BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 16 DECEMBER 2010

COUNCIL CHAMBER, BRIGHTON TOWN HALL

AGENDA

Brighton & Hove City Council

Council Meeting

Title:	**Council**
Date:	**16 December 2010**
Time:	**4.30pm**
Venue	**Council Chamber, Brighton Town Hall**
Members:	**All Councillors** You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Paul Scholey
Contact:	**Mark Wall** Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

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

AGENDA

Part One **Page**

42. DECLARATIONS OF INTEREST

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

43. MINUTES 1 - 50

To approve as a correct record the minutes of the last Council meeting held on the 21st October 2010 (copy attached).

44. MAYOR'S COMMUNICATIONS.

45. TO CONSIDER NOMINATIONS FOR (A) THE MAYOR-ELECT AND (B) THE DEPUTY MAYOR-ELECT

Note: The convention has been for the out-going Mayor to be nominated as the Deputy Mayor-Elect.

Ward Affected: All Wards;

46. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented to the Mayor at the meeting.

47. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 9th December 2010 will be circulated separately as part of an addendum at the meeting.

48. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 9th December 2010 will be circulated separately as part of an addendum at the meeting.

49. PETITIONS FOR COUNCIL DEBATE 51 - 54

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

(a) Bright Start Nursery - Lead Petitioner Alex Knutson.

(b) Eco-Friendly Lights for St Ann's Well Gardens - Lead Petitioner Councillor Melanie Davies.

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

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

6.30 - 7.00PM REFRESHMENT BREAK

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

50. WRITTEN QUESTIONS FROM COUNCILLORS. **55 - 60**

A list of the written questions submitted by Members will be included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

51. ORAL QUESTIONS FROM COUNCILLORS **61 - 62**

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matter has been listed in the agenda papers.

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

(a) Call over (items 53 - 56) will be read out at the meeting and Members invited to reserve the items for consideration.

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

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

53. 20MPH - SCRUTINY REVIEW PANEL REPORT **63 - 78**

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

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

54. STAFF DISABILITIES - SCRUTINY REVIEW PANEL REPORT **79 - 92**

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

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

55. CLIMATE CHANGE ADAPTATION - SCRUTINY REVIEW PANEL REPORT **93 - 110**

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

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

56. STATEMENT OF LICENSING POLICY - THREE YEAR REVIEW **111 - 242**

Extract from the Proceedings of the Licensing Committee held on the 18th November 2010, together with a Report of the Strategic Director of Place (copy attached).

Contact Officer: *Tim Nichols* *Tel: 29-2163*
Ward Affected: *All Wards;*

57. NOTICES OF MOTION. **243 - 250**

(a) National Health Service – Brighton. Proposed by Councillor Kevin Allen.

(b) Vodafone and Brighton & Hove City Council. Proposed by Councillor Warren Morgan.

(c) Extend the Consultation on Bright start Nursery and Effect Its Future Viability. Proposed by Councillor Lizzie Deane.

(d) Private Rented Sector Rents. Proposed by Councillor Bill Randall.

58. CLOSE OF MEETING

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

Note:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL

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

ACCESS NOTICE

The lift cannot be used in an emergency and Evac Chairs are not suitable due to limitations of the escape routes. **For your own safety please do not to go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception if this affects you so that you can be directed to Committee Room 1 where video conferencing facilities will be available for you to use should you wish to watch the meeting or need to take part in the proceedings e.g. because you have submitted a public question.

We apologise for any inconvenience caused.

Date of Publication - Wednesday, 8 December 2010



Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 21 OCTOBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

20. DECLARATIONS OF INTEREST

20.1 The Mayor drew the Council's attention to Item No. 28(b), Review of Members Allowances, on the agenda and stated that all councillors held a personal and prejudicial interest in the item. However, it was not practical to prevent them from voting on the matter and therefore all councillors had a general dispensation, in order to be able to consider and vote on the matter. He therefore sought agreement, which was given, to take the declaration of personal interests from all councillors as having been declared.

20.2 No other declarations of interests in matters appearing on the agenda were made.

21. MINUTES

21.1 The minutes of the last ordinary meeting held on the 15th July 2010 were approved and signed by the Mayor as a correct record of the proceedings.

22. MAYOR'S COMMUNICATIONS.

22.1 The Mayor offered his congratulations to everyone involved in enabling the council to gain 4 Silver Awards and 6 Silver Gilt Awards in the 2010 South and South East In Bloom Competition. He noted that the success showed the deserved recognition of all

the hard work that officers, community associations and countless individuals put into the floral displays across the City.

22.2 The Mayor informed councillors that the council had recently achieved certification for environmental management system standards ISO 14001 and the new British Standard BS 8901. He stated that these were the first such environmental standards for the council and covered events venues.

22.3 The Mayor then invited Mark Prior, Assistant Director Sustainable Transport to come forward and receive the award for Transport Local Authority of the Year 2010-11. He noted that the award had been won against strong competition from other worthy local authorities across the country and was a testament to the council's commitment to innovative as well as practical Transport solutions that made a real practical difference to people's lives. Talking Bus Stops, for example, had helped blind and partially sighted people use the city's buses independently and electric vehicle charging points would help reduce pollution in the city.

22.4 The Mayor then offered the Council's congratulations to the Democratic Services Team on achieving ISO9001 Accreditation and noted that they were one of only a few Democratic Services Teams in the South-East to have gained such recognition.

22.5 The Mayor then drew attention to the council's aim for excellent customer service and as such the running of the Institute of Customer Service Awards. The scheme enabled members of staff to work with an appointed coach from across the council, to take one of three levels of award. He then offered the Council's congratulations to the following people who had successfully achieved an award to date:-

<u>Communications Award</u>

Euna Dawkins	-	Registrars Office
Carolyn Bristow	-	Schools Admissions
Graham Standing	-	Housing Benefits
Reuben Sibanda	-	Revenues & Benefits
Alex Luxton	-	ICT Helpdesk
Raluca Jarvis	-	Housing Income Management
Andrew Phillips	-	Systems Administration

<u>Solutions Award</u>

Anita Gandhi	-	Inspections Team, Revenues
Lisa Johnson	-	Democratic Services
Mark Wall	-	Democratic Services

<u>Innovations Award</u>

Myfan Jordan	-	Policy, Performance & Community Participation
Angela Woodall	-	Democratic Services

22.6 The Mayor also noted that Councillor Fallon-Khan was about to complete his assessment for the Communications Award and wished him good luck. He hoped that other Members would follow the example and consider supporting the scheme in this way in the future.

22.7 The Mayor stated that he was aware of the high level of interest in regard to the Connexions Service demonstrated by the deputation, Member questions, the petition and the notice of motion on the agenda. In view of this, he proposed to change the order of the agenda so that Item 27(c) was taken together with Item 40(a) immediately after Item 25. He would then revert back to the order of items as listed on the agenda. He also noted that a copy of the procedure to be followed for the debate on the matter had been circulated.

22.8 Finally, the Mayor reported that Councillor Bennett had joined the Conservative Group and noted that there was a paper later on the agenda dealing with the allocation of seats as a result of the change in membership.

23. TO RECEIVE PETITIONS AND E-PETITIONS.

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

23.2 Councillor Morgan presented a petition signed by 125 residents concerning playground equipment in Whitehawk.

23.3 Councillor Turton presented a petition signed by 562 residents concerning parking in East Brighton.

23.4 Councillor Janio presented a petition signed by 105 residents concerning the installation of cctv in Hangleton Way.

23.5 Councillor Older presented a petition signed by 16 residents concerning parking in Connaught Road.

23.6 Councillor Young presented a petition signed by 1,242 residents concerning the provision of Adult Education at the Connaught Centre.

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

23.8 Councillor Morgan presented an e-petition signed by 562 residents, concerning frontline policing.

23.9 Councillor Fryer presented the second e-petition signed by 132 residents, concerning the provision of public seating throughout the city.

24. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

24.1 The Mayor reported that ten written questions had been received from members of the public and invited Ms. Weir on behalf of Mr. Kirk to come forward and address the council.

24.2 Ms. Weir asked the following question; "Does the Council agree that the government's plans for the NHS in its recent white paper, involve such a degree of reorganisation that it should be implemented only once adequate consultation with the medical profession and the wider public has taken place, and only when the policy has been proved effective by pilot schemes? Further, the timing of this policy, involving massive transitional costs when the government is planning extensive cuts in public spending, is ill advised"

24.3 Councillor K Norman, Cabinet Member for Adult Social Care & Health replied, "The Coalition Government's plans for NHS reorganisation are contained in the White Paper as you probably know: it is commonly known as Equity and Excellence: Liberating the NHS. A White Paper, by definition, is a consultation document and I've heard a lot about consultations in meetings this morning and other meetings recently about what consultation is, and a wide range of organisations and individuals have already been asked to respond to the initial proposals. Legislation will be introduced which will reflect the results of this consultation. Further consultations will be taking place on particular aspects of the plan at a later date – for example, adult social care, patient choice, public health. We've already had some announcements yesterday and so we will be looking forward or expecting other announcements within the next few weeks or months. Extensive and ongoing local consultations are also taking place between GPs, health managers and the local authority. Therefore, I really don't accept the premise of your question.

In terms of the transitional costs, the important point here is the overall savings figure once the reforms have been implemented. The Government has guaranteed that health spending will increase in real terms, and we've heard that already, for the duration of this Parliament whilst at the same time making efficiency savings and reductions in management costs. These figures dwarf even the most pessimistic estimates of reorganisation costs and will allow more money to be invested in NHS frontline services and treatments."

24.4 Ms. Weir asked the following supplementary question, "In that case and if the consultation has been a real one, does the council agree that the White Paper should now be withdrawn as the range of opinion of the professional bodies is against many aspects of the White Paper proposals? The British Medical Association believes it will pit clinicians against each other in a complex healthcare market place creating waste, bureaucracy and inefficiency and that removing the private patient income cut for Foundation Hospitals could lead to a two-tier health service and potentially destabilise local hospitals.

The question is whether the council agrees that if it has been a real consultation that the council would agree that the White Paper should be withdrawn because of the opposition of the professional bodies to many of the White Paper proposals?"

24.5 Councillor K Norman replied, "The consultation on the White Paper has yet to be concluded, I mean that's an ongoing process and there are still discussions taking place between many organisations, individuals and bodies and that is something that will come out in the following weeks, months or even further ahead, so I'm not prepared to try and answer the detail of some of the statements that you have made because that is

totally irrelevant to the question that you originally asked and it's irrelevant to your supplementary question."

24.6 The Mayor thanked Ms. Weir for her questions and invited Mr. Lowe to come forward and address the council.

24.7 Mr. Lowe asked the following question, "How confident are the council about youth services continuing to meet the needs for disabled young people?"

24.8 Councillor Brown replied, "The council remains confident that both specialist and universal youth services will be accessible to and meet the needs of the city's disabled young people. Two key reviews - youth services and services for disabled children - are being carried out in the city and are due to report in January 2011. Both of these have included all key stakeholders, children and young people and parents and carers in the development of themes and strategies.

Within the youth services review the aims are to develop a commissioning strategy that:

- Jointly commissions inclusive activities for all young people across the city. There will be a process for involving young people from each community of interest in decision making about the services they want.
- Commissions youth access points for young people who are most in need and at greatest risk of poor outcomes.
- Implements a workforce development programme which will include mandatory training to ensure services meet the needs of all young people – including those with disabilities.

The review of services for disabled children is designing a continuum of provision to meet a range of needs. Currently there are specialist youth clubs, holiday schemes and befriending activities specifically for young people with disabilities and all other city youth provision aims to be inclusive. Where there are access problems these are addressed on an individual basis as appropriate.

The task in going forward is to ensure that the current reviews and those in the future take a joined-up approach to the needs of all young people, including those with disabilities or other additional needs. Joint working between commissioners in the new structure of the council will enhance this approach and ensure coherent and appropriately focussed services built on current knowledge, expertise and experience to address the needs of all young people."

24.9 Mr. Lowe asked the following supplementary question, "So, obviously you don't know the findings of the report until the New Year. I was going to say how do you intend to carry on with your services but you don't really know the outcomes until the report has been published, do you Councillor Brown?"

24.10 Councillor Brown, Cabinet Member for Children & Young People replied, "No, we don't know the outcomes but we will make them very public in January and so I thank you very much for your question and please be assured that we will look very favourably towards any services for disabled children."

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

Mr. Walter asked the following question, "In June of this year a large piece of concrete fell nearly 8 floors outside the front entrance of Dudeney Lodge on Upper Hollingdean Road. To date, the only action taken by the Council has been the construction of scaffolding at the bottom of the building. Will the Cabinet Member commit to carrying out a full maintenance survey of Dudeney Lodge to determine the cause of the incident and to reassure the residents that a similar episode can be prevented?"

24.12 Councillor Caulfield, Cabinet Member for Housing replied, "The scaffolding was erected as a safety measure to help protect residents from any possibility of future falling concrete debris as it was not possible from the ground to identify the condition of the concrete and the possibility of further concrete falling, so a specialist survey was commissioned by the Housing Repairs service, both for Nettleton and Dudeney because both blocks are of a similar age so we need to look at both of them together.

I am pleased to inform you that a detailed concrete report has now been produced; and the report concludes that although there are several areas that require remedial concrete repairs none of these areas are in any danger of breaking free from the building.

As there is no danger of further concrete falling, the scaffolding covering the entrance to Dudeney Lodge is now being safely removed.

Our repairs contractor, Mears, is currently providing a cost for the concrete repair work and this will be programmed into a proper Programme of Works in the near future.

A newsletter was delivered to residents last week to inform them of the outcome of the concrete survey and the repair work to be undertaken. A further newsletter will also be sent out nearer the time when the future works are to be undertaken."

24.13 The Mayor thanked Mr. Walter for his question and noted that there was no supplementary question so invited Mr. Philo to come forward and address the council.

24.14 Mr. Philo asked the following question, "I am a concerned resident of Withdean Ward and user of the facilities of Withdean Stadium. At a time of cuts in public spending I am concerned about its future post the departure of the football club next year. Can the Council please reassure me that that the stadium will not be closed down or the facilities reduced next year?"

24.15 Councillor Smith, Cabinet Member for Culture, Recreation & Tourism replied, "I can say definitely that Withdean Stadium is there as far as this authority is concerned forever and it's going to be improved but I will give you the official answer here. The Council is fully committed to retaining the wide range of facilities at Withdean Sports Complex. In fact, we hope to retain some of the additional facilities that have been brought in by Brighton and Hove Albion Football Club such as the West Stand and the new changing rooms. A planning application is to be submitted to retain these with a view to securing the Stadium's future as a top class regional athletics stadium.

We are also in discussions with local football clubs regarding the future use of the facilities and aim to make the most of the legacy left by the Albion when they move to Falmer next June."

24.16 Mr. Philo asked the following supplementary question, "Just really to have a little bit more detail on it. I am interested myself in all of the facilities which go on round the running track and in the ex-football stadium like the indoor tennis, the various keep fit activities and the squash court and things like that. Is that part of the package?"

24.17 Councillor Smith replied, "It definitely is, everything that's at Withdean at the moment and what we want to do is to enhance the stadium as I said to make it a regional centre for sports."

24.18 The Mayor thanked Mr. Philo for his questions. He noted that Ms. Shanks was unable to attend and therefore a written response would be sent to her. He then invited Mr. Jarrett to come forward and address the council.

24.19 Mr. Jarrett asked the following question, "Would Councillor Theobald please ask Highways to investigate the feasibility of installing pedestrian crossing lights at the junction of Cromwell Road and The Drive in Hove, on the two arms of the junction which do not currently have them? This would remove an anomaly and make it safer for residents to cross these busy roads road rather than taking their lives in their hands. This would be of particular benefit to parents with pushchairs and people in mobility buggies."

24.20 Councillor G Theobald, Cabinet Member for Environment replied, "All requests for pedestrian crossings, including this one at Cromwell Road and The Drive, are always taken seriously and will be assessed and implemented if they deliver some basic criteria.

As part of the development of our third Local Transport Plan (which is called the LTP3), and in conjunction with the Environment & Community Safety Overview and Scrutiny Committee (ECSOSC), my officers are currently revising and developing a detailed assessment methodology to determine the relative priority of pedestrian crossing requests throughout the city. However, in the meantime I will ask officers to fully investigate this location which is one that I know well."

24.21 Mr. Jarrett asked the following supplementary question, "As I recently experienced when accompanying my elderly aunt that crossing many of the road junctions in Hove is extremely difficult in a mobility scooter, will the officers investigating and carrying out this survey please take into account the ability of the scooter to get across in any central reservation space, particularly where it's chicaned with steel railings?"

24.22 Councillor G Theobald replied, "I think that's a very good point and I will certainly ensure that officers take that point into account."

24.23 The Mayor thanked Mr. Jarrett for his questions. He noted that Ms. Ogmore was unable to attend and therefore a written response would be sent to her. He then invited Mr. Guy to come forward and address the council.

24.24 Mr. Guy asked the following question, "Could the Cabinet Member provide me with the following information with regard to the proposal to turn Portslade Community College into an Academy:

Where the funding to finance the proposal is coming from;
How much will be earmarked for the new build;
The time-scale for the release of these funds;
What conditions are going to be imposed on the sponsor in order to secure the sponsorship and therefore the funding; and

Is the sponsor going to be required to make any financial commitment at all in order to secure the agreement of the local authority to award the sponsorship deal?"

24.25 Councillor Brown, Cabinet Member for Children & Young People replied, "The proposal for PCC to become an Academy was submitted to Government in July 2010. This proposal was put on hold by the new Government until the outcome of the Comprehensive Spending Review.

Once the CSR has confirmed what spending will be made available for future academies and school building developments we expect to receive indicative figures for refurbishment of the existing PCC site and an allocation for project development costs. These figures will also include any conditions identified by government for the proposal to be accepted.

The likely timescale is that we would expect to hear from government by the end of December. Any allocation of funding would then enable planning and development work at the PCC site to begin after Easter 2011 with an expected completion date in 2014.

The proposal for PCC to become an Academy includes the possibility that PCC could become an Academy in September 2011 prior to any building works. For this to occur a formal consultation would have to be carried out as part of the statutory process for closing the existing school.

Under current academy rules sponsors are not required to make a financial commitment to an academy nor do they have to seek the agreement of the local authority. However the Council as co-sponsor have worked closely with the Aldridge Foundation on the PCC proposals as we believe this development is in the best interests of the school, its students and the local community."

24.26 Mr. Guy asked the following supplementary question, "In view of the pressures on the public purse, especially after yesterday's swingeing announcement by the Chancellor, should not the sponsor be required to make a financial contribution, at the very least to the public consultation for which I believe the figure of £100,000 has been mooted. If Mr Aldridge is so keen to run the Academy should he not be required to make at least some financial commitment towards it, would the council not agree?"

24.27 Councillor Brown replied, "I'm afraid as a local council we can't change Government rules, Mr Guy. Mr Aldridge committed to working with us to have an Academy at Portslade and I am sure he will do everything he can to help that process."

24.28 The Mayor thanked Mr. Guy for his questions and invited Ms. Statham to come forward and address the council.

24.29 Ms. Statham asked the following question, "The report Agenda Item 34 presented 11th October is flimsy - literally and metaphorically. Could the councillor(s) substantiate claims therein by providing:

i) details of all subsidies from CYPT budget for comparison;
ii) revised figures showing how subsidy/deficit reduction with a) 10% increase in fees and b) full occupancy rate;
iii) justification that the future of this city and Bright Start attendees will be best served by having another library, art gallery or museum instead of pre-school nursery provision
iv) evidence that £12K is a meaningful overspend in the overall budget;
v) the difference between bottom and top end of staff pay scales"

24.30 Councillor Brown, Cabinet Member for Children & Young People replied, "No decision has yet been taken at all about closing Bright Start Nursery. We propose to commence a consultation with parents and staff at the nursery shortly when the issues raised by you can be more fully explored.

I can, however, confirm at this time the answers to some of the factual issues you have raised. There is no other council nursery that receives a council subsidy from core CYPT council budgets. The Children's Centre nurseries are subsidised from the Sure Start revenue grant for Children's Centres which comes directly from the Government.

The Children's Centre nurseries are based in the areas of most disadvantage and we give priority to children in the most need, including those with child protection plans and special needs. The costs of these subsidies for Cherry Tree, Acorn, Tarnerland, Roundabout and Jump Start are between £100,000 and £193,000.

The issues you raised with regard to the subsidy and deficit reduction and an increase in fees are best dealt with in the consultation process. With regards to the alternative use of the buildings, the officer's report merely illustrated examples of what could be abuses of the building, although until decisions are taken no alternative usage is being explored.

With regards to your point about the overspend highlighted within the officer's report, the £12,000 is an overspend above the budget of £87,000 and was based on the September occupancy figures of 70%. The occupancy rate slightly increased in October and if they remain at the same level the final subsidy would be approximately £87,000. However, it needs to be noted that this is not the true cost of the subsidy to the nursery from the core budget as it doesn't include the indirect costs from finance and HR, for example, so it is a high cost and it's an ongoing cost year upon year.

You also asked about the nursery practitioners and in Bright Start they are on Scale 4 of the Local Government pay scale and the difference between the bottom of this particular scale and the top is approximately £2,000."

24.31 Ms. Statham asked the following supplementary question, "An announcement was made in yesterday's Comprehensive Spending Review that 15 hours of free nursery care per week will be extended to 2 year olds from disadvantaged backgrounds under the fairness premium.

Considering the knock-on effect that this is likely to have on the demand for nursery places do you, Councillor Brown, agree that a consultation with the possible outcome of closure is at best ill-timed at this moment? Would it be more prudent to put any decisions on hold until details about the expected level of increased demand are available and the future need for nursery provision and how and where it is located can be assessed?"

24.32 Councillor Brown replied, "All these matters will be looked at during the consultation period but I can tell you that we have already extended the Roundabout Nursery so that it is capable of taking a lot more 2 year olds."

24.33 The Mayor thanked Ms. Statham for her questions and invited Mr. Jones to come forward and address the council.

24.34 Mr. Jones asked the following question, "Could the councillor please explain why the report to CYP Cabinet Member meeting on the 11th October on Bright Start nursery contained misleading information such as the cost of building work, some of which wasn't seen as necessary a year ago, and was only £5000? It appears the building work will happen regardless of what will happen to the nursery in April 2011."

24.35 Councillor Brown, Cabinet Member for Children & Young people replied, "The report to the CMM did not contain misleading information. The report stated that the flooring in the children's toilets and the heating needed urgent attention and that the estimated cost was £5,000. The work is being done this month together with essential maintenance on the lighting.

The report also stated that a feasibility study estimated that the total cost of bringing the nursery up to a good standard was £230,000. More information about the feasibility study will be included in the consultation document."

24.36 Mr. Jones asked the following supplementary question, "I put it to you that it was deliberately misleading information as with all the stuff about vacancies to parents offering individual consultation and offering individual help. My question is do you not think that by saying oh well all these things we'll deal with it in consultation is actually very damaging to the staff, the parents and the children of the nursery? It will make parents take their children out of the nursery and do you not think that you should have done your report in a way that answers all the questions that have been raised before you did this damaging thing of putting it out to consultation, which is going to cause a lot of damage to some of the children in this town, including the ones with special needs that you talked about the importance of?"

