>	7	14	21 <i>Hannukah – Jewish</i>	SH	28	4 SH
THURSDAY	24 <b>Culture, Tourism &amp; Enterprise Overview &amp; Scrutiny Cttee 4.00pm</b>	1 <i>Planning training day</i>	8 <b>Cabinet 4.00pm</b>	15 <b>Planning Cttee 2.00pm</b>	22 <b>CMM – Environment 4.00pm</b>	SH	29	5 <b>Culture, Tourism &amp; Enterprise Overview &amp; Scrutiny Cttee 4.00pm</b>
FRIDAY	25	2	9 <i>Sussex Police Authority 2.00pm</i>	16 <b>COUNCIL 4.30pm</b>	23	SH	30	6 SH

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2012	JANUARY	JANUARY	JANUARY	JANUARY	JAN/FEB	FEBRUARY	FEBRUARY	FEBRUARY
MONDAY	9 CMM – C&YP 4.00pm	16 CMM – ASC&H 4.00pm	23 Chinese New Year Environment & Community Safety Overview & Scrutiny Cttee 4.00pm	30 Children & Young People's Trust Board 5.00pm	6 Housing Management Consultative Cttee 3.00pm	13 SH	20 Maha Shivratri - Hindu	
TUESDAY	10 Corporate Parenting Forum 5.00pm Site Visits for Planning 2.00pm Pre-application presentation	17 Standards Cttee 5.00pm	24 Audit Cttee 4.00pm	31 Site Visits for Planning 2.00pm Pre-application presentation Sustainability Cabinet Cttee 3.00pm Overview & Scrutiny Commission 4.00pm	7 Brighton Festival Board AGM	14 SH	21 Shrove Tuesday – Christian Site Visits for Planning 2.00pm Pre-application presentation	
WEDNESDAY	11 Governance Cttee 4.00pm	18 CMM – Housing 4.00pm	25 Children & Young People Overview & Scrutiny Cttee 5.00pm	1 Planning Cttee 2.00pm	8 Tu B'Shevat – Jewish Health Overview & Scrutiny Cttee 4.00pm	15 SH	22 Ash Wednesday – Christian	
THURSDAY	12 Adult Social Care & Housing Scrutiny Cttee 4.00pm	19 Cabinet 4.00pm	26 COUNCIL 4.30pm	2 CMM – Environment 4.00pm	9 Mawlid al-Nabi – Islam Budget Cabinet 4.00pm	16 SH	23 BUDGET COUNCIL 4.30pm	
FRIDAY	13 Planning Cttee 2.00pm	20 Cabinet 4.00pm	27 COUNCIL 4.30pm	3 Planning Cttee 2.00pm	10	17 SH	24	

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2012	FEB/MARCH	MARCH	MARCH	MARCH	MARCH	MARCH	APRIL	APRIL
MONDAY	27	5 <b>CMM – C&amp;YP 4.00pm</b>	12 <b>CMM – ASC&amp;H 4.00pm</b>  Community Safety Forum <b>4.00pm</b>	19  <b>Housing Management Consultative Cttee 3.00pm</b>	26 <b>Environment &amp; Community Safety Overview &amp; Scrutiny Cttee 4.00pm</b>	2	9 <i>Easter Monday - Christian</i>	BH
TUESDAY	28	6 <b>CMM – Culture, Recreation &amp; Tourism 4.00pm</b> <i>(followed by) CMM – Enterprise &amp; Major Projects</i>	13 Site Visits for Planning 2.00pm <i>Pre-application presentation</i>	20  <b>Governance Cttee 4.00pm</b>	27 <b>Overview &amp; Scrutiny Commission 4.00pm</b> <b>Sustainability Cabinet Cttee 3.00pm</b>	3 Site Visits for Planning 2.00pm <i>Pre-application presentation</i>	10	SH
WEDNESDAY	29 <b>CMM – Housing 4.00pm</b>	7	14	21 <b>Health Overview &amp; Scrutiny Cttee 4.00pm</b>	28	4	11 <b>CMM – Housing 4.00pm</b>	SH
THURSDAY	1 <i>St David's Day – Christian</i> <b>Culture, Tourism &amp; Enterprise Overview &amp; Scrutiny Cttee 4.00pm</b>	8 <i>Holi – Hindu Purim – Jewish</i> <b>Adult Social Care &amp; Housing Scrutiny Cttee 4.00pm</b> <b>Licensing Cttee 3.00pm</b>	15 <b>Planning Cttee 2.00pm</b>  <b>Cabinet 4.00pm</b>	22  <b>COUNCIL 4.30pm</b>	29 <b>CMM – Environment 4.00pm</b>	5 <b>Planning Cttee 2.00pm</b>	12	SH
FRIDAY	2	9 <i>Hola Mohalla – Sikh</i>	16	23 <i>Hindu New Year</i>	30	6 <i>Good Friday - Christian</i>	13 <i>Vaisakhi – Sikh</i>	SH