24.37 Councillor Brown replied, "We considered that the report was full enough to make a recommendation to go out to consultation and we do know that the state of the building is very poor. It has high windows, little light, damp, we've had rodent infestations, so we

do know that that building needs a lot of money spent on it but all these issues will be talked about in the consultation period."

24.38 The Mayor thanked Mr. Jones for his questions and noted that this concluded the public questions.

25. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

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

25.2 Ms Summers thanked the Mayor and presented the deputation:

Deputation on Connexions

"There's nothing much along this street: a cafe' that shuts early, a convenience store, hairdresser...hardly a hub of youth activity and interest. Yet at Hollingdean Dip the flagship centre for Brighton & Hove Connexions services has never been busier. In the two years since its opening more than 140 13-19 year-olds receive careers and personal advice at their Tuesday drop-in facility per month. And that's not all. The rest of the week is set aside for many other services for youngsters such as crime prevention, school inclusion, sexual health work and NEET engagement and prevention. It is labour intensive employing 14 regular staff alone in this deprived area of the city.

Two years is not long enough to see a young person through troubled times - particularly at school - and set them on the right tracks to a meaningful and fulfilling academic, work or social life; it's not enough time to equip them and reassure them of their enormous value in society. The staff at Connexions committed to their work for the long haul and if the staff (who are modestly paid) are willing to do that so likewise should their employer.

Yet despite the overwhelming need, and proven success, of this centre the Administration has chosen to abort it. We understand the difficulties of this decision and we recognise the challenges for any local council in navigating through the current climate of reduced spending and imposed cuts. However, there are surely those times when an authority, such as this Administration, ought to make a stand for the city which it governs. It ought to protect the services that help the most vulnerable and it ought to make a case to central government for doing so.

There is a "To Let" sign outside the Connexions building in Hollingdean because the contract with the private owner expires in 10 days time, so we have to ask: what will happen to all the local young people on the 1st November? Where will they go? The nearest alternative is the Young People's Centre in Ship Street; by no means within walking distance and an entirely different environment. And what about the staff in Hollingdean? Their jobs have now been secured until the New Year but where do they go next month? Some of them are here now and would very much like to know where they should turn up for work on Monday 1st November and what work they will be expected to do. It's the not knowing that is so upsetting and rightly so.

So why close the Hollingdean centre? Is it because the rent is unaffordable? At £8,000 per year this simply does not compare with Marmion Road in Hove, for example, where rent is three times this amount and not even for frontline services – it is purely administrative support.

The Administration have made reference to evidence of outcomes from the money spent on the services being not as positive as they could be. We are curious to understand the nature of this evidence and what would be considered as positive outcomes by the Administration, when the staff and young people themselves continue to report good news. If, as was also stated, funding will continue for careers advice in schools what happens to the young people who attend schools that don't have a careers teacher? What happens to children from broken families who need advice that teachers simply are not trained to give? And what happens to the really vulnerable older ones who are not in education, employment or training?

Many questions, not many answers, and one struggles to believe that the Cabinet has done its homework properly. Do they really appreciate the long-term effects on a struggling young generation of closing down any of the city's youth services let alone the busiest at Hollingdean Dip?

For the sake of the city's young people and the enormously dedicated staff that make such a difference to their lives we strongly urge the Administration to take the following actions:

1. rescind their decision to close down the centre in Hollingdean Dip,
2. commit to a full Equality Impact Assessment as required by law,
3. depending on the results that emerge, guarantee that the centre will remain open and continue to be fully staffed,
4. lobby central government for the return of their grant."

25.3 Councillor Brown, Cabinet Member for Children & Young People replied, "The Hollingdean Dip Connexions plus access point is not closing in 10 days' time nor does the lease expire at that point. This has never been our intention. By the terms of our lease, we are required to give 6 months' notice to the landlord. This is because of the need for good stewardship of public monies. We are anticipating going out to consultation with staff in November with regards to the redesign of Connexions Service. This consultation will cover the issue of location and delivery points throughout the city. Because of the possible changes, notice was given to the landlord. However, we have the ability to extend the lease of the Dip Plus Connexions location depending on the outcome of the consultation.

Staff presently based in the Dip have been informed of this and in the meantime Connexions staff will continue to be based there and to see young people just as at present. It's business as usual at the moment.

As with the Dip, all other Connexions access points across the city remain open.

An Equalities Impact Assessment in relation to the proposed changes to Connexions funding is currently underway. An initial EIA will have been completed by the time the options go out for consultation to all affected staff in November. As a matter of good

practice, the EIA will be concluded following the consultation and so able to take into account issues that are raised during that process contributing to the ultimate service redesign."

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

25.5 The Mayor then invited Ms Tindall as the spokesperson for the second deputation to come forward and address the council.

25.6 Ms. Tindall thanked the Mayor and stated that:

"Portslade Community College IS the heart of the community.

It is central not just to the education of our children but hosts a whole range of extra curricular activities for children and a whole range of extra curricular activities for adults.

It provides facilities for recreational events from the sporting and leisure to the celebratory to the entertaining.
Local charities rely on its facilities, such as Quad, the charity for those suffering from Downs Syndrome.

From very small children to those residents in their mature years, PCC provide a COMMUNITY service, responds to the needs of the community, is at the heart of the community.

All this is under threat, or felt to be under threat by the proposal to transfer the school from the jurisdiction of the local authority to that of Mr. Aldridge and his proposal to turn it into an academy.

From being an institution which is accountable to the community directly, and politically through its status as a maintained school, it will pass into the hands of an unaccountable businessman (or some other party bidding for the sponsorship) with no links to the community, and quite frankly, with no interest in the educational welfare of our children; in fact he has conceded on previous occasions that he is not an educationalist.

The decision making will be concentrated in the hands of Mr. Aldridge and his appointees, (or some other party bidding for sponsorship) with no obligation in law for him to consult or even discuss what he does with the school once it passes into his hands.

The record of Mr. Aldridge's involvement in the education system in our city does not inspire confidence if the academisation of Falmer High School is anything to go by, and since the current head has overseen such significant improvements in academic performance, we are alarmed that that progress will be severely disrupted by this development.

We, the concerned stakeholders in the school therefore urge the local authority to reconsider the whole proposal, and move away from any further consideration of Mr. Aldridge's (or any other interested party) involvement, and instead make a firm decision to keep the school under local authority jurisdiction, as a COMMUNITY school.

And if the local authority is in any doubt about the strength of feeling regarding this issue, then at the very least they should organise a GENUINE consultation exercise, and ballot all those involved with the school: parents; staff; residents, those with a stake in the future of the school, and those who, at present feel that the local authority is moving forward on this issue without taking their views and concerns into consideration."

25.7 Councillor Brown, Cabinet Member for Children & Young People replied, "The proposal for PCC to become an academy was submitted to Government in July 2010. This proposal was put on hold by the new government until the outcome of the CSR.

The council and the Aldridge Foundation, as lead sponsor and co-sponsor working together, have emphasised their wish and that expressed in the deputation that PCC continues to be the centre of its community.

The council is delighted that under the new Principal the college is now moving forward under strong leadership as evidenced by the recent rise in GCSE results.

The council and the Aldridge Foundation remain committed to their initial proposal and believe that this will bring about acceleration in the pace of change at the college and a continued improvement in the achievement of high academic standards. The council also believes that this change will help strengthen the relationships and increase the successes that you have highlighted.

Discussions continue with Government and we anticipate a decision being taken regarding the proposal for PCC to become an academy towards the end of the year. If sanctioned by Government the proposal can only go ahead with Cabinet approval following a formal consultation period with the school and the community carried out as part of the statutory process for closing the existing school."

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

Note: Items 27(c) Petition for Debate and 40(a) Notice of Motion, concerning Connexions were taken by the Mayor at this point, but the minutes for each item have been detailed in the order of the agenda item number for ease of reference.

Refreshment Break

25.9 Following the debate on items 27(c) and 40(a) the Mayor then adjourned the meeting for a refreshment break at 6.30pm.

25.10 The Mayor reconvened the meeting at 7.05pm.

26. QUESTIONS FROM COUNCILLORS

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

Written Members' Questions

26.2 **(a)** Councillor Hamilton asked:

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

26.3 Councillor Alford, Cabinet Member for Central Services replied:

<u>When do you expect to have this in place?</u>
"We hope to begin work on a talent management strategy for the organisation from April 2011. This allows time for the leadership team to work with HR to analyse the current workforce profile, predict the future needs and develop a workforce plan by end of March 2011. The thinking involved in doing this will allow the talent management plan to be targeted to BHCC needs."

<u>Will career pathways be part of the employment framework of the council?</u>
"We already have career pathways in some areas of the organisation e.g. legal services. It is intended with the introduction of job families, for this practice to widen, however we are at early stages in our thinking. Job families enable more flexible use of the workforce and for employees themselves to identify development needs required to move up in their existing job family or transfer to another job family."

<u>Will this lead to greater career and development opportunities for all employees who seek them? Will there be a structured approach for all abilities as a way of motivating and retaining the existing workforce?</u>
"Our intent would be for any talent management strategy that we put in place to be about motivating, retaining and developing the talent that the organisation needs to be successful. It is not clear yet how it will be applied across the organisation."

26.4 **(b)** Councillor Elgood asked,

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

26.5 Councillor Young, Cabinet Member for Finance replied,

"The Council will publish items of expenditure over £500 on 25 October 2010. This will include both a detailed breakdown of expenditure incurred in 2009/10 accessible through a user friendly free software package "Spotlight on Spend" and monthly files showing expenditure for 2010/11 derived from our creditor system. This provides a huge amount of information on council spending for example the April 2010 spending data file alone runs to 8,875 lines, and at has taken some time to process all this data in a form that satisfies the draft regulations. A recent survey has shown that so far 27% of all councils in the South East Region had published their spending data, but most of the authorities were small districts and only 16% of Unitary and County Councils had published their data."

26.6 **(c)** Councillor Elgood asked,

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

26.7 Councillor Brown, Cabinet Member for Children & Young People replied,

"We are currently not able to give the requested information listed by council ward. However, the citywide figures for the period requested, by age of young person, are as follows:

Age	Number of young people using Connexions 1/9/2009 – 31/8/2010
13	73
14	228
15	629
16	1375
17	1392
18	1233
19	1312
20	803
21	159
22	61
23	36
24	29
25	23
Total	7353

Please note that this table shows individual, different young people. The vast majority had more than one intervention over the year. Interventions can range from sending out information, telephone support through to a full intensive one-to-one interview."

26.8 **(d)** Councillor Kitcat asked,

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

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

26.9 Councillor Alford, Cabinet Member for Central Services replied,

"1. Accessibility is a key requirement for the ongoing development of the Council website. The website has been designed to meet established industry standards and conforms to recognised accessibility guidelines.

2. The council subscribes to The Society for IT Management (SOCITM), an association for ICT professionals in the public and third sectors. In the 2010 SOCITM review of all local authority websites, the Brighton & Hove website received a 3 star rating. This is assessed against a range of different factors including accessibility.

3. Sitemorse is a private organisation which sells its consultancy and audit services to organisations. The Sitemorse ranking of the Council website is based on their own diagnosis and prioritisation of a range of different factors.

4. We are currently implementing the first of a three phase web development program as part of a channel shift strategy which underpins our commitment to citizen centric services.

5. Stage 1 will review and improve the design and navigation aspects of the existing website. Working with Community Contact Point staff we will incorporate user feedback to inform future design and accessibility needs.

6. Stage 2 will include significant changes to the structure and architecture of the website to move it closer to the council's ambition of a personalised, transactional and transparent web experience which meets the needs of all its customers.

7. Officers are establishing an approach using the established Equalities Impact Assessment process which will directly address accessibility issues across all services impacted under this programme."

26.10 **(e)** Councillor Kitcat asked,

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

26.11 Councillor Mears, Leader of the Council replied,

"The Council is committed to openness and transparency and will always make information available to the public unless there are good legal or other reasons not to do so, such as the need to protect people's privacy.

The exact form in which information is published depends on the subject and the intended audience. We will always adopt the most appropriate means taking into account legal requirements, good practice as well as government guidance.

On the issue of publishing expenditure, I confirm that we will publish items of expenditure over £500 on 25 October 2010. This will include both a detailed breakdown of expenditure incurred in 2009/10 and monthly files showing expenditure for 2010/11 derived from our creditor system. We will be using Data.Gov terms and conditions for our published information which is in line with government guidance to ensure that the data is presented in a usable format.

I hope this answers your question"

26.12 **(f)** Councillor Kitcat asked,

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

26.13 Councillor Mears, Leader of the Council replied,

"As you will be aware, the Independent Remuneration Panel's report was deferred at Full Council in March because of concerns raised by some of the Members over a number of the recommendations put forward. Since then Group Leaders have had an opportunity to put forward any comments for the Panel's consideration and as you will have seen, their report is on the agenda for today's meeting together with an officer report.

The matter of a possible return to the committee system is a subject for separate debate and in no way affects the decision we will be making today."

26.14 **(g)** Councillor Duncan asked,

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

26.15 Councillor Fallon-Khan, Cabinet Member for Enterprise, Employment and Major Projects replied,

"I would like to thank Councillor Duncan for his question. It is my understanding that Amex is doing a great deal to assist local residents who may be suffering inconvenience.

In addition to a range of long term community benefits secured through the planning permission under a section 106 Agreement, AMEX has arranged a range of measures to reduce the impact of the works on the local community. These include:

- Monthly residents' liaison meetings and a monthly newsletter distributed by hand to 250 neighbours informing them of the progress of the works.

- An information website.

- Providing residents with prior warning of any particularly disruptive construction activities which are unavoidable.

- Appointing a full time neighbour liaison manager who is contactable on a freephone number during working hours.

- A free fortnightly window and car cleaning service to 166 households around the site. I understand that 108 households have taken up the window cleaning and 54 households the car cleaning.

- An off site community room for home workers and residents to use free of charge. This has been equipped with four computers, a printer, wi-fi, 2 sofas, TV, kitchen facilities and is available by pre-booking. This room has been available for two months now, although I understand that only 4 passes have been issued and 5 bookings made to date.

I am aware that senior officers of the council are continuing to work with local residents and Amex representatives to help ensure that any inconvenience is kept to a minimum."

26.16 **(h)** Councillor Duncan asked,

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

26.17 Councillor Smith, Cabinet Member for Culture, Recreation and Tourism replied,

"The council provides a full beach lifeguard service from the end of May until the first week of September. The service is made up of 26 seasonal lifeguards and patrol boat crew and covers 11 stations across our 13 km of Seafront.

During the summer months byelaws come into place which provide designated bathing zones which are identified by yellow marker buoys. These zones are lifeguarded from 9.30 am – 7.00 pm 7 days a week and red and yellow flags are used to inform the public

when it is safe to swim. All buoys and flags are removed at the end of the season and anyone choosing to swim does so at their own risk.

Outside of the summer season the Seafront is managed by a team of 6 permanent full time Seafront Officers. The team is based at the Seafront Office and operates 365 days of the year.

On the weekend in question there were 4 full time Seafront Officers on duty who are all beach lifeguard qualified. The Seafront Officers patrol the seafront but are not permanently based on the beaches as lifeguards are in the summer.

The water temperature drops considerably after the summer season and Seafront Officers would not encourage people to swim unless they are equipped for these conditions. A rescue undertaken by Seafront Officers on 25th September this year resulted in one officer and 2 casualties being taken to hospital suffering from hypothermia after having been in the water for only 20 minutes."

26.18 **(i)** Councillor Duncan asked,

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

26.19 Councillor Caulfield, Cabinet Member for Housing replied,

"Council housing residents have a very powerful influence in the development of housing policies in Brighton & Hove. Our recent annual report demonstrates how closely a wide range of residents are involved in shaping our housing policies and priorities and in checking on our performance.

We currently support around 70 resident associations, four Area Housing Panels and nearly 20 other resident groups, including the City Assembly. Housing Management Consultative Committee is the meeting where final policy proposals are debated by both Members and residents, but much wider consultation takes place before reports are presented to the committee.

During the last 12 months we have increased the range of ways in which tenants and leaseholders can get involved. We now have a database of nearly 2000 residents who are interested in getting involved. We use the database to involve residents from under-represented groups and to involve residents in ways which suit them, including using social networking media.

Through our involvement of residents we empower them to gain new skills. We've trained resident volunteers as 'mystery shoppers' to test our customer service, involved residents in a 'rate your estate' initiative and offered training for residents to become energy advisers.

Residents are involved in the procurement of new contractors such as the new repairs partnership, and a new group looking at building new Council homes. Residents also control a yearly Estate Development Budget for improvements to their neighbourhoods.

The Council is continuously working with residents to further improve their meaningful involvement in the management of their homes and neighbourhoods. Residents are currently working with us on the development of our Resident Involvement Strategy and over the next two weeks we are holding a series of 'Tell us what you think!' events to find out resident priorities for our services."

26.20 **(j)** Councillor Duncan asked,

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

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

26.21 Councillor Smith, Cabinet Member for Culture, Recreation and Tourism replied,

"The Free Swimming Initiative was originally to be funded for a limited period of 2 years.

Following the government announcement in June that the funding would cease 8 months earlier than planned, the Council explored the option of retaining the initiative. With the continued support funding from NHS Brighton & Hove, we have been able to continue to offer free swimming to children aged 11 and under until 31st March 2011.

We shall continue to work in partnership with NHS Brighton & Hove to explore further options to extend the initiative beyond this date. This will be subject to available Council and NHS Brighton & Hove funding.

In the meantime, over 60s continue to benefit from the concessionary rate for swimming which provides a discount of approximately 40% off the standard price.

There are also plans to develop a leisure card scheme to encourage further use of the Council's sports facilities.

*Note – We have yet to begin discussions with NHS Brighton & Hove on the extension of an initiative beyond 31st March 2011."

26.22 **(k)** Councillor Randall asked,

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

26.23 Councillor Caulfield, Cabinet Member for Housing replied,

"As reported at Housing Management Consultative Committee, the Cabinet Member for Housing has announced that the Council wish work with tenants to take advantage of potential investment opportunities to build new Council homes. The Proposals are being developed in partnership with a Tenants Working Group on Building New Council Homes Chaired by Cabinet Member for Housing and consisting of representatives from the Repairs & Maintenance Monitoring Group and Asset Management Panel. A paper is being brought to HMCC and Cabinet in November updating on progress.

The aim of the Tenant Working Group is to 'To work together to provide quality new council homes that meet the needs of our residents'. The objectives are:

- Identify suitable sites for development
- Advise on acceptable design and unit mix for sites
- Assist with the tender process to identify a suitable build contractor
- Assist with the design of a local apprenticeship programme
- Monitor the contract to ensure the necessary standards are achieved
- Advise and assist with promotional activity for any new scheme
- Advise and assist with local lettings plans for new developments
- Help with the official opening and welcoming new tenants onto the scheme."

26.24 **(l)** Councillor Randall asked,

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

26.25 Councillor Mears, Leader of the Council replied,

"Historically there has been no charge for loss of parking revenue due to road closures for a defined number of events on Madeira Drive. In addition to this, we do not currently charge for suspended parking bays during the London to Brighton Bike Ride or during Pride.

The council also facilitates a number of other charitable events and community events that can involve road closures, often without charge.

It would not be possible to offer a blanket no charging policy otherwise we would face an avalanche of requests for road closures that could be disruptive to general movement across the city. However there is normally only a nominal fee for charitable organisations where it is possible to accommodate such requests."

26.26 **(m)** Councillor McCaffery asked,

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

1. How many petitions were received by the Council between May 2009 and May 2010?

2. How many of these petitions resulted in the outcome requested by the petition?"

26.27 Councillor Alford, Cabinet Member for Central Services replied,

"I can confirm that for the municipal year 2009/10 a total of 77 petitions have been received by the council.

Individual petitioners themselves will be best placed to follow up on any actions they have asked for. It would be extremely time consuming for officers to determine exactly how many of the 77 petitions have resulted in the outcome requested by the petition, not least because the outcome is often not clear cut.. Petitions may be noted at the time by the Cabinet Member or other body and, whilst often not resulting in any immediate action, can be built into future work programmes. Examples of this are many road safety and parking related petitions. I would, therefore, recommend to residents that it is always worthwhile petitioning the Council to raise awareness of any matter of concern to them – the Council agenda before us today perfectly illustrates why."

Members' Oral Questions

26.28 The Mayor noted that notification of six oral Members' questions had been received and invited Councillor Simson to put her question to Councillor Duncan.

26.29 Councillor Simson asked, "As the council's sole representative on the Sussex Police Authority, Councillor Duncan should represent the views of the whole city in policing matters, including demonstrations, even if this clashes with Green Party policy. Could Councillor Duncan give us an example of when this has happened recently?"

26.30 Councillor Duncan replied, "Obviously as the council's representative on the Sussex Police Authority, I've been given the opportunity by the officers and Chief Executive of that Authority to sit on a number of Scrutiny Committees within the Police Authority looking at individual aspects of policing and I am, in fact, the Vice-Chair of the Sussex-wide Neighbourhood Policing Scrutiny Committee.

Taking your question entirely at face value I contribute widely to those meetings and indeed have just recently put in a submission on the future of neighbourhood policing as a Member of that Committee and I regret that we don't have a representative, if you like, that means that the Tory Group on this council feels able to express their views on policing via me and in the past at Police Authority meetings we've had to endure veiled attacks from Brighton & Hove City Council on the police delivered by Conservative Members from East Sussex County Council because they convey, if you like, more faith from the Conservative Group here than this council's representative."

26.31 Councillor Simson asked the following supplementary question, "I wonder if it maybe should be my first question again because I don't think that was an answer at all to the question I asked, but I will ask the supplementary. Does Councillor Duncan agree with the MP for Brighton Pavilion, Caroline Lucas, that spending over £1M of taxpayers'

money in two years on policing 'Smash EDO' demonstrations in her constituency is justified?"

26.32 Councillor Duncan replied, "The short answer is yes."

26.33 The Mayor then invited Councillor Hawkes to ask her question.

26.34 Councillor Hawkes asked, "It is part of every council employee's terms and conditions of their contract that they should be given the opportunity to apply for a place at Bright Start Nursery. The response given at the call-in earlier today described access to Bright Start as a benefit for staff, rather than a right.

Would the Cabinet Member care to comment on the terms and conditions of this current staff contract that I happen to hold in my hand. Under Maternity Provisions and Support it clearly states the Employees Rights and Responsibilities document Section B, Part 3, issued to you on appointment give details of family-friendly policies adopted by the council. Page 45 of that document, Employees Rights and Responsibilities, details Bright Start Nursery as a facility for children of council employees. What are the potential implications, financial and legal, on the council for a change in contract for this large number of staff?"

26.35 Councillor Brown replied, "I have to say it was a very technical question, Councillor Hawkes, and I haven't personally seen the terms and conditions but we have been advised by Legal, by the solicitors here, by the lawyers, that it is a benefit and it's not a term and condition."

26.36 Councillor Hawkes asked the following supplementary question, "Well I'm questioning that, of course, that was why my question was so. I will pursue it. Why were there no other viable alternatives offered other than the closure of Bright Start Nursery and will there be an Equality Impact Assessment carried out before you possibly decide to close this wonderful facility?"

26.37 Councillor Brown replied, "There are other alternatives, Councillor Hawkes, because we do have a lot of nursery provision in this city and you will know that when this Bright Start was first set up it was when there was hardly any nursery provision in the city. We now have a very good coverage of nursery provision and there are other alternatives, Tarnerland which is an excellent nursery is very close and we will, of course, bring out all the rest of those queries in the consultation."

26.38 The Mayor then invited Councillor Duncan to ask his question.

26.39 Councillor Duncan asked, "Will you join me in offering congratulations to Brighton & Hove Albion for currently being top of League Division 1 and then wish the club well for the rest of the final season at Withdean before moving to the Amex Community Stadium in Falmer?"

26.40 Councillor Smith replied, "I used to play for Brighton & Hove Albion at one time for a few years and I think some of our colleagues in this room would be Brightonians and they have supported Brighton & Hove Albion all their lives. Their achievements this season and we've got to keep our fingers crossed they are there now but we want them to be

there at the end of April next year, that's the most important time: next year with the new stadium and what I said to that gentleman from Westdene earlier that we intend to make the athletics stadium at Withdean a super place, so that we can be the regional sporting capital of the city. Obviously I will thank the Albion on your behalf."

26.41 Councillor Duncan asked the following supplementary question, "I was interested to see a council issued press release issued earlier this month in which it was explained that there would be block letting of the football facilities, the all-weather pitches at the Stanley Deason Leisure Centre to City College and I just wondered how you square that enthusiasm for football in the city with the policy that will reduce public access to relatively inexpensive facilities to play football?"

26.42 Councillor Smith replied, "I look through the years that we are very supportive of all sports, not only football but everything else but you have to err when its pricing realistic ones and when you think through the years we've got all-weather pitches with floodlights now, whereas before it used to be playing just the daytimes in the park on grass. I know when I used to play and probably when you were young you put a couple of jumpers down and someone would bring the ball and you played there. The facilities are there, Albion in the Community are doing a hell of a lot of things for the ones there. I think we're doing well and a lot of the clubs have raffles and other things like that to raise money so they can hire those pitches and I know when I was playing at the end of my career, about your age I should think it was, we had to pay so much each week to play."

26.43 The Mayor then invited Councillor Harmer-Strange to ask his question,

26.44 Councillor Harmer-Strange asked, "One of the recommendations of the Environmental Industries Scrutiny Panel on which I served was to look at how more suitable office space could be made available in this city. Could the Cabinet Member tell me whether the recently unveiled plans for New England House could potentially provide a contribution towards this?"

26.45 Councillor Fallon-Khan replied , "New England House is just one of the projects that we will be looking at to increase inward investment into the city but as from the Cabinet last week it's not going to be exclusively just for the digital media industry or creative industries it will also be hopefully for some of the green industries coming into the city as well.

In terms of what we have managed to do so far, we're very pleased that Eon have decided to set up a base here. They could have done it anywhere on the south coast but the offshore wind farm is going to be eight or ten miles off the coast here. We're delighted that they're coming to our city and we're hoping that a lot of the other green technology, green industry companies will be coming in to follow.

There is a big issue about employment regeneration. This Administration believes very much in spending the next few years trying to get as much employment regeneration as well as housing into the city and these are the kind of industries that we would love to be able to come to Brighton and Hove.

We're talking to the universities trying to align some courses that they're going to be doing with these other industries as well. But in terms of the specific question about

office space, the Leader of the Council and her Administration, we are looking to knock on the door of lots of people who own big chunks of land in the city which haven't been used for five or ten years and perhaps get a bit of flexible use in planning terms for them to be able to build more offices, because one of the issues that we've had in the last seven or eight years is that a lot of these companies love starting up here and then when they get to 14, 15, perhaps 16 people there's not an awful lot of office accommodation for them to move into. Therefore we sometimes lose them to competitor cities, those being at the moment Bristol, Leeds, Manchester, Birmingham, so we do want to keep them here.

Office space is important but there are three elements really that businesses who are going to come into the city, green industries in particular, that they will be looking for. One is proactivity from the council, now we've helped businesses network despite the recession and we will continue to help new businesses start up in this way and also reputationally, now we have the Sustainable Cities Index results that were published a couple of days ago and we are in the top three again. In fact every year that we have had this Brighton and Hove has been in the top three, so we are consistently hitting the top three which no other city has done. Also in terms of Leadership we've got to actively go out and try and encourage these industries by providing the right kind of conditions that they can come and work here.

On the subject of leadership here, it's a real shame actually that before I did an interview with Radio Sussex the people who actually did the assessment, the Futures Forum, on us said how brilliantly we had done and how regularly and across the board how brilliantly we do. It was just a bit of a shame that one of the local newspapers kind of dampened that down but I think it's very encouraging for Brighton and Hove that we get these industries here amongst others and we are planning on positioning ourselves to come out of the recession in a much better place than other cities and part of this regeneration work is some of the stuff we are doing at the moment."

26.46 The Mayor then invited Councillor Allen to ask his question.

26.47 Councillor Allen asked, "The CYPT Performance Report presented to CYPOSC at its meeting on 15 September contained the following statement*: 'Clearly the recent cabinet decision to significantly reduce funding for the Connexions Service will have a significant impact on our ability to both support and track outcomes for young people in relation to education, employment and training in the future.'* Would Councillor Vanessa Brown care to comment?"

26.48 Councillor Brown replied, "I'm not sure that actually was in the official report. Obviously if you try to reduce any service it's going to have some kind of impact but we are working to ensure that Connexions will still work and be of good service in the future."

26.49 Councillor Allen asked the following supplementary question, "First of all to clarify, it was in the official report This was the performance report written by the CYPT about the CYPT and that's official surely and yes when I first read this I thought, 'well that's letting the cat out of the bag' and it clearly still is letting the cat out of the bag.

You know at a time when whatever one's view of what will happen in the future, in the immediate future it's going to be very rocky, particularly for young people, and isn't it

absolutely essential that we actually know what is happening out there in society as far as the NEET figures are concerned and if Connexions isn't there in its current form to compile the figures, who's going to do it, the schools?"

26.50 Councillor Brown replied, "As I have to keep saying we do still have £1.5M in the budget which is a lot of money. It will be coming back to Cabinet to be talked about again and we will be very careful in looking at our NEET figures and there will be PAs to deal with the NEET in this city."

26.51 The Mayor then invited Councillor Kitcat to ask his question.

26.52 Councillor Kitcat asked, "There are studies, including work by the new Economics Foundation, which show that when a local authority spends locally each pound can be worth as much as four times to the locality as when it's spent elsewhere. This highlights the critical role this council plays directly and indirectly in our city's economy, so, as I'll explain later, given that the public deficit is at manageable levels, how can the Leader of this council justify the economic damage of 28% cuts to local government budgets which will be unleashed on our city's economy?"

26.53 Councillor Mears replied, "I just think I need to respond firstly about the Greens national response to the financial crisis. Finances for the Future says something you need to know about their approach: one of the chapters is entitled: 'Debt is not the huge issue it's claimed to be'. I think that's slightly contradictory to Councillor Kitcat's statement then, but I would like to put on record this Administration's commitment to this city.

We have set up through this Administration: Be Local, Buy Local. When we were going into the recession we worked with businesses in the city. Our staff proactively went out and knocked on over 2,000 doors to ensure small businesses could claim rate relief and we have worked right across the city. As Councillor Fallon-Khan has already said we are now looking at New England House to improve the offer for small businesses, so I do find Councillor Kitcat's comments quite amazing really.

I know he's very busy but he obviously doesn't read what the Administration does around these issues and I think, you know, Councillor Kitcat, you need to put it in perspective. You can't talk about debt as if it's not an issue and then say actually what impact you think it's going to have on the city.

I mean some of the responses you had nationally were to recommend raising taxation by a massive £71 billion a year. I wonder what effect you thought that may have on Brighton & Hove city's small businesses and that includes raising council tax by £1.7 billion. Now Councillor Kitcat I have to assure you that would have an impact on small businesses in this city and also raising £2 billion from 'buy to let' landlords which would have a massive negative effect on the availability of property to rent in the city. Not only are you proposing to tax people to the hilt, you are also proposing that they won't be able to afford to have somewhere to live, so Councillor Kitcat I really do think you need to look at the economics in this city and understand why in this Administration one of the first things that we took on board was Be Local, Buy Local, support the city."

26.54 Councillor Kitcat asked the following supplementary question, "I do feel that my original question was completely misunderstood but we'll try again another time. My

supplementary question is, given the importance of creative professions and arts to our city what is the Leader's response to the Government's cuts to arts funding?"

26.55 Councillor Mears replied, "I think if Councillor Kitcat carefully read the response from the Arts Council they were confident that actually they would be able to deliver and I think it's important to recognise actually the culture element within this city. We have some fantastic culture and art within the city but they also work collectively, Councillor, right across the city themselves, it isn't just about what the Arts Council brings in. They are able to create themselves.

I think you need to recognise, I'm not quite sure if you really follow some of the projects that go on around art and culture within the city. I think we've got a fantastic offer. It creates a real boost to our tourism. We have over 8 million visitors a year so I'm sure Councillor you would like us in this Chamber to support everything that goes on within the city."

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

27. PETITIONS FOR COUNCIL DEBATE

27. (a) Stop the Clearance

27.1 The Mayor noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures it could be debated by the Full Council and such a request had been made in respect of the petition concerning Wild Park.

27.2 The Mayor welcomed Ms. Fluendy to the meeting and invited her to present her petition.

27.3 Ms. Fluendy thanked the Mayor and outlined the history behind the petition, which had resulted from action being taken by the council to clear areas of Wild Park. She noted that over 1,700 people had signed the petition and were concerned about the lack of consultation over the clearance work and information on why it had taken place. She acknowledged that further consultation was now planned and hoped that this would result in a better understanding of people's expectations for the future of the park. She then read out the petition:

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

27.4 Councillor Theobald thanked Ms. Fluendy for presenting the petition and stated that the council had not intended to cause any concern over its actions, which were aimed at preserving the natural chalk environment that existed in the Park. He accepted that the initial consultation process had not been as effective as hoped but noted that the council was working with a number of interested groups to take matters forward. A further consultation exercise was underway with 16,000 newsletters being issued, workshops

and walks arranged to inform interested parties of the proposals and get feedback. A Wild Park representative group had been established and it was hoped that this would provide a means for people to have a greater involvement in the management of the Park.

27.5 Councillor Simpson stated that a number of people were concerned about the clearance action and the lack of consultation that had taken place. She believed that there was a need to rebuild the trust between the council and the various communities that had been affected and therefore wished to move an amendment and add a further recommendation at 2.2 of the report as follows:

"That the strength of the public feeling on this issue be taken into account, and in future the Cabinet Member be requested to ensure that:-

- Full and meaningful consultation takes place with local people and adequate environmental impact surveys are carried out before any clearance work is done in areas like the Wild Park;
- Clear explanations are given as to the scale, nature and justification of any such proposed work; and
- Any work carried out should be done with care and precision."

27.6 Councillor Morgan formally seconded the amendment.

27.7 Councillor West stated that there was a need to protect the park and acknowledged that the need for further consultation had been recognised, which he welcomed. However, he also wished to move an amendment to add a further recommendation to the report as follows:

"That the Cabinet Member be recommended to acknowledge and express support for the new model of consultation that is now underway; and to acknowledge that this presents a fresh and positive opportunity for the aspirations of the different park users and interest groups to be taken on board in shaping a new plan for future work on this project."

27.8 Councillor Rufus formally seconded the amendment.

27.9 Councillor Caulfield noted that action had been taken to help protect the environment of the park such as the introduction of sheep grazing, however she also agreed that the initial clearance work had appeared to have been rushed. She was aware that the situation had also caused disagreement between the two local communities and hoped that this could be resolved by people working together.

27.10 Councillor Theobald noted the comments and stated that lessons had been learnt and it was hoped that with the new consultation process people would be able to work together to ensure that the park's best interests were protected.

27.11 The Mayor thanked Ms. Fluendy for attending the meeting and then put each amendment to the vote in turn, which were carried and therefore moved that the report and the recommendations as amended by approved.

27.12 **RESOLVED:**

(1) That the petition be referred to the Environment Cabinet Member Meeting for consideration;

(2) That the strength of the public feeling on this issue be taken into account, and in future the Cabinet Member be requested to ensure that:-

- Full and meaningful consultation takes place with local people and adequate environmental impact surveys are carried out before any clearance work is done in areas like the Wild Park;

- Clear explanations are given as to the scale, nature and justification of any such proposed work; and

- Any work carried out should be done with care and precision; and

(3) That the Cabinet Member be recommended to acknowledge and express support for the new model of consultation that is now underway; and to acknowledge that this presents a fresh and positive opportunity for the aspirations of the different park users and interest groups to be taken on board in shaping a new plan for future work on this project.

27. (b) Parking in Preston Park

27.13 The Mayor noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures it could be debated by the Full Council and such a request had been made in respect of the petition concerning Parking in Preston Park.

27.14 The Mayor invited Councillor Kennedy to present her petition.

27.15 Councillor Kennedy stated that 2,201 people had signed the petition which read as follows;

"Cars parked day and night, even days a week in Preston Park. Since the council introduced parking restrictions in Preston Park Avenue, residents and commuters are leaving cars parked in the park as long as they like because it's free (some even go off on holidays!).
We believe parking in the park should be for people using the park."

27.16 Councillor Theobald thanked Councillor Kennedy for presenting the petition and stated that he was aware of the difficulties referred to in parking in the park. With this in mind, he proposed to establish a small Working Party, including the Ward Councillors and appropriate officers to look into the matter and report back to his Cabinet Member Meeting.

27.17 Councillor McCaffery welcomed the proposal and stated that she hoped the Working Party would be able to include officers from the relevant departments so that the parking

problems throughout the park could be addressed as a whole. She then moved an amendment to add a further recommendation as follows:

"That the Cabinet Member be requested to instruct officers to ensure that the issue of parking in Preston Park is looked at holistically by the Highways and Parks Department working together to seek a solution to the benefit of park users bearing in mind the impact of the recently introduced controlled parking areas in Preston Park Avenue and south of the railway."

27.18 Councillor Kennedy welcomed the opportunity to have a working party, and stated that she also wished to move an amendment to add a further recommendation to the report as follows:

"That the Cabinet Member give consideration to the regulation of parking use within Preston Park under Road Traffic regulations or by securing other effective means for the benefit of park users, and to deter all-day parking by commuters."

27.19 Councillor Rufus formally seconded the amendment.

27.20 Councillor Theobald noted the comments and stated that he would anticipate that the Working Party would take on board the aims of the two petitions as part of its review.

27.21 The Mayor thanked then put each amendment to the vote in turn, which were carried and therefore moved that the report and the recommendations as amended by approved.

27.22 **RESOLVED:**

(1) That the petition be referred to the Environment Cabinet Member Meeting for consideration;

(2) That the Cabinet Member be requested to instruct officers to ensure that the issue of parking in Preston Park is looked at holistically by the Highways and Parks Department working together to seek a solution to the benefit of park users bearing in mind the impact of the recently introduced controlled parking areas in Preston Park Avenue and south of the railway; and

(3) That the Cabinet Member give consideration to the regulation of parking use within Preston Park under Road Traffic regulations or by securing other effective means for the benefit of park users, and to deter all-day parking by commuters.

27. (c) Connexions

27.23 The Mayor stated that in view of the high level of interest in the issue affecting the Connexions Service, he had decided that it would be appropriate to take both the petition, Item 27(c) and the notice of motion, Item 40(a) together in one debate. He noted that under the Council's petition scheme, if a petition contained more than 1,250 signatures it could be debated by the Full Council and such a request had been made in respect of the petition concerning Connexions.

27.24 The Mayor welcomed Mr. Knutson to the meeting and invited him to present his petition.

27.25 Mr. Knutson thanked the Mayor and outlined the history behind the petition, which had resulted from the proposal to cut the service and which he presented on behalf of the past, present and future users:

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

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

To be substantially reducing the level of support to young people at the very time when more advice and support is needed in these difficult economic times, we feel is very short-sighted. Young people are the country's future and to reduce the level of support available to them, we feel is a very damaging development.

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

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

27.26 Mr. Knutson stated that 2,885 people had signed the petition in support of maintaining a valuable front-line value for money service. He did not believe the service could be put back into schools and asked that the council review the decision and ensure that young people had someone to go to for help and advice outside of the school environment.

27.27 Councillor Hawkes then moved the Labour Group's notice of motion, which called on the Cabinet to continue with the Connexions Service whilst undertaking a review and bringing a report to a future meeting.

27.28 Councillor Mitchell formally seconded the motion and stated that she believed the decision had been taken in haste without fully accounting for the staff and service implications of such an action.

27.29 Councillor Brown thanked Mr. Knutson for presenting the petition and stated that the council had been faced with a 28% cut in the Area Based Grant it received from the Government and as such had had to look at where savings could be made. The Connexions Service overall budget was £2m and therefore it was felt that this could be reduced proportionately and the remaining £1.5m budget used to support a redesigned service. She also wished to confirm that at present things remained as they were and no changes had been made as a consultation process was about to begin. She also stated that she wished to withdraw the Conservative Group's amendment to the petition as the Group would be supporting the Labour notice of motion.

27.30 Councillor Fryer stated that she felt to date the staff had been treated badly and the council could face legal challenges to the proposed action and lack of completing an equalities impact assessment. She therefore wished to move an amendment to the report on the petition and add a further two recommendations at 2.2 and 2.3 of the report as follows:

"That the Cabinet reconsiders its in-year budget cuts to ensure that Connexions services are protected; and

That the Cabinet immediately holds discussions with Connexions staff about how to approach the impending cuts from central government without compromising the quality of the service."

27.31 Councillor Phillips formally seconded the amendment.

27.32 Councillor Fryer stated she wished to move an amendment to the notice of motion, which she believed added weight to the motion itself.

27.33 Councillor Phillips formally seconded the amendment and stated that she believed the decision to cut the service had left the futures of young people uncertain and with no support. The service was needed if vulnerable young people were to be given every opportunity to succeed and feel that they had someone to help them. She believed that there was a choice on how to meet the savings that were required and maintain the service rather than simply cut it and place future costs on other services.

27.34 Councillor Kemble stated that Connexions was a nationally recognised service, however it had not been as good as it could be and that a proposed redesign based on the £1.5m budget was the best way forward. There were other services that supported young people and he believed that these could be utilised more effectively.

27.35 Councillor Hamilton stated that he believed there was a need for the Connexions service and expressed his concern over the proposal to rely on the schools to fulfil the role as they would need greater resources. He also believed that one of the strengths of the service was that it was based outside of the schools so that young people felt confident to use it.

27.36 Councillor Elgood stated that it was a flagship service which needed to be retained and noted that the council now had the opportunity to set priorities with the removal of ring-fencing and therefore suggested that the service should be maintained.

27.37 Councillor Cobb stated that she was aware of people who had not received the support they had expected and had found it difficult to access the service. She believed that there was a need to review what was provided and how, in order to meet the needs of those who required support.

27.38 Councillor Simson stated that the service was not being closed and remained in operation. There was a need to review how it was to be provided in view of the reduction in the budget provision and hopefully this would ensure that a more effective service was provided.

27.39 Councillor Mears stated that many authorities were in a similar position to the council in terms of the savings that had to be made. The Administration was looking across all areas of the council to find ways of reducing costs and the Cabinet Member for Children & Young People was fully aware of the concerns raised and was in the process of consulting with the staff affected.

27.40 Councillor Janio noted that a total of £1.5m remained in the budget for the service and suggested that this could be utilised effectively once the consultation and redesign of the service had been completed. The aim had to be to ensure that young people were given the support for and opportunity to get on in the world of work.

27.41 Councillor Brown restated that £1.5m was held in the budget for the Connexions Service and that the service had not been stopped to date. The consultation process was due to start in November and she hoped that it would result in a way forward for the service. She would much prefer not to have to make any cuts; however there was a need to account for the reduction in the area based grant provision. She was happy to accept the first Green amendment to the report on the petition but not the second and as such asked that they be taken individually. She could not support the Green amendment to the notice of motion.

27.42 Councillor Hawkes stated that she hoped the consultation process and redesign proposals would involve all those with an interest in the matter so that the situation that had resulted would not be repeated and things could be taken forward.

27.43 The Mayor thanked Mr. Knutson for attending the meeting and presenting the petition. He noted that a request had been made to take the Green amendments to the report on the petition separately and put the first recommendation to the vote which was carried. He then put the second recommendation to the vote which was lost. He therefore moved that the report and the recommendations as amended be approved.

27.44 **RESOLVED:**

(1) That the petition be referred to the Cabinet for consideration; and

(2) That the Cabinet be requested to reconsider its in-year budget cuts to ensure that Connexions services are protected.

28. REVIEW OF MEMBERS' ALLOWANCES

28.1 Councillor Oxley introduced the report and thanked the members of the Independent Remuneration Panel for their continuing work and their report. He noted that consideration of the matter had been deferred at the March meeting of the council to enable further discussions to take place between the Leaders of the Groups and the Panel. Both the Leader and the Leader of the Opposition had met with the Panel. Whilst the Panel had taken on board the concerns raised in relation to their recommendations for the Members Allowances Scheme, which they were willing to look at as part of their next review, their report remained unchanged. He stated that there was a statutory requirement to publish an agreed scheme for Members Allowances and

in view of the lack of consensus that existed at this time he therefore wished to propose that the Panel's report should be noted and that the current Members Allowances Scheme remain in operation for the 2010/11.

28.2 Councillor Mitchell stated that she also wished to thank the Panel for their work and offering to take into consideration the points she had raised in regard to their proposals which were quite different. However, she could not support the Panel's report at this stage and would therefore be voting in favour of retaining the current scheme.

28.3 Councillor Peltzer Dunn stated that he believed further consideration and understanding of the role of Members was required and that there should be recognition of the Deputy Chairmen's roles within the scheme. He also expressed concern over the question of limiting the Mayor's and Deputy Mayor's allowances should they be confined to an extended period of sickness absence.

28.4 Councillor Randall stated that he believed the Panel had undertaken a great deal of work and that their recommendations should be supported. His only concern remained over the question of Child Care and he hoped that this could be looked at further in their next review.

28.5 Councillor Elgood stated that he believed the Independent Panel should be recognised for his independence and whilst he did not necessarily support all the recommendations, he felt it was only right to accept the Panel's report. However, he could not vote for the report on this occasion as the recommendations were based on a 1% increase to the Basic Allowance' and he felt that this was inappropriate in the current economic climate.

28.6 Councillor Oxley noted the comments and stated that he did not feel it was beneficial for the council to seek to amend the Panel's recommendations at this point in time. He believed that it was better for the Panel to complete its next review and report to council in the New Year, having taken on board the concerns expressed at the Governance Committee and by the Leaders and in the meantime to retain the current scheme.