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2012	APRIL	APRIL	APRIL/MAY	MAY	MAY	MAY	MAY/JUNE
MONDAY	16 Children & Young People's Trust Board 5.00pm	23 St George's Day - Christian	30 Housing Management Consultative Cttee 3.00pm	7 BH	14	21	28
TUESDAY	17 St. Patrick's Day Corporate Parenting Forum 5.00pm	24 Site Visits for Planning 2.00pm Pre-application presentation	1 Joint Commissioning Board 5.00pm	8	15 Site Visits for Planning 2.00pm Pre-application presentation	22	29
WEDNESDAY	18 Standards Cttee 5.00pm	25 Audit Cttee 4.00pm	2	9 Health Overview & Scrutiny Cttee 4.00pm	16	23 CMM – Housing 4.00pm	30
THURSDAY	19 Children & Young People Overview & Scrutiny Cttee 5.00pm	26 Yom HaAtzma'ut – Jewish	3 Planning Cttee 2.00pm	10 Cabinet 4.00pm	17 Planning Cttee 2.00pm	24	31
FRIDAY	20 Cabinet 4.00pm	27 Yom HaAtzma'ut - Jewish	4	11	18 ANNUAL COUNCIL 4.30pm	25	1



**Subject:** Attendance Management  
**Date of Meeting:** 1 February 2011  
**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 provide the Governance Committee with an overview of the action the council has taken to manage sickness absence within its workforce and how its performance in this regard compares with other local authorities over the last five years.

**2. RECOMMENDATIONS**

- 2.1 That the Governance Committee notes the report.

**3. BACKGROUND INFORMATION****Historical levels of sickness absence**

- 3.1 How well an organisation manages sickness absence within its workforce was reflected in its Best Value Performance Indicator, BVPI 12, which measured the average number of working days/shifts lost due to sickness absence per employee.
- 3.2 The figures for Brighton & Hove in each of the last 5 years is shown in Table 1 below. The table also shows how the council has performed in relation to all English authorities and Unitary authorities specifically over the same period.
- 3.3 Table 1:

FTE days lost due to sickness per employee	2005/06	2006/07	2007/08	2008/09	2009/10
Councils in England	9.6	9.4	9.4	9.2 *	No data available
English Unitaries	No data available	10.5	No data available	9.3 *	No data available
Brighton & Hove	9.81	10.92	10.12	9.99	10.18

Key: \* Not a BVPI figure - taken from the Local Government Employers' Sickness Absence Levels and Causes Survey 2008-2009

3.4 A summary of how the council's sickness absence results for 2007/08 compared with a number of other authorities for which benchmarking data could be obtained is shown in Table 2. Due to the abolition of BVPIs, this is the final year for which data is available.

3.5 Table 2:

Local authority	Average number of days lost due to sickness per employee
Hampshire	6.85
West Sussex	7.72
East Sussex	7.95
Croydon	8.13
Kent	8.22
Isle of Wight	8.43
Westminster	8.88
Sefton *	8.89
Surrey	8.90
Torbay *	9.31
Southampton *	9.41
Calderdale *	9.42
York *	9.54
Bournemouth *	10.12
Brighton & Hove *	10.18
Blackpool *	10.23
Canterbury	10.28
Birmingham	10.38
Newcastle *	10.49
Bristol *	10.62
Brent	11.20
Portsmouth *	11.22
Leeds	12.18
Hull	12.81
Adur	15.22

Key: \* authorities that form part of the Audit Commission/ CIPFA Family Group

3.6 Although the level of sickness absence within the council in 2007/08 was not as high as some authorities for which benchmarking data was available, it has hovered just above the average for local authorities in England and other unitary councils over the last five years. It was recognised that there was room for improvement.

**Action taken by HR to improve attendance levels**

3.7 Various approaches to achieving a reduction in levels of sickness have been taken over the last few years. These have included revising the policy, substantial training for managers and some targeted work in key areas.

3.8 In June 2005, an external grant from the Department of Health was secured and used to establish a temporary sickness improvement team within HR. The objectives were to review management information and work with front-line managers to improve effective use of staffing resources and in particular to work

with them to reduce sickness absence within social care services. Sickness data was analysed so that interventions could be targeted to best effect and a coaching and skills development programme was provided for managers to equip them to deal more effectively with sickness cases.

- 3.9 This work, which continued until the end of March 2006, contributed to a reduction in sickness absence across the council as a whole. Indeed, the BVPI 12 figure for 2005/06 was the lowest it had been for 5 years.
- 3.10 However, once dedicated HR resources were no longer available, levels of sickness absence increased slightly in the following two years.
- 3.11 In view of this situation, and given the success of the HR improvement team in 2005, a similar HR project targeting sickness levels in adult social care and housing was introduced in June 2008.
- 3.12 The adult social care and housing service was selected as this area had much higher levels of sickness absence (an average of 16.54 days per employee per year) compared with the rest of the council.
- 3.13 The project, which was supported by senior management, implemented the following initiatives to improve the approach to sickness management:
  - introduction of instant sickness reporting – previously sickness was reported at the end of each month which meant that there was an inevitable delay in being able to provide up-to-date management information on sickness
  - provision of weekly sickness absence data to managers highlighting those employees whose attendance levels were giving cause for concern
  - provision of monthly reports on the performance of the service in terms of the sickness trends and the levels and causes of employee absence
  - supporting managers to meet with employees as soon as their absence was giving a cause for concern
  - introduction of case conferencing to ensure the effective management of sickness cases
  - comprehensive training for managers in effective sickness management
  - distribution of concise guidance in the form of factsheets on various aspects of attendance management to line managers
  - introduction of fast-track referrals to occupational health for individuals with stress and musculo-skeletal conditions – these were the two most prevalent causes of absence within the service
  - introduction of wellbeing initiatives to encourage staff to adopt healthier lifestyles.
- 3.14 By the end of the nine-month project, the average number of days lost due to sickness per employee had reduced from 16.54 to 14.78. Improved levels of attendance also led to a 9.74% reduction in spend on agency workers compared with the previous year.
- 3.15 Keen to build on this success, a similar approach was used to target sickness hotspots within the Culture & Enterprise directorate between April and September 2009. These new approaches to attendance management resulted in a drop in sickness of 16.5%.

- 3.16 Although these projects resulted in the sickness absence figure for the council dropping to a similar level to that seen after the adult social care initiative in 2005/06, it has unfortunately increased again. It was therefore necessary to review our approach to attendance management in order to ensure that improvements achieved could be sustained.
- 3.17 We therefore investigated the strategies employed by other authorities that had been successful in reducing and maintaining lower levels of sickness within their workforces.
- 3.18 One factor that appeared consistent across those authorities that had achieved low rates of sickness, was that they had managed to get their managers to consistently and rigorously apply their organisation's sickness procedures.
- 3.19 Members will be aware that at the last meeting they approved a new Attendance Management Procedure which is designed to improve the effectiveness of sickness absence management across the organisation.
- 3.20 The main features of that policy are:
- a single procedure providing a step-by-step approach for managers to follow when managing any sickness absence issue
  - "fast-tracked" appointments to occupational health for staff who have mental health or musculo-skeletal conditions appointments so as to promote earlier recovery
  - absence management is presented as a problem-solving rather than a "disciplinary" process
  - more advice for line managers on supporting sick employees, particularly those with disabilities and mental health conditions
  - 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
  - re-setting "Attendance Concern Levels" at three (from four) spells of absence in six months to ensure that standards are understood and support can be offered quickly
  - Absence Review Meetings to be held for all staff who reach council "Attendance Concern Levels" in order to avoid inertia or inconsistent treatment of employees
  - 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
  - the issuing of a formal warning following most Absence Review Meetings although 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)
  - an improved appeal process with emphasis on appeal grounds being provided in advance.
- 3.21 A small group of HR professionals has been established to plan for, and oversee, the implementation of the new procedure. The main aims of the group are to achieve a reduction in levels of sickness absence across the organisation by:
- improving the quality and timeliness of sickness absence data captured

- improving the value to managers of the sickness absence reports produced by the new HR system
  - ensuring that the management of sickness absence is viewed as a high priority by managers
  - improving the speed and effectiveness of management interventions in sickness cases, particularly long-term cases that make up a significant proportion of employee absences.
- 3.22 A key priority of the group will be to look at how to maximise the capabilities of the new HR system (PIER). For example, work is currently underway to enable the system to automatically send e-mail alerts to line managers as soon as one of their employees reaches an Attendance Concern Level.
- 3.23 An e-learning package is also being developed and this, combined with a skills development programme for managers, will ensure that managers are better equipped to manage attendance effectively when the new policy is launched in April.

#### **4. CONSULTATION AND ENGAGEMENT**

- 4.1 It has not been necessary to consult with stakeholders due to the nature of this report.

#### **5. FINANCIAL & OTHER IMPLICATIONS**

##### Financial Implications:

- 5.1 There is a cost associated with sickness absence. This includes the time lost for each employee who is away from work as well as the cost of providing cover arrangements (where deemed essential by management) through the payment of overtime to colleagues or the engagement of additional temporary or agency workers. Financial savings will be realised, and value for money evidenced, if the council can achieve and sustain a reduction in the average number of days lost per employee due to sickness absence.

*Finance officer consulted: Anne Silley*

*Date: 17/01/11*

##### Legal Implications:

- 5.2 The council's policy and approach to managing sickness absence in the workplace complies with relevant legislation, codes of practice and case law.

*Lawyer consulted: Oliver Dixon*

*Date: 17/01/11*

##### Equalities Implications:

- 5.3 The council's policy and practices on managing sickness absence comply with the Equalities Act 2010.

##### Sustainability Implications:

- 5.4 None.

Crime & Disorder Implications:

5.5 None.

Risk & Opportunity Management Implications:

5.6 Effective sickness absence management leads to improved productivity and performance on an individual and collective team basis. It is also likely to facilitate staff retention and result in improvements in the quality, continuity and cost effectiveness of service delivery.

Corporate / Citywide Implications

5.7 Above average levels of sickness absence impair the council's ability to deliver efficient and effective services that offer value for money to the City's residents.

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Documents In Members' Rooms**

None

**Background Documents**

None



Document is Restricted