28.7 The Mayor stated that in view of the differing recommendations detailed in the Acting Director's report, he proposed to take a recorded vote and asked Members to indicate their preference for either recommendation.

	NAME	**FOR** Rec 2.1 (i)	**FOR** Rec 2.1 (ii)	**AGAINST**	**ABSTAIN**
Cllr	**Alford**		✓		
	Allen		✓		
	Barnett		✓		
	Bennett	Absent			
	Brown		✓		
	Carden		✓		
	Caulfield		✓		
	Cobb		✓		
	Davey	✓			

	Davis		✓		
	Deane	✓			
	Drake	Absent			
	Duncan	✓			
	Elgood				-
	Fallon-Khan		✓		
	Fryer	✓			
	Hamilton		✓		
	Harmer-Strange		✓		
	Hawkes		✓		
	Hyde		✓		
	Janio		✓		
	Kemble		✓		
	Kennedy	✓			
	Kitcat	✓			
	Lepper		✓		
	Marsh		✓		
	McCaffery		✓		
	Meadows		✓		
	Mears		✓		
	Mitchell		✓		
	Morgan		✓		
	Norman, Ann		✓		
	Norman, Ken		✓		
	Older		✓		
	Oxley		✓		
	Peltzer Dunn		✓		
	Phillips	✓			
	Pidgeon		✓		
	Randall	✓			
	Rufus	✓			
	Simpson		✓		
	Simson		✓		
	Smart		✓		
	Smith		✓		
	Steedman	✓			
	Theobald, Carol		✓		
	Theobald, Geoffrey		✓		
	Turton		✓		
	Wakefield-Jarrett	✓			
	Watkins				-
	Wells		✓		
	West	✓			
	Wrighton	✓			
	Young		✓		
	Total	**13**	**37**		**2**

28.8 The Mayor confirmed that the recommendation to note the Independent Remuneration Panel's report and approve the current Members Allowances Scheme had been carried. He then put the remaining recommendations to the vote which were carried.

28.9 **RESOLVED:**

(1) That the IRP's recommendations be noted and that the existing Members' Allowances Scheme be adopted for the payment of allowances in 2010/11;

(2) That the Independent Remuneration Panel be thanked for their work and it be noted that the Panel would be reporting in March 2011;

(3) That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations; and

(4) That the allowance payable to each of the members of the Independent Remuneration Panel be increased by the council's salary inflation of 1% in 2009 with effect from 14 May 2010 in recognition of their time commitment and their important role.

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

(a) Callover

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

Item 32 - Environmental Industries – Scrutiny Panel Report
Item 33 - Street Access Issues – scrutiny Panel Report
Item 34 - Winter Service Plan – Scrutiny Panel Report
Item 35 - Annual Audit Report
Item 36 - Consequential Changes to Procedural Rules in the Constitution
Item 38 - Member Appointment to the Sussex Inshore Fisheries & Conservation Authority

(b) Receipt and/or Approval of Reports

29.2 The Head of Democratic Services confirmed that Item No's. 32, 33, 34, 35, 36, and 38 had been reserved for discussion; and

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

Review of the Code of Conduct and Arrangements for the Register of Members' Interests – Item No.30;
Review of the Code of Conduct for Member/Officers' Relations – Item No.31;
Appointment of Independent Members to the Standards Committee – Item No.38; and
Review of Committee Allocations – Item No.39

(c) Oral Questions from Members

29.4 The Mayor noted that there were no oral questions.

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

30.1 **RESOLVED:** That the Review of the Code of Conduct and Arrangements regarding the Register of Members' Interests be noted.

31. REVIEW OF THE CODE OF CONDUCT FOR MEMBERS/OFFICER RELATIONS

31.1 **RESOLVED:** That the Review of the Code of Conduct for Members/Officers Relations be noted.

32. ENVIRONMENTAL INDUSTRIES - SCRUTINY REVIEW PANEL REPORT

32.1 Councillor Randall introduced the report and stated that he wished to thank all those involved in the scrutiny process and the production of the final report. He was pleased to see that the recommendations from the Panel had been taken on board. It was important that the council worked with various partners as well as environmental and digital industries and the universities to take aspects forward. He also welcomed the news of the wind farm that was to be located off the coast and noted that the company involved was based in Brighton.

32.2 Councillor Davis stated that she had found the process to be a very positive experience and wished to add her thanks to the Panel Members and officers supporting the Panel. She also believed that those who had attended the Panel's meetings had found it beneficial and been able to build relations that would not have occurred without the review.

32.3 Councillor Fallon-Khan welcomed the report and stated that he believed the city was in a good position in terms of coming out of the recession. He stated that officers were in discussion with landholders/office accommodation holders with regard to finding ways of releasing available space to enable small businesses to grow and develop.

32.4 Councillor Caulfield stated that in regard to housing, she was hoping to make an announcement shortly about an agreement with an energy company to improve efficiency and tackle fuel poverty.

32.5 Councillor Harmer-Strange welcomed the report and stated that he believed it had led to a number of positive outcomes.

32.6 Councillor Randall thanked everyone for their comments and stated that he believed the whole review had shown the value of the scrutiny process and commended the report to the council.

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

32.8 **RESOLVED:** That the report be noted.

33. STREET ACCESS ISSUES - SCRUTINY REVIEW PANEL REPORT

33.1 Councillor Rufus introduced the report and stated that the Review Panel had received a number of representations and it had become clear that where the council had control over the land there was a need to get a better balance for the enforcement regime. He welcomed the acceptance of the recommendations in general and felt that a lot of progress had been made already. He noted that the traders had been willing to find solutions with all the parties concerned and wished to thank all the Panel Members, the witnesses and officers who supported the review.

33.2 Councillor Carol Theobald welcomed the report and noted that the issue of A Boards had always been a matter for discussion and that the Licensing Committee had recently agreed to limit one board to each premises which had had a positive effect.

33.3 Councillor Elgood stated that he wished to thank the Panel for their work which was a good example of tackling an issue that had proved to be an area of frustration for a number of years.

33.4 Councillor Watkins stated that he wished to add his thanks to all those involved in the review and to draw attention to the positive attitude of the North Laine Traders Association who had recognised the importance of addressing the need for access to the establishments.

33.5 Councillor McCaffery welcomed the report and stated that she looked forward to the monitoring report on the recommendations.

33.6 Councillor Geoffrey Theobald stated that the question over enforcement had been addressed and noted that Brighton and Hove was one of a few cities to have a policy covering the placement of objects on pavements and in the streets.

33.7 Councillor Rufus noted the comments and noted that there was a need to move forward on some of the recommendations, however in general improvements had been made and he therefore recommended the report to the council.

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

33.9 **RESOLVED:** That the report be noted.

34. WINTER SERVICE PLAN - SCRUTINY REVIEW PANEL REPORT

34.1 Councillor Morgan introduced the report and noted that the review had resulted from the severe weather conditions experienced in December, which had presented the council

and other organisations with a number of difficulties. He wished to pay tribute to al of the council staff who met those challenges at that time and on many occasions went beyond their duties to ensure the city kept moving. The review had looked at how such challenges could be met in the future and he welcomed the Administration's response to the recommendations. He also wished to place on record his thanks to the Panel Members and officers involved in the process.

34.2 Councillor Rufus stated that he wished to add his thanks to the staff and in particular to those at the front-line. He believed that lessons had been learnt and the range of evidence given had enabled the Panel to put forward its recommendations. He hoped that communication processes with the public would be improved further in such instances.

34.3 Councillor Mears welcomed the report and the comments for the staff at the time of the disruption from the weather. She believed that the authority should be very proud of its staff who worked through the day and night to ensure people were safe and services were maintained. The community spirit that evolved at the time showed how people could come together to resolve matters.

34.4 Councillor Theobald stated that he wished to thank the Panel for their work and noted that all the recommendations had been taken on board. He also noted that officers were working with colleagues in both East and West Sussex with a view to addressing some of the points that had been raised.

34.5 Councillor Morgan noted the comments and recommended the report to the council.

34.6 The Mayor noted that the report had been moved and asked if the recommendation was agreed.

34.7 **RESOLVED:** That the report be noted.

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

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

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

	NAME	FOR	AGAINST	ABSTAIN
Cllr	**Alford**		x	
	Allen		x	
	Barnett		x	
	Bennett	Absent		
	Brown		x	
	Carden		x	

	Caulfield		x	
	Cobb		x	
	Davey		x	
	Davis		x	
	Degne		x	
	Drake	Absent		
	Duncan		x	
	Elgood		x	
	Fallon-Khan		x	
	Fryer		x	
	Hamilton		x	
	Harmer-Strange		x	
	Hawkes		x	
	Hyde		x	
	Janio		x	
	Kemble		x	
	Kennedy		x	
	Kitcat		x	
	Lepper		x	
	Marsh		x	
	McCaffery		x	
	Meadows		x	
	Mears		x	
	Mitchell		x	
	Morgan		x	
	Norman, Ann		x	
	Norman, Ken		x	
	Older		x	
	Oxley		x	
	Peltzer Dunn		x	
	Phillips		x	
	Pidgeon		x	
	Randall		x	
	Rufus		x	
	Simpson		x	
	Simson		x	
	Smart		x	
	Smith		x	
	Steedman		x	
	Theobald, Carol		x	
	Theobald, Geoffrey		x	
	Turton		x	
	Wakefield-Jarrett		x	
	Watkins		x	
	Wells		x	
	West		x	
	Wrighton		x	
	Young		x	

41

	Total	**1**	**51**	

34.11 **The motion was lost.**

34.12 The Mayor noted that the motion was lost and therefore continued with the meeting.

35. ANNUAL AUDIT REPORT

35.1 Councillor Hamilton introduced the report and stated that a number of internal audits which were undertaken during the year had been reported to the Audit Committee. The Committee also worked with the Audit Commission and had received the Annual Accounts before their submission to the council. He wished to thank the Committee Members and officers who supported it and noted that it had begun work on the management of risk.

35.2 Councillor Oxley welcomed the report and stated that the Committee had worked collaboratively and looked at a number of important issues such as risk management and the counter fraud strategy. He believed it was well placed to be able to work with whatever replaced the Audit Commission.

35.3 Councillor Watkins stated that he wished to draw Members' attention to the importance of risk management and the need for it to be used more widely throughout the council.

35.4 Councillor Hamilton noted the comments and recommended the report to the council.

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

35.6 **RESOLVED:** That the report be noted.

36. CONSEQUENTIAL CHANGES TO PROCEDURAL RULES IN THE CONSTITUTION

36.1 Councillor Oxley formally moved the report in view of the time.

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

36.3 **RESOLVED:** That the amendments to the Contract Standing Orders, Financial Regulations and Officer Employment Procedural Rules as detailed in appendices 1, 2 and 3 to the report be approved.

37. APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

30.2 **RESOLVED:** That the appointments of Mr. Peter Rose and Mr. Paul Cecil as independent members of the Standards Committee be approved.

38. MEMBER APPOINTMENT TO THE SUSSEX INSHORE FISHERIES & CONSERVATION AUTHORITY

38.1 Councillor Oxley introduced the report and noted that the Sussex Sea Fisheries Committee was due to be replaced in April 2011 by the Sussex Inshore Fisheries & Conservation Authority (SIFCA) as a result of legislation. The new SIFCA was due to operate in a shadow form up to March 2011 and the Council had been asked to nominate a representative to the Shadow Authority. He therefore wished to put forward Councillor Kemble as the council's representative as he already served on the Sussex Sea Fisheries Committee.

38.2 Councillor Mears formally seconded the nomination.

38.3 Councillor Mitchell noted that Councillor Davis also served on the Sussex Sea Fisheries Committee and had a keen interest in the area. She therefore wished to nominate Councillor Davis as the council's representative to the SIFCA.

38.4 Councillor Hawkes formally seconded the nomination.

38.5 The Mayor noted that two nominations had been moved and therefore put each nomination to the vote, following which he declared that Councillor Davis had been appointed as the Council's representative on the SIFCA.

38.6 **RESOLVED –** That Councillor Davis be appointed to the Sussex Inshore Fisheries & Conservation Authority for the remainder of the municipal year.

39. REVIEW OF COMMITTEE ALLOCATIONS 2010

39.1 **RESOLVED** - That the revised membership of the Council's Overview & Scrutiny Commission and Health Overview & Scrutiny Committee be agreed as follows:

(a) Overview & Scrutiny Commission on the basis of 5 Conservative, 2 Labour, 2 Green and 1 Liberal Democrat Member;

(b) Health Overview & Scrutiny Committee on the basis of 4 Conservative, 2 Labour and 2 Green Members.

40. NOTICES OF MOTION.

(a) Connexions

40.1 The Mayor noted that the Conservative Group's amendment had been withdrawn and that a Green Group amendment to the Labour Group's Notice of Motion had been moved and put it to the vote which was lost.

40.2 The Mayor then put the following substantive motion as unamended to the vote:

"This council recognises and values the work of the Brighton and Hove Connexions Service that provides high quality, impartial guidance to 13 – 19yr old young people relating to personal development, training and careers and seeks to ensure that young people make a smooth transition to adulthood and working life. It also recognises the specialist work undertaken with young people who have special educational needs.

This council acknowledges that the work of the Connexions Personal Advisors has directly contributed to the reduction in entrants to the Youth Justice System and numbers of teenage pregnancies in the city, where the council's own performance indicators demonstrate falling numbers.

In addition, there have been early signs of a welcome reduction in the numbers of young people not in education, employment or training. (NEET).

Therefore, this council expresses its great concern at the total reduction of £700,000 funding to the Connexions budget that has put the jobs of up to 40 Connexions workers at risk as well as significantly reducing the service to young people and jeopardising the progress made.

It calls on the Cabinet to continue the Brighton & Hove Connexions Service while urgently carrying out the following work:

- To properly examine the government proposals for the future of careers guidance and support contained within the Education Bill, due to be published in Autumn 2010.

- To fully consult with schools as to their capacity and willingness to take on this work and the implications for the transfer of statutory responsibilities.

- To carry out an Equality Impact Assessment to show how the impact of closing the Connexions service will affect service users, particularly those with SEN.

- To take into account the implications of the Government spending review.

- To bring forward a report to Cabinet that sets out how a personal development, careers advice and training guidance service will be maintained in the city and supported so that young people can be best helped to make decisions affecting their future."

40.3 **The motion was carried.**

(b) National Public Sector Debt and Local Response

40.4 The Notice of Motion as detailed in the agenda was proposed by Councillor Mears and seconded by Councillor Oxley.

40.5 Councillor Kitcat moved an amendment on behalf of the Green Group, which was seconded by Councillor Steedman.

40.6 The Mayor noted that the amendment moved by Councillor Kitcat had not been accepted by Councillor Mears and therefore put the proposed amendment to the vote which was lost.

40.7 The Mayor then put the following substantive motion as unamended to the vote:

"This Council notes with regret that national debt interest payments now total £120 million a day or £44 billion a year. To put this in context, these debt payments are higher than the national schools budget (£41 billion), transport (£15 billion), defence (£37 billion) and crime/justice (£21 billion).

This Council further notes the comments of the Institute for Fiscal Studies that the previous Government's approach to the public finances from 2001 had, even before the financial crisis hit "left the UK with one of the largest structural budget deficits in the developed world".

Furthermore, this Council welcomes the recent comments of the independent International Monetary Fund who have endorsed the Coalition Government's deficit reduction plans concluding that they "greatly reduce the risk of a costly loss of confidence in fiscal sustainability and will help rebalance the economy".

At a local level, this Council welcomes and endorses the work being undertaken to prepare the organisation for expected central Government funding reductions in the Comprehensive Spending Review. In particular:

- The Intelligent Commissioning proposals which will focus scarce resources more effectively on the outcomes which residents want.
- The ongoing work through the City's Public Service Board, towards implementing Place Based Budgets which the LGA estimates would save £100 billion nationally over the lifetime of a Parliament and notes that this would not be possible without an Intelligent Commissioning approach.
- The Value for Money review which will achieve savings of up to £35 million over 4 years with potential ongoing savings of up to £18 million. This will be in addition to the £30 million which has been saved over the last 3 years.
- The Improving Customer Experience programme – working towards a one stop shop for residents accessing Council services.

This Council seeks to reassure residents that these pre-emptive measures put the organisation in a very good position compared to many other local authorities, to absorb its contribution to the national debt reduction programme without adversely affecting vital frontline services.

Therefore, this Council resolves to:

- Endorse the pre-emptive measures outlined above.
- Write to the City's 3 MPs urging them to highlight the innovative work of Brighton & Hove City Council in Parliament.

- Urge the Cabinet to continue to maintain a constructive dialogue with Government, both directly and through the City's local MPs, in order to get residents the best possible deal from the changes announced in the June emergency budget, the CSR and the forthcoming Local Government Finance Settlement."

40.8 **The motion was lost.**

Motion to terminate the meeting:

40.9 In accordance with Procedural 17, Councillor Peltzer Dunn moved that the meeting should be terminated in view of the time and length of the meeting.

40.10 Councillor Kemble formally seconded the motion.

40.11 Councillor Kitcat requested a recorded vote, which was supported by a sufficient number of Members.

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

	NAME	FOR	AGAINST	ABSTAIN
Cllr	Alford	✓		
	Allen			-
	Barnett	✓		
	Bennett	Absent		
	Brown	✓		
	Carden	✓		
	Caulfield	✓		
	Cobb		x	
	Davey		x	
	Davis			-
	Deane		x	
	Drake	Absent		
	Duncan		x	
	Elgood		x	
	Fallon-Khan	✓		
	Fryer		x	
	Hamilton		x	
	Harmer-Strange	✓		
	Hawkes		x	
	Hyde	✓		
	Janio	✓		
	Kemble	✓		
	Kennedy		x	
	Kitcat		x	
	Lepper		x	

	Marsh	✓		
	McCaffery		x	
	Meadows	✓		
	Mears	✓		
	Mitchell		x	
	Morgan		x	
	Norman, Ann	✓		
	Norman, Ken	✓		
	Older	✓		
	Oxley	✓		
	Peltzer Dunn	✓		
	Phillips		x	
	Pidgeon	Absent		
	Randall		x	
	Rufus		x	
	Simpson		x	
	Simson	✓		
	Smart	✓		
	Smith	✓		
	Steedman		x	
	Theobald, Carol	✓		
	Theobald, Geoffrey	✓		
	Turton		x	
	Wakefield-Jarrett		x	
	Watkins		x	
	Wells	✓		
	West		x	
	Wrighton		x	
	Young	✓		
	Total	**25**	**24**	

40.13 **The motion was carried.**

40.14 The Mayor noted that the motion had been carried and therefore the remaining items would be put to the vote unless the mover chose to withdraw the item.

(c) Support for Neighbourhood-Based Policing in Brighton and Hove

40.15 The Mayor put the amendment moved by Councillor Simson on behalf of the Conservative Group and seconded by Councillor Hyde to the vote, which was lost.

40.16 The Mayor then put the following Notice of Motion as detailed in the agenda proposed by Councillor Duncan, on behalf of the Green Group and seconded by Councillor Randall to the vote:

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"The Neighbourhood-based policing model adopted in Brighton and Hove has been successful in reducing the fear of crime, actual crime – and improving public confidence in the police and residents' belief that they live in safer communities.

Police Community Support Officers (PCSOs) have played a key role in the delivery of Neighbourhood Policing in the city, by attending Local Action Team and other community group meetings, listening to communities and setting local priorities for policing in line with residents' wishes, and holding regular 'street briefings'.

Their regular patrols are welcomed and appreciated by neighbourhoods across the city, and they have built excellent relationships with all sectors and all ages in the community.

PCSOs do not have the power of arrest, as they are not 'warranted officers' – and this has been key to their success in many ways – not least as they have been able to develop relationships based on trust and confidence rather than power and hierarchies in the communities they serve.

Yet all this is under threat. As a result of successive cuts, by this Government and the last, to Sussex Police's budget, the Chief Constable of Sussex Police has warned that more that 1,000 people currently employed by Sussex Police are set to lose their jobs.

This council expresses its support for the Neighbourhood Policing model so successfully used here in Brighton and Hove in recent years, and its support for the valuable work of our PCSOs.

Accordingly, it:

(i) Requests the Chief Executive to write to the city's MPs, and the Home Secretary, asking them to reconsider any cuts to Sussex Police budgets;

(ii) Urges Sussex Police Authority to ensure that Neighbourhood Policing remains at the heart of the way policing is delivered in Brighton and Hove, and that numbers of PCSOs serving the city are maintained at current levels in the 2011/12 budget;

(iii) Requests officers to consider ways this council could directly fund PCSOs in the city, either through direct sponsorship or through the BID system; and

(iv) Welcomes Sussex Police's commitment to ensure that the proposed cuts in staff are assessed for their impact on equalities as a way of maintaining community support for the way policing is delivered in the city."

40.17 **The motion was carried.**

(d) The Impact of Cuts on Children and Young People

40.18 The Mayor noted that the amendment moved by Councillor McCaffery on behalf of the Labour Group and seconded by Councillor Davis had been accepted by Councillor Fryer.

40.19 The Mayor then put the following Notice of Motion proposed by Councillor Fryer on behalf of the Green Group and seconded by Councillor Kitcat, as amended to the vote:

"This Council recognises that children and young people are uniquely vulnerable. As a result they mostly depend on adults to voice their needs to government and in political debate, and we acknowledge that responsibility.

This Council notes that proposals by the national government and the Local Administration unfairly target children and young people by:

- Withdrawing funding for Connexions services;
- Restricting child benefit in a way which can unfairly penalise certain types of families;
- Withdrawing free school meals for those families on low incomes;
- Requiring significant cuts to the education budget whilst also preparing the way for increased university tuition fees;
- Significantly reducing road safety budgets when 13 children have been killed or seriously injured on the city's roads;
- Drastic NHS reorganisations and budget freezes which will inevitably impact the city's Children & Young People's Trust.
- Cutting the £1.1m playbuilder scheme that would have seen children's playgrounds across the city renovated or rebuilt.
- Scrapping guaranteed 1to 1 tuition in schools.

Excessive cuts have dampened the economy leading to a lack of job creation which risks a lost generation for our young people

This Council disputes the need for such rapid and hard hitting cuts especially when they affect the most vulnerable in our society and calls on the Cabinet to:

- Reconsider budget cuts affecting children and young people;

- Consider children and young people as a specific 'at risk' group in the equality impact assessment of the 2011-12 council budget;

- Carry out an urgent consultation with schools to assess their readiness to take any further responsibilities and capability to deal with the impact of the National Coalition Government's cuts to Children and Young People;

- To carry out an Equality Impact Assessment to fully show how the impact of cuts will affect children and young people."

40.20 **The motion was carried.**

(e) Improvements to Education Provision in Brighton & Hove

40.21 The Mayor put the amendment moved by Councillor Phillips on behalf of the Green Group and seconded by Councillor Fryer to the vote, which was lost.

40.22 The Mayor then put the following Notice of Motion as detailed in the agenda proposed by Councillor Brown on behalf of the Conservative Group and seconded by Councillor Kemble to the vote:

"This Council warmly welcomes recent developments around schools and education provision in the City. These include:

- The acquisition of the Connaught Centre in Hove to form part of a new 3 form entry primary school in the City.
- The expansion of Davigdor, Somerhill, West Blatchington, Goldstone, Westdene, Benfield, Balfour and Queen's Park Schools.
- The opening of the new Brighton Aldridge Community Academy in September 2010, with the brand new campus due to open in September 2011, representing a £25 million investment in young people for one of the most deprived areas of the City.
- The City's best ever GCSE results, with the number of students gaining five or more A*-C grades including English and Maths, going from 44.5% to 49.1%. Three schools in particular – Hove Park, Portslade Community College and Varndean – improved their results by more than 10%.
- 28% of the City's nursery, infant, primary and junior schools have obtained an outstanding Ofsted rating compared to a national figure of 19%
- 80% of the City's childcare providers have a good / outstanding rating compared to a national average of 68%.

Therefore, this Council would like to place on record its thanks to all the pupils, parents / carers, teachers, childcare providers, officers and partners across the City who have made these successes possible."

40.23 **The motion was carried.**

41. CLOSE OF MEETING

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

The meeting closed at 10.25pm.

Signed Chairman

Dated this day of

Subject:		**Bright Start Petition**		
Date of Meeting:		**16 December 2010**		
Report of:		**Monitoring Officer**		
Contact Officer:	**Name:**	Mark Wall	Tel:	29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk		
Wards Affected:	**All**			

For general release

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

PETITION TRIGGERING A FULL COUNCIL DEBATE

1. SUMMARY AND POLICY CONTEXT:

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

1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 4,621 signatures.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 **The Petition**

"We the undersigned, petition Brighton & Hove City Council that Bright Start Nursery is both viable and sustainable. Agenda Item 34 of the Children & Young People Cabinet Member Meeting (11 October 2010) does not adequately evaluate the alternatives to closure and the impact to the wider community.

Bright Start Nursery is one of the few city-centre nurseries and an essential resource to the community and should NOT be considered for closure."

Lead Petitioner – Alex Knutson

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

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

- To refer the petition to the Cabinet; or

- To refer the petition to the Cabinet with recommendations.

4. PROCEDURE:

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

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

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

(iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;

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

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

(vi) The Mayor will then formally put:

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

Subject:		**Eco-Friendly Lights for St Ann's Well Gardens Petition**		
Date of Meeting:		**16 December 2010**		
Report of:		**Monitoring Officer**		
Contact Officer:	**Name:**	Mark Wall	Tel:	29-1006
	E-mail:	mark.wall@brighton-hove.gov.uk		
Wards Affected:	**All**			

For general release

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

PETITION TRIGGERING A FULL COUNCIL DEBATE

1. SUMMARY AND POLICY CONTEXT:

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

1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,263 signatures.

2. RECOMMENDATIONS:

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

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 **The Petition**

"We the undersigned petition the council to provide financial support and help to install wildlife-friendly lighting along the main paths and entrance of St Ann's Well Gardens similar to that of Hove Park. This will make the park safer at night for everyone who uses it.

.

St Ann's Well Gardens is a very well used local park, many events are held there, the cafe is always busy and it is also used as a cut through by people walking to work, home and school. There is need for the paths to be safer and better lit, and for that lighting to be wild life friendly."

Lead Petitioner – Cllr Davies

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

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

4. PROCEDURE:

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

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

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

(iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;

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

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

(vi) The Mayor will then formally put:

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

WRITTEN QUESTIONS FROM COUNCILLORS

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

(a) Councillor Elgood

"The NLC (NCP) on-street parking enforcement contract includes a clause to allow for a two year extension when it expires please could the Cabinet Member state:

- Has the council undertaken this extension?
- Who made a decision on this and on what date?
- What member involvement did this include?
- What consultation was undertaken with residents to assess their views on potentially extending it?
- What is the total value of any extension?
- When they would be informing residents of this decision?"

Reply from Councillor Theobald, Cabinet Member for Environment.

(b) Councillor Carden

"Following a number of accidents to elderly residents tripping on poor paving, will the council reduce the mismatch for repair from 19mm to 12.5mm to make it safer for them?"

Reply from Councillor Theobald, Cabinet Member for Environment.

(c) Councillor Carden

"As there still are not enough grit bins in North Portslade will the council provide several more in areas that are not covered?"

Reply from Councillor Theobald, Cabinet Member for Environment.

(d) Councillor Kitcat

"Could the Cabinet Member for Central Services please list which publications the council's media monitoring service surveys and does it include Private Eye which often has stories of relevance to this authority. What is the cost per annum of providing this monitoring service?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(e) Councillor Kitcat

"Given, as reported in Private Eye, Vodafone's avoidance of at least £6 billion in UK taxes, will the Cabinet Member responsible make a statement on whether the council will continue to use Vodafone's services noting that, if Vodafone are cheapest, that low price has come at a cost to the tax payer.?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(f) Councillor Kitcat

"Will the council consider using a free YouTube Partner account to host webcast videos in a low-cost and accessible format for online access – as other councils, including Calgary City Council, are considering?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(g) Councillor Kitcat

"Cllr Mears' previous response to my question; 'Will the Leader of the Council commit to wherever possible now publishing Council information, including spending data, under an open licence such as Creative Commons or the National Archive's new Open Government Licence?' failed to address the issue of licensing, but instead spoke of data formats and transparency.

I am once again asking the Leader if she will commit the Council to using more permissive terms than straight copyright on the Council's publications and data. This is so that others can remix and reuse the work of this council, paid for by taxpayers, in new and imaginative ways.

Will the Council commit to using an open licence and which one will it use?"

Reply from Councillor Mears, Leader of the Council.

(h) Councillor Kitcat

"Given the ongoing cold snaps, will the Council administration now agree to implement an ambitious insulation scheme for homes in our city, as proposed by Green Councillors at budget councils in previous years? This would keep residents bills down, homes warm and reduce the city's carbon emissions."

Reply from Councillor Caulfield, Cabinet Member for Housing.

(i) Councillor Hamilton

"In October you told me that there were career pathways in some areas of the council, including legal services. In a review situation, where job losses are likely, do you agree that it is important to provide career pathways for all staff, especially those on low grades or with many years of service? This would give staff greater prospects of redeployment within the authority, reduce redundancies, save money, and retain staff that are already familiar with the council and its work culture"

Reply from Councillor Alford, Cabinet Member for Central Services.

(j) Councillor Mitchell

"In light of recent government statements that would indicate a rethink of its withdrawal of funding from Schools Sports Partnerships, including the Brighton and Hove Schools Sports Partnership, will the Leader of the Council commit the council to pro-actively working with and maintaining a dialogue with schools, sport leaders and partners in the city to ensure that the expertise, significantly increased participation and enthusiasm for the varied programme of sporting and healthy activities supported by the Partnership to schools across the city is maintained during any changes to the funding regime?"

Reply from Councillor Mears, Leader of the Council.

(k) Councillor Kitcat

"What is the pay multiple in Brighton & Hove City Council between the lowest paid and highest paid members of staff."

Reply from Councillor Alford, Cabinet Member for Central Services.

(l) Councillor Kitcat

"I refer Councillor Geoffrey Theobald to section 7.4 of the minutes for the City Sustainability Partnership Meeting of 1st November 2010:

"PB inquired after the usage of communal bins and their effect regarding individual responsibility for waste recycling. JJ answered that they were monitoring the levels of recycling in relation to the introduction of communal bins. PB asked if this monitoring was focused solely on the bins in the city centre. JJ replied that this monitoring was focused on both residential and city bins and he stated that there did seem to be a contingent drop in the levels of recycling."

How is it that when I have repeatedly asked the Councillor whether recycling rates are lower in communal bin areas than elsewhere he has said he is unable to answer. Yet here one of our officers is able to report that monitoring shows

drops in levels of recycling? Will Cllr Theobald explain himself and report what is being done to remediate the drop in recycling rates that I have long argued was likely to happen in communal bins areas?"

Reply from Councillor Theobald, Cabinet Member for Environment.

(m) Councillor Meadows

"In Wild Park there is a by-law/highways permission allowing cyclists to ride on the pavement beside the main Lewes Road although there is a perfectly safe cycle lane on the Lewes Road. The police believe it is a by-law so when cyclists use this path without lights they won't enforce it, some council officers believe it is highways permission so they won't remove signage, either way it means that pedestrians have to share a narrow path with cyclists leading to confrontation and residents almost getting run over. Will the council rescind the by-law or revoke that permission to allow pedestrians to take precedence on this pathway and to ensure that cyclists use the cycle lane provided for them?"

Reply from Councillor Theobald, Cabinet Member for Environment.

(n) Councillor Steedman

"The Council's Corporate Procurement Team are not currently able to mandate that all procurement by Council officers goes via central corporate contracts, which offer the efficiencies of bulk purchasing and the opportunity to set minimum standards for product specification, environmental performance, support for local buying, etc. As a result, individual departments or teams can – and do – bypass corporate procurement contracts. Does the Cabinet Member for Central Services believe that this situation represents good value or that it accords with the Council's corporate priority of 'better use of public money'?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(o) Councillor Steedman

"None of the Council's committee reports – including the Council agenda paper in which this question appears – are printed on recycled paper. Does the Cabinet Member for Central Services believe that this is acceptable and that it accords with the Council's corporate priority of 'protecting the environment while growing the economy'?"

Reply from Councillor Alford, Cabinet Member for Central Services.

(p) Councillor Steedman

"We welcome the announcement that the Council is considering how to insulate homes and install renewable energy technologies through the creation of an energy services company. The Birmingham Energy Savers programme, already up and running, uses an innovative 'pay as you save' mechanism to recycle the savings from the energy bills of households that have benefited from insulation and low-carbon technologies, to ensure that the maximum number of houses can be reached, in the private as well as the social housing sector.

Given that the Council has missed its carbon savings target for the local authority area by nearly 50%; that the domestic sector accounts for 42% of Brighton and Hove's carbon emissions; and that there are nearly 14000 households in fuel poverty in the city as we enter another freezing winter at a time of rising fuel bills, will the Cabinet Member for Housing:

a) set out how the Council's housing policies will deliver at least a 42% cut in carbon emissions by 2020 from the domestic sector, and an 80% cut by 2050, as agreed in the Sustainable Community Strategy?
b) ensure that any energy services company scheme targets deprivation and fuel poverty first, and benefits residents living in the private (especially private rented) sector as well as the social rented sector?
c) seek to take advantage of the money available to local authorities for energy efficiency projects under the recently revised rules of the European Energy Recovery programme?
d) commit to a 'pay as you save' mechanism like Birmingham's for Brighton and Hove to ensure that we make our money go as far as possible?
e) join me in meeting the architects of the Birmingham scheme to learn from their experience?"

Reply from Councillor Caulfield, Cabinet Member for Housing.

(q) Councillor Allen

“The announcement that the new owners of Anston House are preparing a plan for a mixed-use development of the whole site is excellent news for the city. Residents of Dyke Road Drive in particular will be delighted to see that the pressure they exerted on the council to sort this problem out has been so successful. Would the Leader of the Council agree with me that it will now be important to give local residents, above all those in Dyke Road Drive whose views of Preston Park will inevitably be affected, every opportunity to influence the plan as it moves forward?”

Reply from Councillor Mears, Leader of the Council.

(r) Councillor Duncan

"Could Cllr Theobald describe the measures taken to ensure the paths inside and roads surrounding Queen's Park were safe for pedestrian use during the recent cold weather, and reassure residents that adequate resources will be available to ensure park users' safety in any future 'cold snap'?"

Reply from Councillor Theobald, Cabinet Member for Environment.

ORAL QUESTIONS FROM COUNCILLORS

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the Mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

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

(a) Councillor Mears
Subject matter – Criminal Justice and Public Order Act 1994.

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

(b) Councillor McCaffery
Subject matter – Safety of Children in Care.

Reply from Councillor Mears, Leader of the Council.

(c) Councillor Kitcat
Subject matter – Council's Pay Multiple.

Reply from Councillor Mears, Leader of the Council.

(d) Councillor Allen
Subject matter – Pride in Preston Park.

Reply from Councillor Mears, Leader of the Council.

(e) Councillor Fryer
Subject matter – Bright Start Nursery.

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

(f) Councillor Caulfield
Subject matter – Scrutiny Requests from Members of the Public.

Reply from Councillor Mitchell, Chairman of the Overview & Scrutiny Commission.

(g) Councillor Steedman
Subject matter – Fuel Poverty and Council Housing.

Reply from Councillor Caulfield, Cabinet Member for Housing.

(h) Councillor Barnett
Subject matter – Standards Procedure.

Reply from Councillor Oxley, Chairman of the Governance Committee.

(i) Councillor Duncan
Subject matter – Implementation of Notices of Motion.

Reply from Councillor Mears, Leader of the Council.

Council	Agenda Item 53
16 December 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: 20 MPH Speed Limit Review**		
Date of Meeting:		**16 December 2010**		
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 Council's Constitution requires that the findings of scrutiny panels, along with the executive response, be reported to Full Council for information.

1.2 This report presents a summary of the 20 mph Speed Limit Scrutiny Panel findings and recommendations (Appendix 1) along with the Cabinet Member response (Appendix 2).

2. RECOMMENDATIONS:

2.1 That Member's note Appendices 1 and 2.

3. BACKGROUND INFORMATION

3.1 The 20mph review was called for by Councillors in response to a large number of requests from residents for speed reductions in specific areas. It was felt a systematic and citywide approach was needed.

3.2 The panel found that when introduced in the right areas 20 mph speed limits and 20 mph zones can be used to not only increase safety for all road users, preventing accidents and reducing speeds, but bring about benefits in health and quality of life.

3.3 The panel concluded that 20 mph speed limits should be introduced on all residential roads, on roads where there are high numbers of vulnerable road users such outside schools, routes to schools, on roads next to parks and playgrounds, sports and leisure facilities, community buildings, older people's care homes, local shops, on roads which are primarily for residential use and on busy shopping streets.

3.4 The full scrutiny panel report along with the evidence base is available in Members rooms and on the overview and scrutiny web pages.

3.5 The Executive response to the scrutiny recommendations is attached as Appendix 2.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications as this report is purely for the Council to note.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 25 November 2010

Equalities Implications:

5.2 No specific implications as this report is purely for the Council to note.

Sustainability Implications:

5.3 No specific implications as this report is purely for the Council to note.

Crime & Disorder Implications:

5.4 No specific implications as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.5 No specific implications as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.6 No specific implications as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of the 20 mph scrutiny review.
2. Executive response to the scrutiny recommendations.

Documents in Members' Rooms:

1. Full Scrutiny Panel report and evidence base

Appendix 1

20 Miles Per Hour Speed Limit Review Panel Summary

1. Background

Panel Membership - Councillors Pete West (Chair), Jayne Bennett, Gill Mitchell, David Watkins, Geoff Wells

1.2 The panel held 4 public meetings and heard evidence from the following groups and organisations:

- Sussex Police
- Air Quality, Brighton and Hove City Council
- UK Noise Association
- Brighton and Hove Bus Company
- Road Safety Team, Brighton and Hove City Council
- Living Streets
- London School of Hygiene & Tropical Medicine
- Older People's Council
- Bricycles
- Cabinet Member for Environment, Brighton and Hove City Council
- Proposer of Notice of Motion (Councillor Ian Davey)
- London Road Area Local Action Team
- Lansdowne Area Resident Association
- Hangleton and Knoll Ward (Councillor David Smart)
- Goldsmid Ward (Councillor Melanie Davis)
- Westbourne Ward (Councillor Denise Cobb)
- Woodingdean Speedwatch Group
- Friends of Queens Park/Queens Park Local Action Team
- Lewes Road for Clean Air Group

1.3 A number of council departments, and local and national organisations and groups were contacted between December 2009 and March 2010 and invited to make comments on the impact of 20 mph speed limits/zones in the city:

- Tourism and Venues, Brighton and Hove City Council
- Culture and Economy, Brighton and Hove City Council
- Economic Partnership
- Brighton and Hove Business Forum
- North Laine Traders Association (NLTA)
- City Clean, Brighton and Hove City Council
- The Taxi Forum
- Big Lemon Bus Company
- East Sussex Fire and Rescue Service (ESFRS)
- South East Coast Ambulance Service (SECAmb)
- Brighton and Hove Federation of Disabled People
- Environmental Protection UK

- Public Health, Brighton and Hove City Council
- 20s Plenty Campaign
- Royal Society of Prevention of Accidents (ROSPA)
- The Institute of Advance Motorists (IAM)
- The Environmental Transport Association (ETA)
- The RAC
- The AA

1.4 Terms of reference

1. To gain an understanding of the collision statistics
2. To seek a range of views as to the impact of 20 mph speed limits and 20 mph zones on road safety in terms of reducing vehicle speeds and casualty numbers
3. To investigate what options other local authorities across the country are pursuing in terms of 20 mph speed limits/zones
4. To gain an understanding of the potential environmental impacts of 20 mph speeds on air quality, tail pipe and carbon emissions as well as noise
5. To gain an understanding of the potential 'other benefits' which 20 mph speeds may bring, such as health benefits, increased sociability, and better walking and cycling conditions
6. To gain an understanding of any potential consequences of any displacement of traffic as a result of introducing lower speed limits
7. To gain an understanding of the speed limit review currently being undertaken in the city and the links with this investigation
8. To identify the benefits, feasibility and potential costs of various 20 mph speed options for the city
9. To develop recommendations for the future development of council policy on 20 mph speed limits/zones

2. Key findings

An extensive study of 20 mph zones in London has demonstrated that 20 mph zones are associated with a 42% reduction in all casualties, and that areas adjacent to 20 mph zones also see a reduction of 8% for all casualties. There is no doubt that when traffic is forced to travel at speeds of 20 mph or less, it saves lives.

However, some of the traditional traffic calming measures used in the past such as speed bumps and humps are very unpopular with drivers, cyclists, taxi drivers, buses, and many residents living near to the zones.

Additionally, 20 mph zones are very resource intensive to implement and as a result interventions in Brighton and Hove have had to be prioritised depending on the severity and numbers of accidents occurring and the resources available. This has meant that the council has reacted to traffic problem areas and road accidents in a piecemeal and small-scale way, and has left residents feeling that their concerns about dangerous roads are not being dealt with adequately enough. The

panel feels that a new approach to introducing these types of road safety measures needs to be introduced and that this approach needs to have a wider impact and not be so costly.

Conclusions from an independent interim evaluation of the area-wide 20 mph speed limit scheme introduced in Portsmouth are interesting to note. After implementation there was an average speed reduction of 0.9 mph on roads included in the scheme. On some roads included in the scheme where average speeds were higher than 24 mph significant speed reductions were seen on some of the roads. There was a 13% over all reduction in accidents and a 15% reduction in the number of casualties, although reductions in both accident and casualty numbers fluctuated across the city. It should be noted that the evaluation of the Portsmouth scheme is based on one years worth of data and road safety data requires three years of data to be considered robust, however, the results so far do indicate some positive benefits from the scheme.

The Portsmouth scheme demonstrated that where average speeds of 24 mph or less exist, then 20 mph speed limits can be successfully used to formalise an existing practice of slow driving, and act as a deterrent to aggressive driving as well as reduce casualty numbers. Additionally, 20 mph speed limits can reduce speeds on roads where average speeds are higher than 24 mph, although not always so that average speeds are compliant with the 20 mph speed limit.

20 mph speed limits are likely to be effective on clusters of streets where average speeds are low, or next to 20 mph zones to increase the area covered by the zone. When 20 mph speed limits are introduced in areas where they are right for local conditions they work to reduce traffic speed, prevent accidents, formalise already slow driving behaviour, and deter aggressive driving.

As well as road safety benefits there are additional and important benefits which 20 mph speed limits/zones have. 20 mph speed limits/zones help to improve the urban realm and create safer environments for vulnerable road users. This encourages residents to engage in more active travel which will improve the health of local residents as well as contribute to creating vibrant people-centred environments. There are indications that slower speeds also increase community ties and may help to prevent social isolation so increasing residents' quality of life. Additionally, there are key health benefits which 20 mph speed limits/zones help to achieve; less transport-related air pollution and noise from traffic will benefit residents' health, and potential mental health benefits will arise due to the reductions in accident related traumas. 20 mph speed limits/zones help to make areas of the city more accessible to vulnerable road users.

Any speed reduction initiative introduced needs to consider issues of enforcement, compliancy, and coherency. The police do not have the resources to enforce 20 mph speed limits when they are introduced in

ways which are not considered to be in line with the guidance. Sussex Police recommend therefore that 20 mph speed limits should only be introduced on roads where average speeds are less than 24 mph. If a speed reduction initiative is to be introduced on roads where average speeds are more than 24 mph, then traffic calming measures should be introduced to make these areas self-enforcing. Speed reduction initiatives should be easy to comply with in order to ensure that drivers are not unnecessarily criminalised. In order to ensure maximum effectiveness any changes to speed limits need to be coherent and made in ways which make sense to drivers and other road users.

Evidence gained from the Speed Limit Review of all C and Unclassified Roads will be important in evidencing where in the city average speeds are currently 24 mph or lower.

The environmental impacts of speed reductions are difficult to assess because of the number of variables involved. Driving styles greatly impact on the amount of pollutants and emissions emitted from a vehicle. Simplistically, regular acceleration and braking increases fuel consumption and the amount of pollutants emitted, conversely if traffic is kept moving, or there is a reduction in the volume of traffic, then less pollutants and emissions are emitted. Any speed reduction initiative introduced needs to take this relationship into account, as well as factor in the potential benefits which may arise should residents choose to use more sustainable forms of transport as the roads are perceived to be safer due to speed reductions. Reducing speed limits may help to also reduce noise from traffic, so increasing the benefits of speed reductions for residents.

Evidence from the UK Noise Association suggested that reducing the speed limit on main roads in the city would be beneficial for reducing noise pollution. However, such benefits need to be weighed up against the need to keep traffic flowing through and around the city and avoiding congestion. The panel felt that over all it would be better to keep main through roads moving at 30 mph, where these roads have average speeds of over 24 mph, or were not heavily used by vulnerable road users.

However, there are key safety concerns with some of the main roads in the city; in particular vulnerable road users do not feel safe being able to cross busy main roads and there are often no safe places or crossings available to vulnerable road users in the right locations. These safety concerns need to be addressed as a matter of priority.

There is widespread concern amongst residents about the safety of many of the roads in the city as a result of the speed at which traffic travels. Many residents feel that they should not have to wait until an accident happens in their area before a road safety initiative is introduced. There is a large amount of support and demand from residents for speed reduction initiatives. Such concerns and demands

require the council to take a much more widespread and systematic approach towards making road safety improvements.

3. Conclusions and Recommendations

3.1 The panel, on the basis of the evidence they had heard and collected, feel that the council needs a new approach to introducing speed reduction initiatives in the city, an approach which is more widespread and works to create safer roads for vulnerable road users across the city.

3.2 The panel found that when introduced into the right areas 20 mph speed limits and 20 mph zones can be used to not only increase the safety of roads for all road users, preventing accidents and reducing speeds, but to bring about benefits in health and quality of life outcomes. Indeed, 20 mph speed limits/zones not only help to improve local environments and make them safer for vulnerable road users they help to create vibrant people-centred environments, strengthen community ties and promote sustainable travel choices. 20 mph speed limits/zones also help to bring about key health benefits by increasing physical exercise as well as reducing transport-related air and noise pollution which heavily effects residents' health.

3.3 The panel concluded that the city would benefit from having areas of 20 mph speed limits introduced into the city and that 20 mph speed limits should be used primarily on roads which vulnerable road users use the most; such as roads outside schools, routes to schools, on roads next to parks and playgrounds, sports and leisure facilities, community buildings, older people's care homes, local shops, on roads which are primarily for residential use, as well as on busy shopping streets. Introducing 20 mph speed limits on these roads sends a clear message to drivers that there are safety reasons for driving slower.

3.4 The panel concluded that 20 mph speed limits should be introduced on all residential roads, on roads where there are high numbers of vulnerable road users, and on roads where average speeds are 24 mph or less. Evidence from the speed limit review of all C and Unclassified roads will help to identify which roads these are. Information on the speed limit review, including the methods for identifying the clusters and priority areas needs to be made available.

3.5 The panel also concluded that where average speeds on residential roads and in high pedestrian and cyclist use areas are higher than 24 mph, then speed reduction initiatives should be supported by traffic calming measures, although speed bumps and humps should ideally not be used.

3.6 20 mph speed limits and zones need to be easily identifiable and therefore common features should be used to indicate to drivers that they are entering an area which requires them to drive slower. Where

possible, 20 mph zones and 20 mph speed limits should be joined together to form 20 mph areas as this will help to ensure that speed limits in the city are coherent and easy to comply with. Care should be taken when implementing 20 mph areas to ensure that traffic problem areas and rat running is not created on roads not included in the 20 mph areas.

3.7 Where the criteria are met, 20 mph areas should be accompanied by the introduction of more crossing facilities to better enable pedestrians and cyclists to cross main busy roads and to link 20 mph areas. This will greatly aid vulnerable road users to move safely around the city.

3.8 The panel found that in terms of overall benefits the main through roads in the city where they do not fit into the above criteria, should not be included in speed reduction schemes. However, the road safety concerns of residents using these roads, which are mostly about being able to cross the road safely, need to be attended to as a matter of priority.

3.9 Residents need to be involved and consulted on plans to introduce 20 mph areas in order to ensure community buy-in into speed changes and therefore better compliancy. Local action teams, many of which have road safety as a key priority in their action plans, and residents' associations', should also be involved in plans to introduce 20 mph areas. This consultation process as well as public expectation will need to be carefully managed. Additionally, the criteria for the implementation process of 20 mph areas should be made available to residents.

3.10 The impacts of 20 mph initiatives need to be carefully monitored and evaluated.

3.11 The Road Safety Team and Transport Department at the council have undertaken a number of highly successful schemes which have made the city's roads considerably safer for residents and visitors. Indeed 20 mph speed limits/zones are just one element of a much larger programme of road safety projects and engineering work undertaken by the council. The approach recommended by the panel aims to build on this good work and offer a more widespread and systematic approach to implementing 20 mph speed limits/zones across the city. Such an approach will require the whole Transport Department to be involved in developing and implementing the schemes and will need resourcing.

3.12 The panel developed the following recommendations based on the evidence heard from the expert witnesses and the opinions received from residents:

Recommendation 1

That the council introduce a policy of reducing speed limits on roads primarily for residential use, and on those roads where high numbers of vulnerable roads users use the roads; particularly those roads outside schools, routes to schools, roads outside parks and playgrounds, sports and leisure facilities, community buildings, older people's care homes, local shops and on roads in busy shopping areas.

Recommendation 2

That the speed limit review currently being conducted to assess average speeds on C and Unclassified roads in the city be used to identify roads in the city that would benefit from 20 mph speed limits as average speeds are 24 mph or less.

Recommendation 3

That those roads identified in recommendations 1 and 2 be clustered together to form coherent 20 mph areas.

Recommendation 4

That a report which sets out the work being undertaken by the speed limit review, including the methods for identifying clusters and priority areas, and containing a timetable for implementation be brought to the next meeting of the Environment Cabinet Member.

Recommendation 5

That where needed 20 mph areas are supported by additional traffic calming measures. However, these measures should ideally not include the use of speed bumps or humps but high quality design measures which are fit for purpose for local areas.

Recommendation 6

That easily understandable criteria for the implementation of 20 mph areas be made available to residents so that they can understand why some areas of the city will be prioritised for speed reduction initiatives first.

Recommendation 7

That taking into account those areas identified in recommendations 1, 2 and 3, main roads in the city should not have speed reduction initiatives introduced. However, the council should look as a matter of priority at other road safety measures which can be used to make these roads safer for vulnerable road users. In particular, the concerns of residents about being unable to cross these types of roads safely should be addressed.

Recommendation 8

That as a matter of priority, and where criteria are met, more crossing facilities, zebra crossings, and safe spaces for vulnerable road users to cross roads are introduced in conjunction with 20 mph areas and on main busy roads.

Recommendation 9

That Local Action Teams and local residents' associations are actively involved and consulted with on plans to introduce 20 mph initiatives in their areas.

Recommendation 10

That, in order to ensure community buy-in and maximum compliancy, residents are engaged and consulted with on plans to introduce 20 mph initiatives into their areas.

Recommendation 11

That as part of the public consultation and engagement exercise, awareness raising and education campaigns are also undertaken to highlight key problem areas in the city and the need for slower speeds and safer driving and road use in the city.

Recommendation 12

That a carefully planned, long-term monitoring and evaluation exercise takes place so that evidence on the impacts of the initiatives introduced, and effectiveness of gaining and maintaining community buy-in, can be collected and responded to.

Recommendation 13

That 20 mph areas are identified as quickly as possible and that adequate funding is prioritised and set aside for implementing these initiatives as part of the Local Transport Plan (3).

Recommendation 14

That the Environment and Community Safety Overview and Scrutiny Committee monitor progress of these recommendations with the first update report brought to the committee after six months.

Recommendation 15

That the feasibility of piloting in a suitable area, new technology to manage traffic speed such as 'green light wave' technology and other forms of smart technology be considered.

Appendix 2 – Executive Response

Rec #	Recommendation	Officer Comments and Response	Date
1	**That the council introduce a policy of reducing speed limits on roads primarily for residential use, and on those roads where high numbers of vulnerable roads users use the roads; particularly those roads outside schools, routes to schools, roads outside parks and playgrounds, sports and leisure facilities, community buildings, older people's care homes, local shops and on roads in busy shopping areas.**	The recommendation to use such zones outside schools that are not situated on A class roads is accepted. However, further work is needed to establish priorities so that limited funding can be properly directed using the Road Safety Programme (This programme is managed by the council's Road Safety Team and delivers a raft of engineering measures to improve road safety across the city. Recent examples include improvements to Chalky Road and ongoing work to improve conditions for pedestrians at the Upper Drive/Old Shoreham Road junction). The recommendation to implement such a large area of the city would cost millions. Key to establishing priorities for any 20mph zones is the City Speed Limit Review which is underway.	
2	**That the speed limit review currently being conducted to assess average speeds on C and Unclassified roads in the city be used to identify roads in the city that would benefit from 20 mph speed limits as average speeds are 24 mph or less.**	The need to separate those roads suitable for just a reduction in speed limit as opposed to supporting other options such as traffic calming is accepted and will be given a priority, this will form part of the City Wide Speed Limit Review.	Ongoing and subject to progress re Recommendation 1
3	**That those roads identified in recommendations 1 and 2 be clustered together to form coherent 20 mph areas.**	Once the City-wide Speed Limit Review work has been completed priority sites will be identified for any potential measures with the exception of those regarding schools which will be prioritised as per recommendation 1.	

4	**That a report which sets out the work being undertaken by the speed limit review, including the methods for identifying clusters and priority areas, and containing a timetable for implementation be brought to the next meeting of the Environment Cabinet Member.**	A report on the Speed Limit Review will be brought to the November 2010 Environment Cabinet Member Meeting.	
5	**That where needed 20 mph areas are supported by additional traffic calming measures. However, these measures should ideally not include the use of speed bumps or humps but high quality design measures which are fit for purpose for local areas.**	Subject to funding, this will require a case by case analysis of suitable road safety options and consultation with the residents. All measures will be designed in accordance with best practice guidance for street design, including Manual for Streets and Brighton & Hove Council's Streetscape Design Guidance.	
6	**That easily understandable criteria for the implementation of 20 mph areas be made available to residents so that they can understand why some areas of the city will be prioritised for speed reduction initiatives first.**	Agreed. In line with best practice the council will make the criteria that helps officers prioritise road safety measures in a given area understandable and available to residents.	

7	**That taking into account those areas identified in recommendations 1, 2 and 3, main roads in the city should not have speed reduction initiatives introduced. However, the council should look as a matter of priority at other road safety measures which can be used to make these roads safer for vulnerable road users. In particular, the concerns of residents about being unable to cross these types of roads safely should be addressed.**	Agreed**.** These roads are constantly being assessed in order to identify any appropriate remedial action. The Council supports the introduction of enhanced crossing provision for vulnerable users and is recommending a review of criteria against which crossing provision is made subject to availability of funding.	
8	**That as a matter of priority, and where criteria are met, more crossing facilities, zebra crossings, and safe spaces for vulnerable road users to cross roads are introduced in conjunction with 20 mph areas and on main busy roads.**	Agreed - as per recommendation 7	Ongoing
9	**That Local Action Teams and local residents' associations are actively involved and consulted with on plans to introduce 20 mph initiatives in their areas.**	All residents and representatives bodies will be consulted on any plans to introduce 20 mph zones in their area.	Ongoing from start of implementation/consultation
10	**That, in order to ensure community buy-in and maximum compliancy, residents are engaged and consulted with on plans to introduce 20 mph initiatives into their areas.**	Agreed. As per recommendation 9.	Ongoing from start of implementation/consultation

11	**That as part of the public consultation and engagement exercise, awareness raising and education campaigns are also undertaken to highlight key problem areas in the city and the need for slower speeds and safer driving and road use in the city.**	The Road Safety Team currently manages a programme of education, training and publicity which is focussed at those areas and road users that are considered most vulnerable. This will continue and changing attitudes towards excessive or inappropriate speed will form part of that work. The aim is to make speeding socially unacceptable. Education, training and publicity will have a significant role in supporting the harder measures such as changes in speed limits and traffic calming. An example of this is the ongoing London Road scheme which has combined publicity and education during the consultation stage.	Ongoing and already in place
12	**That a carefully planned, long-term monitoring and evaluation exercise takes place so that evidence on the impacts of the initiatives introduced, and effectiveness of gaining and maintaining community buy-in, can be collected and responded to.**	Agreed . Data preceding implementation of any scheme would be gathered and retained in order that 'before and after' comparison data could be compared and effectiveness measured.	All before and after data to be compared. Evaluation to take place annually from 12 months after implementation date of a particular scheme
13	**That 20 mph areas are identified as quickly as possible and that adequate funding is prioritised and set aside for implementing these initiatives as part of the Local Transport Plan (3).**	The Speed Limit Review is being progressed and the potential increased use of 20mph speed limits/zones has been submitted as an item for consideration and possible inclusion within LTP3, subject to availability of funding.	
14	**That the Environment and Community Safety Overview and Scrutiny Committee monitor progress of these recommendations with the first update report brought to the committee after six months.**	Agreed.	The first/second quarter of 20011

15	**That the feasibility of piloting in a suitable area, new technology to, manage traffic speed such as 'green light wave' technology and other forms of smart technology be considered.**	Whilst use of new technology for managing speed will be considered, this will need to be done on a case by case basis as local demographics etc will determine the suitability for piloting any particular technology. Green waves to allow progress through the City's network at predetermined speeds are a familiar concept in Brighton & Hove and have been in use for a considerable number of years. The technology is utilised at the City's fire stations, on a red light call the fire officer chooses a route via a control panel and this triggers a green wave through all of the traffic signals along this route to coincide with the speed of the fire engine. Use of average speed cameras may be an option subject to suitable route identification and obtaining the necessary Type Approval. Across the network generally traffic signal timings are calculated to reflect the speed of the traffic and how long it takes to get from one set of lights to another. It would always be possible to turn this around and set the timings to reflect the traffic speed that you are looking for and to clear congestion.	Subject to suitability and availability of specific funding.

Council	Agenda Item 54
16 December 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Staff Disabilities**		
Date of Meeting:		**16 December 2010**		
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 Council's Constitution requires that the findings of scrutiny panels, together with the executive response, be submitted to Full Council for information.

1.2 This report presents a summary of the Staff Disability Scrutiny Panel findings and recommendations (Appendix 1) along with the Executive response (Appendix 2).

2. RECOMMENDATIONS:

2.1 That Member's note Appendices 1 and 2.

3. BACKGROUND INFORMATION

3.1 The Scrutiny Panel on Staff Disabilities was set up to investigate and to support the areas of good progress helping staff with an existing disability, those who may become disabled for whatever reason whilst at work and disabled people applying for a job.

3.2 Amongst those giving evidence were council staff with a disability, whom helped inform the recommendations by highlighting the additional challenges that the workplace can present to employees with a disability impairment or medical condition, that may otherwise be hidden.

3.3 From some personal stories and from other witnesses, the panel have identified issues from monitoring, communications, training, recruitment and selection, to policy development and partnership working that need further focus to achieve a greater cultural change towards inclusion and disability equality 'excellence.'

3.1 The full scrutiny panel report along with the evidence base is available in Members rooms and on the overview and scrutiny webpages.

3.2 The Executive response to the Scrutiny recommendations is attached as Appendix 2.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications as this report is purely for the Council to note.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 25 November 2010

Equalities Implications:

5.3 No specific implications as this report is purely for the Council to note.

Sustainability Implications:

5.4 No specific implications as this report is purely for the Council to note.

Crime & Disorder Implications:

5.5 No specific implications as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.6 No specific implications as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.7 No specific implications as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of the staff disability scrutiny review.
2. Executive response to the scrutiny recommendations.

Documents in Members' Rooms:

1. Full Scrutiny Panel report and evidence base

Appendix 1

Staff Disabilities Scrutiny Panel

1. Background

'Lack of disability knowledge and expertise is widespread; the costs are unsustainable….1 in every 8 UK employee has a disability and in the population at large, 1 in 3 people are disabled or close to someone who is. Building an enabling environment for every employee and customer, regardless of disability is critical to success."[1]

1.1 Councillors Steve Harmer-Strange, Mo Marsh and Ian Davey served on the Panel, chaired by Councillor David Watkins.

1.2 The Staff Disability Scrutiny review was established by the Overview and Scrutiny Commission (OSC) following the March 2009 outcome of the Diversity Peer Review of the Equality Standard organised by the Improvement and Development Agency (IDeA.

1.3 The Council achieved level 3 of 5 in the March 2009 external assessment and is now aiming to achieve the 'excellent' (top) rating in the next assessment in December 2010 taking place within the new Equalities Framework Review which supercedes the Equalities Standard.

1.4 The Panel agreed its terms of reference as:

Wishing positively to support officers in the good work already being done:

- To ensure progress on the issues raised about staff disabilities from the Diversity Peer Challenge of the National Equalities Standard (as reported to 14 July 2009 OSC, then November 2009 Cabinet);
    - *Disability Employment Officer;*
    - *reasonable adjustments and Access to Work;*
    - *sickness management/disability leave;*
    - *support for disabled job applicants;*
    - *accessible staff bus*
- To investigate issues relating to performance under the Local Area Agreement
- To investigate action take by the council to encourage people with disabilities to apply for a job.

1.5 There were two scoping sessions followed by two public meetings during which evidence was heard from representatives of Job Centre Plus, Brighton and Sussex Universities Hospitals NHS Trust, and City Council officers. The Brighton & Hove Federation of Disabled People gave a written submission.

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[1] UK Employers' Forum on Disability

2. Findings

2.1 Members heard the individual experiences of staff with a disability to inform the review. Invitations to employees to take part in the Panel were posted on the Council's Intranet and sent via the Disabled Workers Forum.

The Council is one of the largest local employers and the Panel was aware that it aims to be an employer of choice, promoting diversity and equalities and seen to be doing this. The Panel found a variety of work underway within the Council and in partnership and welcome the many areas of progress, good practice and support for disabled staff and disabled job applicants.

Even so the Diversity Peer Challenge of the Equality Framework for Local Government identified some issues for clarification around sickness management procedures, disability leave, and support for job applicants and disabled staff. Results from the 2009 staff survey indicate that disabled staff members had a less positive view of their employer and work in some areas than non-disabled staff; and Brighton & Hove Federation of Disabled People and others are suggested ways of making jobs more accessible for people with disabilities.

The Panel sought to raise awareness of the Council's responsibilities regarding disability equality and the reasonable steps that can be taken without difficulty – often at little or no cost - so that people with disabilities can fulfil their potential at work and are not needlessly disadvantaged in the employment market.

The Panel recognised the difficulties in detailed disability monitoring by any organisation, but with an estimated 1 in 8 of all UK employees having a disability and 1 in 3 people disabled or close to someone who is, the Panel would like to see more progress on data reliability.

This review shows that the Council has considerable existing expertise that can be coordinated and communicated to help overcome wrong assumptions at work and create a culture more inclusive for disabled people.

The 2009 staff survey showed a tendency for staff considering themselves disabled to have different opinions about some areas of work, compared with non-disabled. The differences were sometimes small but there were statistically significant negative replies in a number of areas.

Disabled employees said they felt more subject to bullying at work, more discriminated against or harassed; were less likely to feel valued by the council or advocate the council, more often having different work demands

that are hard to combine, and less confident that the employer would take action to tackle discrimination or harassment.

Disabled staff were less likely to reply that the council is well run, acts on the concerns of local residents, treats all types of people fairly and recognises the diversity of customers when delivering services.

The Scrutiny Panel were aware that the DWF is well regarded in its general support for disabled staff, its role being particularly important to help reduce inequality, increase opportunities and use staff resources well across all areas of the Council. Other minority staff groups, BME, LGBT may have a wider range of Forum Members. DWF attendees in comparison could tend to be in less senior job roles, have a wider range of issues and possibly feel more vulnerable and less confident.

Members suggested that more could be done to increase membership of the DWF amongst under-represented groups such as people with learning differences, staff on the autistic spectrum, and those who are unable to attend the meetings and also help people who feel unable to be 'heard' and speak up once there.

Courses on Equality Impact Assessments, Disability and Equalities Awareness and confidence have been arranged by the Council for officers and Members in recent years and e-learning modules on equalities are available in the 'surf-to-learn' programme. However the Panel was disappointed that the number of trainees from the courses has been relatively low which would indicate that knowledge and awareness is variable.

Higher attendance at courses would widen views about disabilities; such as the social model of disability and input into EqIAs of council policies. Effective communication, learning and development for both employees and Members is key to implementing the Single Equality Scheme and addressing potential discrimination. This includes training that enables staff to identify and challenge prejudice with regard to disability.

Works to Council buildings open to the public are being made to enable improved access for disabled citizens in compliance with the Disability Discrimination Act. This also improves the environment for disabled staff if they are working in the same areas and performance is recorded against indicator (BV 156 – disabled access to local authority buildings open to the public)

Disabled staff are increasingly asking about adjustments such as doors, lifts, ramps, toilets and work spaces in buildings not open to the public. Parts of some council-owned properties formerly 'staff-only,' are now also open to the public. Access to parking spaces and training rooms/facilities is an issue for some staff.

The Council is not required to make adjustments *in anticipation* of employing disabled staff; however there is a duty to consider specific adjustments to suit disabled employees and prospective employees. Nevertheless the DDA Best Practice Guide for Employers recommends 'mainstreaming some reasonable adjustments' pointing out that planning ahead could be cost-effective and the Panel wanted accessibly to be considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff.

Members were not aware of a process to bring together this range of expertise across Council teams and agreed that a coordinated approach to works at Council-owned buildings would enable good use of resources.

Disabled people are less likely than non-disabled people to have a job; many want to work and come off benefits. Job Centre Plus suggested closer engagement with Pathways to Work providers and offered to facilitate a meeting.

The Panel heard examples of support for disabled people from City Employment Initiatives and Supported Employment Team, to prepare for and gain employment, for current disabled staff and those who become disabled whilst at work.

Unlike other organisations, local authorities cannot advertise for disabled applicants to the exclusion of non-disabled people. But the Panel heard that more awareness and flexibility is needed in the processes for recruitment and selection with updated training for recruiting officers.

3. Conclusions and Recommendations

3.1 The panel wished to stress the good work that is under way. Recommendations of this scrutiny review are built on the current progress and existing areas of good practice which are spread widely across the Council.

1 Coordination and Communication

The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.

2 Disabled Workers Forum

The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity,

coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.

DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.

3 Communications Campaign

The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.

Training

4 The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council

The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.

Achieving Excellence

5 The panel recommends that the Council better publicises the guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.

Physical Accessibility

6 The Panel recommends that to make good use of resources accessibly for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.

The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.

The Panel requests that compliance with personal emergency evacuation policy be checked as a matter of priority.

Monitoring and evaluation

7 The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of 'ticking the box' are set out and where to get further advice.

The Panel recommend that disability monitoring regarding staff and job applicants be reported to Panel's parent committee OSC.

Recruitment and selection

8 The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.

Equalities Impact Assessments (EqIAs)

9 The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.

Partnership Working

10 The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.

Appendix 2 – Executive Response

Scrutiny Panel's Recommendation	Formal Management response	Recommended decision
1. Coordination and Communication		
The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.	The Diversity Peer Challenge review also identified this as an area for improvement. In order to address this, it is proposed to develop an internal equalities communication plan. This is set out in the Single Equalities Action Plan. In the last year, we have set up cross-council working groups bringing together a range of people with expertise to develop: • a Reasonable Adjustments Guide for Managers • an Assistive Technology User Site on The Wave.	Agreed.
2. Disabled Workers Forum		
a. The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.	The council provides both practical and financial support to the Disabled Workers Forum (DWF). A member of the Equalities and Inclusion team not only provides support but also provides an informal route through which the Forum can raise issues of concern with the council. The council currently gives the Forum £5,000 per year to support its training and development, publicity and social networking activities. It is down to the Forum's Executive to decide how to use the funding and, each year, it produces a budget forecast that is signed off by the Equalities and Inclusion Team. The Staff Forums, including the DWF, will continue to be consultees on council Equality Impact Assessments.	Agreed.

b. DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.	This is a matter for the DWF. However, the council would fully support the DWF in finding someone within the organisation to act as a Disability Champion. Managers, including some senior managers, already attend Forum meetings by invitation. The council's mentoring scheme is open to all staff including disabled employees.	Agreed.
3. Communications Campaign		
The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.	We will continue to provide information to managers and staff on disability issues through the council's magazine and the HR site on the intranet. This will include information on: • recruitment and selection including interviewing/testing of disabled candidates • making reasonable adjustments for employees in the workplace • useful contacts to approach for help and advice on disability issues.	Agreed.
4. Training		
a. The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council.	Subject to financial resources being available, the council intends to run similar sessions in the future.	Agreed.

b. The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.	Equalities, including disability, issues will be embedded within the new corporate learning and development programme and will be delivered through: • e-learning • skills workshops • information toolkits • action learning sets. Due to the availability of resources, training will be targeted at those where a need has been identified through the PDP process. A foundation level diversity e-learning module is also being developed that will be mandatory for all new staff. New managers will also be required to complete a supplementary module.	Agreed.
5. Achieving Excellence		
The panel recommends that the Council better publicises the guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.	The Council has recently strengthened its links with the Employer's Forum on Disability (EFD) by inviting Bela Gor, its Legal Director, to speak on disability issues at the DDA Masterclass training session. We will continue to promote the EFD as a useful source of information on the HR site on the council's intranet. The Disability Standard is currently being redeveloped by the EFD. The council will consider participating in the new standard once it is available.	Agreed.
6. Physical Accessibility		
a. The Panel recommends that to make good use of resources accessibility for disabled staff to Council-owned buildings	The council's Health, Safety & Wellbeing team already work with Architects when work is being planned to ensure this happens.	Agreed.

is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.		
b. The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.	The needs of staff, including those with disabilities, is assessed at the time any new accommodation layout is being designed or working practices changed.	Agreed.
c. The panel requests that compliance with personal evacuation policy be checked as a matter of priority.	Compliance with the personal evacuation policy has been checked and is fine.	Agreed.
7. Monitoring and Evaluation		
a. The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of 'ticking the box' are set out and where to get further advice.	Whilst we try to encourage as many job applicants and employees as possible to provide this data, we must recognise that they are under no obligation to do so. The roll out of employee self-service will enable individuals to update their own personal information directly onto the system. This may encourage individuals who have not yet provided this information, to do so. We also send a Workplace Adjustments Form to all prospective employees so that they can let us know, before they join us, if they need any reasonable adjustments to carry out their job.	Agreed.
b. The Panel recommend that disability monitoring regarding staff and job applicants	This information is already available to the Overview and Scrutiny Commission as part of the Head of Communities and Equality's	Agreed.

be reported to Panel's parent committee OSC.	Single Equality Scheme update report.	
8. Recruitment and Selection		
a. The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.		Agreed.
b. The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.	The staff survey has asked staff, for some time now, about how they rate opportunities for career progression within the organisation.	Agreed.
9. Equalities Impact Assessments		
The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.	The Overview & Scrutiny Panel will receive progress reports as appropriate from the Head of Communities and Equality.	Agreed.
10. Partnership Working		
The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.	The council will continue to work with other organisations both within and outside the City to promote and share best practice on equalities, including disability, issues.	Agreed.

Council	Agenda Item 55
16 December 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Climate Change Adaptation**		
Date of Meeting:		**16 December 2010**		
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 Council's Constitution requires that the findings of scrutiny panels, together with the executive response, be submitted to Full Council for information.

1.2 This report presents a summary of the Climate Change Adaptation Scrutiny Panel findings and recommendations (Appendix 1) along with the Executive response (Appendix 2).

2. RECOMMENDATIONS:

2.1 That Member's note Appendices 1 and 2.

3. BACKGROUND INFORMATION

3.1 The Council's Overview and Scrutiny Commission (OSC) resolved to establish a panel to investigate what work that needs to be done to make good progress in planning for a changing local climate.

3.2 Evidence from a range of witnesses to the Panel stressed that while this is a vital issue for the whole world, there is a need to develop local solutions.

3.3 While preparing to adapt may require significant resources, research has found that the financial consequences of failing to adapt could be significantly higher.

3.4 The panel made 13 recommendations as outlined in Appendix 1.

3.5 The full scrutiny panel report along with the evidence base is available in Members rooms and on the overview and scrutiny webpages.

3.6 The Executive response to the Scrutiny recommendations is attached as Appendix 2.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation with interested parties.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications as this report is purely for the Council to note.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 25 November 2010

Equalities Implications:

5.3 No specific implications as this report is purely for the Council to note.

Sustainability Implications:

5.4 No specific implications as this report is purely for the Council to note.

Crime & Disorder Implications:

5.5 No specific implications as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.6 No specific implications as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.7 No specific implications as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of the climate change adaptation scrutiny review.
2. Executive response to the scrutiny recommendations.

Documents in Members' Rooms:

1. Full Scrutiny Panel report and evidence base

Appendix 1

Climate Change Adaptation Scrutiny Review Panel Summary

1. Background

1.1 The terms of reference for the Panel

1. To gain an understanding of the climate change threats and opportunities facing Brighton & Hove and the impact these will have
2. To review the current preparedness of BHCC and its partners to adapt to the foreseeable consequences of a changing local climate
3. To identify through a gap analysis risks that need to be addressed through improved adaptation planning
4. To develop a timetable for this work to be undertaken
5. To consider the best means through which to monitor progress made in reaching level 4 of NI188

1.2 What is climate change adaptation? The breadth of the issue is shown in the following description of adapting to climate change:

'… the process of building resilience and preparing households, businesses, infrastructure, public services and vulnerable parts of our society to cope with the impacts of climate change, and to take advantage of any new opportunities that result.'

1.3 Why is adaptation important to the city? Evidence to the Panel stressed that while this is a vital issue for the whole world, there is a need to develop local solutions. Brighton & Hove because of its location by the sea, as well as other characteristics, is vulnerable to wide range of risks which could result from a changing climate and more extreme weather. These include:

- Flooding
- Heat waves
- Coastal erosion

The city also needs to prepare for the opportunities that can be created by a changing climate, such as:

- Increasing tourism
- Growing business opportunities for environmental industries

1.4 While preparing to adapt may require significant resources, research has found that the financial consequences of failing to adapt could be significantly higher.

1.5 The 'Mini-Stern for Manchester' report by Deloitte concluded that *'a failure to adapt'* scenario could result in the Manchester region losing an estimated **£20 billion** over the next 12 years to 2020.

1.6 Witnesses whom gave evidence to the panel:

Name	Title	Organisation
Chris West	Director	UK Climate Impacts Programme
Chris Wick	Operational Manager	Environment Agency
Barry Luck	Sewerage Strategy Manager	Southern Water
Jorn Peters	Regional Planner	South East England Partnership Board
Tony Whitbread	Chief Executive	Sussex Wildlife Trust
Graham Tubb	Head of Energy Policy	SEEDA and Climate South East
Justin Butler	Managing Director	Ambiental
Meyrick Gough	Water Planning Strategy Manager	Southern Water
Mark Prior	Head of Sustainable Transport	Brighton & Hove City Council (BHCC)
Martin Eade	Coast Protection Engineer	BHCC
Martin Randall	Assistant Director – City Planner	BHCC
Paula Goncalves	Senior Planning Officer	BHCC
Matthew Lipson	Assistant Scientist	Committee on Climate Change (Adaptation Sub-Committee)
Gary Ferrand	Assistant Chief Fire Officer	East Sussex Fire and Rescue Service (ESFRS)
Keith Ring	Borough Commander	ESFRS
Thurstan Crockett	Head of Sustainability and Environmental Policy and Environmental Policy	BHCC
Angela Dymott	Assistant Director, Property & Design	BHCC
Robin Humphries	Civil Contingencies Manager	BHCC
Jackie Algar	Risk & Opportunity	BHCC

	Manager	
Paolo Boldrini		Climate Connections Project
Carolyn McKenzie	Head of Sustainability and Climate Change	Kent County Council
Dominic Kniveton		Sussex Centre for Migration, University of Sussex
Tom Scanlon	Director of Public Health for Brighton & Hove	
Jane Simmons	Head of Commissioning and Partnerships	BHCC

2. Findings

2.1 The Panel received a substantial amount of evidence on the potential impacts of climate change and how best to adapt to such changes.

- The city, like the rest of the UK, is finding it challenging to cope with the existing levels of extreme weather, such as the 09/10 winter snow
- Brighton & Hove City Council (BHCC) could learn from the good practice of other local authorities, such as Kent and Hampshire, who have successfully taken on the 'civic leadership' role in relation to adaptation
- While some BHCC services are making good preparations for adaptation, a questionnaire sent out to the Council's service heads highlighted the '*variability*'[1] in how well these services understood adaptation issues and the actions they were taking to prepare
- The Council is currently not making the expected rate of progress in the national indicator 188 (NI188) - which is a process based indicator designed to measure the progress of a local area in assessing and addressing the risks and opportunities of climate change
- The potential for harnessing community resources to prepare for a changing climate
- Preparing to adapt to the possible climate changes is a continual process and currently there is a need to focus on **building capacity** to prepare for these changes

The updated UK climate projections (UKCP09) set out the best available local projections for how the climate may change in the future. These

[1] Assessment of the returns from the adaptation questionnaire sent out to all service heads in BHCC

projections suggest that broadly there will be warmer, drier summers and warmer wetter winters in the UK by the end of the century.

According the Climate Change Adaptation Sub-Committee (ASC):

'… different studies do show some consistent trends in future UK climate. Among these are:

- *sea level rises in coastal areas;*
- *more frequent extremes of flooding, heat waves and drought;*
- *a reduction in frost days and snow cover;*
- *milder, wetter winters…*
- *hotter, drier summers, with potential rainfall decreases in the South East; and*
- *greater average warming in the South…'*

2.4 Climate change projections tend to present a range of scenarios, because:

'We should not prepare to adapt to just one future, but a range of futures – as it was not possible at present to tell which one would happen.'

The 2006 Climate Change Action Plan for B&H focussed on mitigation and council services. Since then it has been recognised that there needs to be both adaptation and mitigation responses to the changing climate. The evidence from this review shows that the most effective way is for the city to plan to adapt together. Like BHCC, a wide range of partners in the city are planning to adapt, but are making progress at varying levels and could benefit from closer co-working.

Evidence given to the Panel, backed up the findings of a report commissioned by Defra, which identified these key barriers to adaptation:

- Too much duplication
- A lack of resources
- A lack of relevant skills

2.6 The Panel believe that a city wide approach is needed, facilitated by bodies such as the Brighton & Hove Strategic Partnership and BHCC. This could make it possible to avoid, or minimise, these difficulties which many local authorities are experiencing as they prepare to adapt.

3. Conclusions

3.1 Adapting to a changing climate is a complex issue. There are significant levels of uncertainty and not yet known resource implications. Despite increasing awareness of this issue and much

positive work on mitigation; the city has not yet progressed, or prioritised, adaptation to the same extent as some other localities.

3.2 The Panel believes that improved partnership working, leadership, and monitoring could help to take this issue forward significantly in B&H. It has developed 13 recommendations aimed at developing the **capacity of the city** to:

- Generate and use knowledge about climate change adaptation
- Use the knowledge of the key threats and opportunities presented by extreme weather to determine how it needs to adapt
- Build sufficient capacity to continually adapt to climate change
- Build and strengthen partnerships to deliver adaptation
- Enable its community to prepare for extreme weather
- Identify the resources needed to adapt
- Commission and deliver services that are adapting to climate change
- Embed and implement climate change adaptation
- Meet the requirements of National Indicator 188

4. Recommendations

1. The Panel recommends that a more prominent role is given to the risk management of climate change adaptation and preparing for extreme weather. To reflect this, a Cabinet Member should be identified as being both responsible for the issue and accountable for the implementation of the Panel's recommendations.

2. The Panel welcomes the identification of resources to undertake a Local Climate Impact Profile (LCLIP). The Panel believes that resources also need to be identified to carry out an analysis of the implications of the UK Climate Projections data (UKCP09) for the city of Brighton & Hove.

3. The Panel welcomes the development of a revised Climate Change Action Plan (CCAP), which addresses both mitigation and adaptation in the city. The Adaptation Section of the Plan should be based on the work of this Scrutiny Panel. The Panel recommends that the Brighton & Hove Strategic Partnership monitors the progress of the outcomes of the CCAP.

4. The Panel recommends that the Climate Change Action Plan is monitored on a biennial basis (every 2 years), including an assessment of where we are and how well the city is adapting. This would include a report back to the Cabinet Member who is responsible for climate change adaptation (see recommendation 1).

5. The Panel believes National Indicator 188 (NI188) is a worthwhile indicator, because it can effectively measure the progress of local areas in assessing and addressing the risks and opportunities of climate change. The Panel recommends continued use of the process outlined in NI188, even if the National Indicators and Local Area Agreements (LAAs) are changed or scrapped, unless a better method of assessing progress replaces it.

   The Panel recommends that NI188 is placed within the LAA, if it continues post 2010/11. This would demonstrate the importance of this issue to the city. It would also provide a focus on the need to set, and meet, a challenging timetable for taking the city through the stages of the indicator as it pro-actively prepares to adapt to climate change.

6. The Panel believes that the challenges of adaptation cannot be met by statutory agencies alone. The Panel recognises the importance of existing mechanisms such as Local Area Action Teams and the voluntary sector, to develop the capacity of communities to adapt to increasingly extreme weather in the city. A learning and development programme needs to be produced to assist these champions. This work could be linked to the Climate Connections project.

7. The Panel recommends that climate change resilience and business continuity needs to be a high level outcome which is built into the new Intelligent Commissioning Model.

8. The Panel recommends that an Adaptation Test should be developed for publicly commissioned services. These services would be required to use the test to demonstrate how they are planning to face the challenges of adaptation.

   This test could contain a set of questions, such as:

   'Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?

   The Panel believe it would also be useful to encourage other businesses in the city to use this test.

   (Please note: The panel members discussed this recommendation and while three of panel members approved it, Councillor Tony Janio wanted to record his dissent on this particular recommendation).

9. The Panel welcomes Planning proposals to ensure that developments can adapt to future climate changes. This will be achieved by implementing planning policies which require that new developments in

the city must demonstrate that they can adapt to climate change through addressing such issues as flooding, overheating, rain events, storm surges and other climate related impacts. Any new planning documents will be fully informed by relevant studies about climate impacts now and in the future.

10. The Panel recommends that BHCC, and the Brighton & Hove Strategic Partnership, approach neighbouring local authorities and other bodies to identify areas of good practice, undertake a peer review and identify potential areas for cross working.

11. The Panel recognises that the universities and colleges in the city could be used as a valuable resource in building up knowledge about adaptation and engaging with the community. The Panel recommends that this be further explored.

12. The Panel welcomes the awarding of funds for BHCC to develop a Surface Water Management Plan (SWMP). It recommends that the work on the SWMP is developed as a matter of urgency and used, where possible, to bid for funding in this vital area.

13. The Panel believes that it is essential that sufficient resources are identified to be able to carry out the work recommended in this report.

    On completion of the work recommended by the Panel, if further resources are needed to address adaptation these should be reported in any further revisions of the Climate Change Action Plan or other relevant strategy documents.

Appendix 2 – Executive Response

Rec #	Recommendation	Comments	Date
1	The Panel recommends that a more prominent role is given to the risk management of climate change adaptation and preparing for extreme weather. To reflect this, a Cabinet Member should be identified as being both responsible for the issue and accountable for the implementation of the Panel's recommendations.	Agreed in principle. Emergency Planning, business continuity and strategic risk management for the council are based on comprehensive risk assessment; the Council will look closely into the local climate impact projections for the city and at whether this means widening the depth and reach of assessment to more service areas. Given the extensive potential impacts across a broad range of services and functions it makes sense for the Cabinet Member for Central Services to take on this responsibility.	September 23, 2010
2	The Panel welcomes the identification of resources to undertake a Local Climate Impact Profile (LCLIP). The Panel believes that resources also need to be identified to carry out an analysis of the implications of the UK Climate Projections data (UKCP09) for the city of Brighton & Hove.	Agreed in principle. It may be possible to undertake this work in partnership – for example, with East Sussex County Council – though the work could be achieved with the resources identified through LPSA funding as part of the Local Climate Impacts Profile work. We have made a start on the LCIP and these external funds have been secured for an officer for six months, to develop this further, starting in early October.	January 31, 2011

3	The Panel welcomes the development of a revised Climate Change Action Plan (CCAP), which addresses both mitigation and adaptation in the city. The Adaptation Section of the Plan should be based on the work of this Scrutiny Panel. The Panel recommends that the Brighton & Hove Strategic Partnership monitors the progress of the outcomes of the CCAP.	Agreed, though the final decisions on this will rest with the City Sustainability and Strategic partnerships.	December 31, 2010
4	The Panel recommends that the Climate Change Action Plan is monitored on a biennial basis (every 2 years), including an assessment of where we are and how well the city is adapting. This would include a report back to the Cabinet Member who is responsible for climate change adaptation (see recommendation 1).	Agreed	December 31, 2012

5	The Panel believes National Indicator 188 (NI188) is a worthwhile indicator, because it can effectively measure the progress of local areas in assessing and addressing the risks and opportunities of climate change. The Panel recommends continued use of the process outlined in NI188, even if the National Indicators and Local Area Agreements (LAAs) are changed or scrapped, unless a better method of assessing progress replaces it. The Panel recommends that NI188 is placed within the LAA, if it continues post 2010/11. This would demonstrate the importance of this issue to the city. It would also provide a focus on the need to set, and meet, a challenging timetable for taking the city through the stages of the indicator as it pro-actively prepares to adapt to climate change.	Agreed in principle. The council will need to see what changes to the use of national indicators are introduced by the Government, but we accept the principle that the climate change adaptation process in NI 188 is a good one to use in the meantime.	November 30, 2010

6	The Panel believes that the challenges of adaptation cannot be met by statutory agencies alone. The Panel recognises the importance of existing mechanisms such as Local Area Action Teams and the voluntary sector, to develop the capacity of communities to adapt to increasingly extreme weather in the city. A learning and development programme needs to be produced to assist these champions. This work could be linked to the Climate Connections project.	Agreed in principle. Climate change adaptation should include a strong element of community engagement to ensure that local people and communities are able to respond and adapt to the issues – this would also strengthen volunteer and self help activity, all of which can provide low cost, more sustainable solutions. External funding is being explored to start this work.	March 31, 2011
7	The Panel recommends that climate change resilience and business continuity needs to be a high level outcome which is built into the new Intelligent Commissioning Model.	Agreed in principle. The new Director of Place will be asked to consider this.	January 31, 2011

8	The Panel recommends that an Adaptation Test[1] should be developed for publicly commissioned services. These services would be required to use the test to demonstrate how they are planning to face the challenges of adaptation. This test could contain a set of questions, such as: *'Have you identified the possible range of impacts of climate change on the activities and responsibilities of your institution or business, and their timescales?*[2] The Panel believe it would also be useful to encourage other businesses in the city to use this test. (Please note: The panel members discussed this recommendation and while three of panel members approved it, Councillor Tony Janio wanted to record his dissent on this particular recommendation).	Agreed in principle, for high level use. It may make sense to adapt this test for use at strategic commissioning level only, and this will be explored, while ensuring that the reporting burden does not get passed down the chain to front-line service providers and their organisations. The test is not suitable for lower tiers, as for them it would be over-prescriptive and could over-burden service delivery units, especially small, local businesses competing for contracts.	June 1, 2012

9	The Panel welcomes Planning proposals to ensure that developments can adapt to future climate changes. This will be achieved by implementing planning policies which require that new developments in the city must demonstrate that they can adapt to climate change through addressing such issues as flooding, overheating, rain events, storm surges and other climate related impacts. Any new planning documents will be fully informed by relevant studies about climate impacts now and in the future.	Agreed. Key Planning documents will be updated to take into account latest science and projections.	September 23, 2010
10	The Panel recommends that BHCC, and the Brighton & Hove Strategic Partnership, approach neighbouring local authorities and other bodies to identify areas of good practice, undertake a peer review and identify potential areas for cross working.	Agreed. Officers are involved in a Sussex Sustainability Network and there are also strong connections to build on in shoreline management, planning and other disciplines.	October 31, 2010
11	The Panel recognises that the universities and colleges in the city could be used as a valuable resource in building up knowledge about adaptation and engaging with the community. The Panel recommends that this be further explored.	Agreed. The council will continue to develop its relationships with both Universities, in particular, to ensure that we make the most of opportunities to share knowledge and its practical application.	December 31, 2010

12	The Panel welcomes the awarding of funds for BHCC to develop a Surface Water Management Plan (SWMP). It recommends that the work on the SWMP is developed as a matter of urgency and used, where possible, to bid for funding in this vital area.	Agreed. We have made a start on the Surface Water Management Plan work and have made contact with the Environment Agency. Next steps include formation of a working group with the EA, adjacent local authorities, and Southern Water etc. The Plan will help inform the City's needs, so there may be potential to use it as the basis of a bidding document - though DEFRA and the agency have given no guarantees of any future funding streams for SWMP works. Brighton and Hove is one of 77 authorities receiving additional funding from DEFRA to support the development of surface water flood risk management plans and other early actions and our allocation is the second highest behind Birmingham. An allocation totalling £275,000 has been given to support the additional burden necessary to develop a surface water management plan for Brighton and Hove and other surface water management risk actions. Payment will be made over two financial years with £180,310 allocated for 2009/2010 and £95,000 allocated for 2010/11. The funding will be included as part of the Area Based Grant (ABG) administered by the Department for Communities and Local Government (CLG).	September 23, 2010

13	The Panel believes that it is essential that sufficient resources are identified to be able to carry out the work recommended in this report.	Agreed in principle. The resource implications need to be understood in more detail and integrated into the budgeting process. External funding sources are also being explored.	September 30, 2011
*	Monitoring of these recommendations: On completion of the work recommended by the Panel, if further resources are needed to address adaptation these should be reported in any further revisions of the Climate Change Action Plan or other relevant strategy documents.	Agreed. This role should be picked up by the City Sustainability and Strategic Partnerships.	December 31, 2010

[1] An example of an Adaptation test and 10 indicative questions can be found in The Royal Commission on Environmental Pollution's report 'Adapting Institutions to Climate Change' (2010) http://www.rcep.org.uk/reports/28-adaptation/documents/adaptation_final_report.pdf

[2] Ibid, page 111

EXTRACT FROM THE DRAFT PROCEEDINGS OF THE LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

MEETING HELD ON THE 18 NOVEMBER 2010

BRIGHTON & HOVE CITY COUNCIL

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Cobb (Chairman), Lepper (Deputy Chairman), Harmer-Strange, Hawkes, Hyde, Kitcat, Marsh, Older, Phillips, Pidgeon (in substitution for C Theobald), Simson, Smart, West and Wrighton

Apologies: Councillor Watkins

Officers: Tim Nichols (Head of Environmental Health & Licensing); Jean Cranford (Licensing Manager); Rebecca Sidell (Lawyer) and Penny Jennings (Democratic Services Officer)

PART ONE

14. STATEMENT OF LICENSING POLICY: 3 YEAR REVIEW

14.1 The Committee considered a report of the Strategic Director of Place, setting out the revised Statement of Licensing Policy following a three year review which needed to be put to full Council for adoption at its meeting on 16 December 2010

14.2 The Head of Environmental Health and Licensing explaining that the Council as Licensing Authority had a statutory duty to review its Statement of Licensing Policy (SoLP) every three years. This process had last been completed in 2007 and the revised SoLP adopted had come into effect on 7 January 2008. The Council was now required to set its next Statement of Licensing Policy which had to come into effect by no later than 6 January 2011.

14.3 Ms Alexander, Public Health, Programme Manager was present on behalf of the Director of Public Health, Chief Inspector Nelson was present on behalf of the Police. Mrs Alexander referred to the multi- agency approach which had been adopted in relation to address the health and social issues arising from alcohol use in the city, and suggested that she would like to provide additional wording that would “strengthen”, the appropriate paragraph(s) within the policy, this could also integrate the approach being adopted by the Council in relation to its intelligent commissioning approach to service provision.

14.4 Chief Inspector Nelson concurred stating that there had been significant movement forward in relation to the manner in which alcohol issues were being dealt with as part of an integrated partnership approach. He was aware that an intelligent commissioning pilot project was under way in relation to alcohol use.

14.5 Whilst noting all that had been said the Head of Environmental Health and Licensing explained that there were differences between the licensing objectives and those in relation to public health, any additional wording would therefore need to relate to the licensing objectives.

14.6 Councillor Hawkes suggested that a form of words could be agreed between the relevant officers in consultation with the Chairman for inclusion in the report to Council, the Committee could give their in principle approval to that approach. In future however, it would be preferable for partnership organisations to add their comments prior to a report being placed before the Committee.

14.7 Councillor West stated that a proper democratic process needed to be followed. The review represented a significant piece of work for which officers should be commended, it needed to be approved by Council at its meeting on 16 December and it was inappropriate to delay it at this late stage in the absence of the proposed addition/amendment being placed before Members. Collaborative inter-agency working was continuous and so would be unaffected by the report to Council.

14.8 Mrs Cranford, the Licensing Manager confirmed that the review did need to be agreed by Council at its next scheduled meeting on 16 December 2010.

14.9 Councillor Hyde stated that the Committee had a duty to review its policy every three years, however, as a lot of work was clearly on-going that did not preclude it being revisited sooner.

14.10 Councillor Wrighton referred to a letter sent on behalf of the Committee to the previous government setting out their concerns about the presumptive nature of the licensing legislation, she considered that it was appropriate for a further letter to be sent to the current government, if that had not already been done.

14.11 In answer to questions it was noted that the precise role of the new health bodies had yet to be established, although it was intended that the current inter-agency approach would continue and be strengthened. Councillor Marsh stated that the existing Health Board was likely to be replaced by a new Health and Wellbeing Board, although she had some concerns that a possible democratic deficit could arise as a result of this.

14.12 Councillor Smart sought clarification regarding the wording used, enquiring whether specific legal definitions were used, the Head of Environmental Health and Licensing confirmed that there were.

14.13 Councillor Simson commended the report stating however, that the cross referencing of some of the paragraphs would benefit from being re-numbered when the report went to Council. In her capacity as Chairman of the Community Safety Forum she had recently held a meeting with the Chairman of the Local Action Teams (LAT's).A presentation had been given by representatives of the noise abatement society who had explained that after leaving a noisy night club or other venue it took up

to half an hour for the voices of those leaving to return to a normal volume as they experienced temporary hearing loss. The seepage of noise from venues themselves was controlled, however, noise nuisance out on the streets gave rise to a number of complaints and it would be helpful if means by which this could be controlled could be examined.

14.14 Councillor Older stated that there should be a degree of flexibility in relation to the setting of licence conditions, different conditions were appropriate to different styles of operation.

14.15 Councillor Kitcat suggested that in order to enable the report to proceed to Council that any amended wording should be put to the Committee and agreed by Members at this meeting. This is set out in the resolution below and includes amendments proposed by the Head of Environmental Health and Licensing in respect of Paragraph 1.19.

14.16 A vote was taken and Members voted unanimously to agree the Statement of Licensing Policy as set out in Appendix A subject the amendments set out in paragraph 14.17 below and that this be referred to full Council for adoption at its meeting to be held on 16 December 2010

14.17 **RESOLVED -** That the Committee refers the revised Statement of Licensing Policy to Full Council for adoption at its meeting on 16 December 2010 subject to the following additions and amendments:.

Amendment to Paragraph 1.19:

"1.19: The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of quasi judicial decision making."

The following additional comment to be added to the paragraph relating to alcohol related admissions:

"In the 2009/10 financial year there were 5,029 hospital inpatient admissions for alcohol related harm of Brighton and Hove residents, a rate of 1,842 per 100,000 population which is higher than the rate in England. This was a 3% reduction on the previous year but prior to that, admissions had been increasing at a rate of 15% per year, compared with 8% nationally, and the number of admissions per year is still more than double the number in 2003/04."

Council	Agenda Item 56
16 December 2010	Brighton & Hove City Council

Subject:		**Statement of Licensing Policy 3 year review**		
Date of Meeting:		**16 December 2010** 18 November 2010 Licensing Committee		
Report of:		**Director of Place**		
Contact Officer:	Name:	**Jean Cranford**	**Tel:**	**29-2550**
	E-mail:	jean.cranford@brighton-hove.gov.uk		
Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Council, as Licensing Authority, has a statutory duty to review its Statement of Licensing Policy (SoLP) every three years. This process was last completed in 2007 and the revised SoLP adopted came into effect on 7 January 2008.

1.2 The council must now set a Statement of Licensing Policy which must come into effect by no later than 6 January 2011.

2. RECOMMENDATIONS:

2.1 That the committee refers the revised Statement of Licensing Policy to Full Council for adoption on 16 December 2010.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every three years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the three year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met. The first, statutory three year period began on 7 January 2005. Subsequent three year periods, eg. beginning 7 January 2008 etc, are fixed and would not be altered by any other revisions that a licensing authority may chose to make within a period, or by any determination of a new policy.

3.2 Part of the previous review process included the creation and adoption of a Cumulative Impact Area and Special Policy. Following a public consultation process for this, feedback, legal opinion and analysis of the proposal went to Full Council on 13 March 2008 and it was decided to adopt a cumulative impact area and special stress area.

3.3 It was further agreed that the cumulative impact area and special stress areas are reviewed regularly and as such we have reviewed data year on year from the implementation of the CIA and SSA's.

3.4 Although the government has put forward proposals to 'rebalance' the Licensing Act 2003, the position in relation to local authority policy reviews under the Licensing Act 2003 remains unchanged. The Institute of Licensing has advised that authorities should not attempt to pre-empt any changes to the current legislation, and policies should be based only on the law as it currently stands. Proposals to remove the three yearly requirements for reviewing licensing policy statements are not likely to be implemented in time to change the current primary legislative requirements to review licensing policies in January 2011.

4. CONSULTATION

4.1 Before determining its policy for any three year period, the licensing authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.

The views of all these persons/bodies listed should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so.

4.2 The terms of the 2003 Act do not prevent licensing authorities consulting other bodies or persons before determining their policies. For example, certain authorities may consider it essential to consult the Crime and Disorder Reduction Partnerships (CDRPs), British Transport Police, local Accident and Emergency Departments, bodies representing consumers, local police consultative groups or those charged locally with the promotion of tourism. It may also be valuable to consult local performers, performers' unions (such as the Musicians' Union and Equity) and entertainers involved in the cultural life of the local community. Brighton & Hove City Council conducts this consultation via the Licensing Strategy Group (see appendix C).

4.3 Brighton & Hove City Council has a new consultation portal which was used as part of this consultation process.

4.4 The consultation period ran for 12 weeks starting from 14 June 2010. The responses received are at Appendix B. The views and comments have been considered and incorporated into the policy as appropriate, as shown in appendix B.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The costs of providing this revised statement of Licensing Policy will be met from within existing licensing revenue budgets. There are no further direct financial implications.

Finance Officer Consulted: Karen Brookshaw Date:12.10.10

Legal Implications:

5.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and statutory guidance. Appropriate weight has been given to the views of those who responded to the consultation.

Lawyer Consulted: Rebecca Sidell Date: 4.11.2010

Equalities Implications:

5.3 A rebuttal presumption against new licensed premises in a CIA may reduce the ability for small businesses to open as off-licences. Affected businesses may often be operated by members of minority ethnic groups.

Sustainability Implications:

5.4 Licensed premises throughout the city rely on local licensing policies in ensuring there is clear guidance on the continued operation of local businesses. Maintaining a regularly reviewed policy, which has undergone public consultation, will ensure a consistency of support to licensed premises, members of the public and other stakeholders affected by these activities.

Crime & Disorder Implications:

5.5 CIA proposals are geographically based around evidence of crime and disorder, etc. and should assist in the council's overall aim in reducing current levels. The Special Policy promotes the four licensing objectives: public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

Risk and Opportunity Management Implications:

5.6 Failure to meet this statutory duty would lead to uncertainties in decision making, loss of business continuity and an inability to meet customer care standards.

Corporate / Citywide Implications:

5.7 The policy promotes the licensing objectives and sets out a general approach to making licensing decisions. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this Special Policy is framed around those objectives.

Proposals for new licensed premises, or for certain variations to existing ones, within a CIA will normally be refused following relevant representations unless it can be demonstrated that there will be no negative cumulative impact.

.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Statement of Licensing Policy
Appendix 2 – List of responses received
Appendix 3 – Licensing Strategy Group terms of reference
Appendix 4 - Licensing Strategy Group minutes of meeting 12/10/10

Documents In Members' Rooms:

None

Background Documents:

None

APPENDIX 1

BRIGHTON & HOVE CITY COUNCIL

STATEMENT OF LICENSING POLICY 2011

Brighton & Hove

LICENSING ACT 2003

Brighton & Hove City Council: Statement of Licensing Policy 2011

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Brighton & Hove City Council: Statement of Licensing Policy

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and guidance issued by the Department for Culture Media and Sport (DCMS) under Section 182 of the Act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the Act is only engaged if 'relevant representations' are made by interested parties or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this Policy covers the following:

- Retail sales of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

1.2 **The licensing objectives** are:-

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

1.3 **Scope**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity.

1.4 **Consultation**

1.4.1 Before revising or determining policy for any three-year period, the licensing authority must consult:

(a) the chief officer of police for the licensing authority area;
(b) the fire authority for that area;

(c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
(d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by the authority;
(e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority; and
(f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

1.4.2 In relation to this, its third statement of licensing policy, the licensing authority has also chosen to consult the following persons or bodies:

- The Licensing Strategy Group
- Sussex Ambulance Service
- Accident & Emergency Services
- Brighton & Hove Bus and Coach Company
- Taxi Forum
- The council's Transport Planning, Planning Policy, Community Safety, Tourism, Drug & Alcohol Awareness and Economic Development departments.
- Ward Councillors
- Individual premises and personal licence holders and club premises certificate holders
- Residents' Associations
- Generally via the licensing pages of the Council's website and also via the Council's Consultation Portal.

Appropriate weight was given to the views of all of those who responded. The formal consultation process was completed by adoption of this policy by Council on 16 December 2010. This policy is subject to guidance and Regulations issued by the Government including any issued after the date of publication of this Statement.

1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

1.6 **Partnership**

1.6.1 The policy recognises the need to balance economic prosperity with community protection. Good regulation at a local level provides fair trading conditions. This creates a fair trading environment, discourages irresponsible practices and promotes community well being. Local regulation is attuned to supporting the

local economy and local businesses. Partnership between responsible authorities reduces conflict between agencies and targets resources.

1.6.2 This policy includes the Council's enforcement policy, in turn, based upon Home Office and DCMS advice.

1.7 Local features

1.7.1 The local visitor economy is characterised by three sectors: conferences, leisure and English language education. The city receives 8 million visitors per year, 20% from oversees. Locally, tourism is worth over £400 million and 10,000 jobs. 15-20% of jobs are tourism related.

In 2008, the local economy was estimated to be worth £4.2 billion. Unemployment was at 7%, higher than the regional average of 5%. 19% of people were self-employed. The number of young people not in education, employment or training is high.

1.8 Culture and Tourism

1.8.1 Licensing policy supports entrepreneurial activity, promoting the city's businesses, supporting growth of creative industries sector, extending the business improvement district.

1.8.2 The cultural and tourism offer in Brighton & Hove is crucial to the ongoing economic success of the city; it brings both money and jobs. This range of work also provides solutions to some of the problems of inequality in the city.

1.8.3 The city's cultural offer already engages with a high number of its residents. According to the most recent National Indicator surveys undertaken at the end of 2008, well over half the population engage with the arts and just over half with our museum and library services. The footfall figures for our main central Jubilee Library run into the millions over the course of a year. The Brighton Dome programme reaches one in six households currently and around 70% of the Brighton Festival audience each year is from local BN postcodes. However, there is much more that can be done, there are challenges and a need to create further targeted activity to stretch this success.

1.8.4 This sector also faces challenges from the recession at the point of refreshing this strategy and needs to be forward looking in order to position itself to help the city weather and recover from the economic downturn.

1.8.5 Brighton & Hove faces increasing competition from home and abroad as a tourist destination both in the leisure and business tourism markets. The current economic climate, changing patterns of consumer demand, and a need to invest in infrastructure to maintain a suitable quality are significant challenges.

1.8.6 VisitBrighton, the City Council's tourism unit, has developed and implemented a full brand strategy and guidelines for the city's tourism offering.

1.8.7 The Tourism Strategy 2008-2018 in its Guiding Principles looks at responsible behaviour and aims to "look to maintain the balance between a tolerant attitude, for which the city is well known, and encouraging and welcoming appropriate behaviour especially in the evening by both residents and businesses".

1.9 Arts

1.9.1 Working with the Arts Commission and multi-agency partners across the city, the council have established White Night, a cultural festival for the city. White Night attracts an audience of more than 15,000 and further White Night events and similar are strongly supported.

1.9.2 It established a new and successful Children's Festival for the city aimed at Key Stage 1 & 2, providing free events and activities and workshops across the city.

1.9.3 Brighton & Hove has taken a leading role in the national consortium, the Cultural Cities Network.

1.9.4 The city's cultural offer has grown through new festivals, venues and organisations developing in or moving to the city.

1.9.5 The city has the highest level of current arts engagement outside London and the seventh highest out of 150 in the country at 61.2%. Brighton & Hove is known for its colourful and interesting arts and creative industries which attract tourism and new businesses. About one in five businesses and 10% of jobs are in the arts or creative industries.

1.9.6 The city currently hosts around 60 festivals each year including the largest arts festival in England, the Brighton Festival and its Fringe, which contributes annually £20 million to our economy

1.10 The Planning Context

1.10.1 The recent health impact assessment recommended the integration of planning and licensing. Current adopted policies within the Brighton & Hove Local Plan recognise these concerns and make provision for the protection of public amenity (policy QD27), whilst also addressing the issues in relation to cumulative impact from a concentration of nightclubs, bars and pubs in particular areas (policies SR12 and SR13).

1.10.2 Emerging policy within the Local Development Framework Document, The Core Strategy is underpinned by evidence from the Community Safety, Crime and Drugs Audit 2004 which informed the strategic approach. This was developed in

consultation with the Licensing Team. The overall objective is to reinforce Brighton's policy (SA2) is to promote a balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups, avoid a spread of large bars/pubs and night clubs and address public safety concerns.

1.10.3 Where appropriate, when considering planning applications within the above policy framework, planning conditions can be attached to permissions to safeguard amenity and mitigate against cumulative impact.

1.10.4 The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made.

1.11 Crime and fear of crime

1.11.1 In the Place Survey carried out in the autumn of 2008, the residents of Brighton & Hove were asked to pick five aspects of a local area that make it a good place to live. Out of 20 choices, 55% of respondents ranked the level of crime in their top five aspects which made somewhere a good place to live. So, crime levels were the most frequently flagged issue of importance (as it was in 2003 and in 2006).

1.11.2 What has happened over the last three years

- The level of recorded crimes (around 24,500 each year) has remained stable since 2005 and is the lowest it has been for 10 years.
- Partners have achieved Beacon Status for our work in increasing safety in the night time economy and achieved a Green Flag in the Comprehensive Area Assessment for the strength of the partnership around this and reducing youth crime and disorder. Injury by violent crime is down by 7.8% and at its lowest level for five years. The Business Crime Reduction Partnership's Night Safe Scheme is considered good practice and strongly supported.
- A new Community, Crime Reduction and Drugs Strategy for 2008-2011 has been published which includes our action plans to deal with 10 priority crime areas
- Exceeded challenging targets set within the LPSA programme for reducing offending by priority and prolific offenders.

1.12 Alcohol

1.12.1 Pubs and clubs play an important role in our city's culture and economy but alcohol is a factor in at least 40% of violent crime.

1.12.2 Following development work with the Primary Care Trust and Sussex Partnership Trust and building on new investment by the PCT in alcohol treatment services, partners have gained agreement for those new services to be initially targeted towards those whose offending behaviour is linked to alcohol misuse. The top priorities are perpetrators of domestic violence, prolific offending and violent

crime. We are now developing care pathways for those and other priority groups in order that criminal justice and other CDRP services can successfully refer and help sustain people to engage and change their lives. The Licensing Enforcement Pathway is appended (appendix G). Public health stands outside the licensing regime but alcohol related hospital admissions are a concern for the city's public services.

1.12.3 In 2009/10* there were 5,029 hospital inpatient admissions for alcohol-related harm of Brighton and Hove residents, a rate of 1,842 per 100,000 population which is highly than the rate in England. This was a 3% reduction on the previous year but prior to that, admissions had been increasing at a rate of 15% per year, compared with 8% nationally, and the number of admissions per year is still more than double the number in 2003/04.

1.12.4 Central Brighton and particularly the West Street area have been identified as a violent crime hotspot. Through effective coordination of relevant strategies and policy areas (e.g. licensing, policing and public safety), the council will seek to improve safety by encouraging a more balanced range of complementary evening and night-time economy uses which appeal to a wide range of age and social groups and managing existing late night uses within identified parts of central Brighton. Local work to reduce violent crime is coordinated through the Local Public Service Agreement / Violent Crime Action Plan. In addition, a 'Cumulative Impact Zone' within central Brighton has been adopted by the council's Licensing Committee and grants greater powers to control the number of licensed premises in the city centre.

1.12.5 Brighton & Hove scores significantly worse than the England average for a range of indicators that profile alcohol related harm.

1.12.6 For males, alcohol specific mortality, mortality from chronic liver disease, alcohol specific hospital admissions and alcohol attributable hospital admissions are all significantly worse locally than the picture seen nationally.

1.12.7 For women, alcohol specific and alcohol attributable hospital admissions are worse locally than the picture seen nationally.

1.13 The statement of licensing policy will be integrated with the Local Strategic Partnership's Transport policies.

1.14 Delegations

For convenience, the national scheme of delegation for determinations is set out below.

Matter to be dealt with	Full Licensing Committee	Sub-committee	Officers
Application for personal licence		If a police objection	If no relevant representation made

Application for personal licence with unspent convictions		If a police objection	
Application for premises licence/club premises certificate	If discretion engaged for major applications	If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	
Policy decisions	All cases		
Minor variations			All cases

1.15 In the case of minor variations, officers will refuse if they consider licensing objectives will be compromised. A full variation application may then be submitted.

1.16 The licensing authority shall foster ownership, co-ordination and partnership. Delivery will involve the licensing authority, the planning authority, environmental health and safety authorities, the police, the fire authority, crime and disorder reduction partnerships, town centre managers, local business, performers and their representatives, local people and their representatives, local transport authorities, transport operators and those involved in child protection. Work shall include consultation with entertainment and licensed business managers to encourage understanding and ownership of policy and good practice.

1.17 The Licensing Strategy Group, Business Crime Reduction Partnership, Pub and Club Watch, Door Supervisors Business Forum and similar schemes, for instance with Home Office approval, will be encouraged to share information and facilitate exclusion of troublemakers.

1.18 In order to promote tourism, favourable consideration will generally be given to the licensing of public spaces.

1.19 The professional development and competence of licensing councillors will be provided and maintained to support the need to act as a professional licensing authority, meeting lawful standards of quasi judicial decision making.

1.20 **Human Rights**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The licensing authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for private and family life and his home.
- Article 1 of the First Protocol that everyone is entitled to the peaceful enjoyment of his possessions (including for example possession of a licence).

1.21 **EU Services Directive**

The European Services Directive took effect from 28 December 2009. It aims to ensure that licence applications and procedures are transparent and burdens on business kept to a minimum. The processes must be non-discriminatory, justified, proportionate, clear, objective, made in advance, transparent and accessible. The domestic legislation will require “any charges provided for by a competent authority which the applicant may incur under an authorisation scheme must be reasonable and proportionate to the cost of the authorisation procedures and formalities under the scheme and must not exceed those procedures and formalities”. Any fee charged for establishing a service can only be based on cost recovery and cannot be set at an artificial high level to deter service sectors from an area. Application costs can include administration, initial visits, third party costs (e.g. expert advice like a vet), management costs and local democracy costs. The directive also requires that ongoing enforcement costs should be refundable in the event of an application refusal. Council should schedule regular fee reviews.

1.22 During 2008/9, a Health Impact Assessment of flexible alcohol licensing hours in Brighton & Hove was commissioned. That study drew upon a consultation with

people living and working in Brighton & Hove and a review of local data. It considered the context for alcohol licensing in the city in the light of alcohol misuse. The findings of this study have been integrated into this policy where they relate to the licensing objectives.

2.0 Prevention of crime and disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

2.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the DPS to train staff on induction concerning conditions on their premises licence.

2.2 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.

2.3 Curfew powers introduced by S172A to E of the Licensing Act 2003 once in force will be used in areas of alcohol related offending to address disorder by early morning alcohol restriction order.

2.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

2.5 Measures put in place should support the intentions of Operation Marble (police operational order refers), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the City Centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

2.6 **Cumulative impact** - the licensing authority may receive representations from either a responsible authority or an interested party that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This

should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore does not form part of this licensing policy statement.

2.6.1 **Special Policy -** Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

2.6.2 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in a small area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to Cumulative Impact is necessary as part of its statement of licensing policy.

2.6.3 This special policy will refer to a Cumulative Impact area ("the Area") in the Brighton city centre, a detailed plan of which is attached at Appendix A of the Statement of Licensing Policy (SoLP).

2.6.4 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the Area, or variations which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

2.6.5 Any variation application including Minor Variations will potentially come within this special policy, including those for extensions of hours, subject always to an applicant satisfying the authority that there will be no adverse effect on Cumulative Impact.

2.6.6 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

2.6.7 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

2.6.8 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing

from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the Cumulative Impact of the Area, it may be granted. The Impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of Cumulative Impact, a small restaurant or theatre may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

2.6.9 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

2.6.10 Special Stress Areas - Appendix B of the SoLP details two areas of the Brighton city centre which border the Cumulative Impact area at Appendix A and which are deemed areas of special concern in terms of the levels of crime and disorder and public nuisance experienced within them.

2.6.11 While it is not considered appropriate at this stage to include these areas within the main impact area as such, these Special Stress Areas (SSAs) are of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced.

2.6.12 New and varied applications for premises and club premises certificates within SSAs will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix C of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

2.6.13 On receipt of any application in SSAs, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix C. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

2.6.14 The Licensing Authority will keep the Cumulative Impact Area and Special Stress Areas under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed with a view to bringing the SSAs into the Cumulative Impact Area.

2.6.15 Sussex Police Summary

- Overall Public Place Violent Crime has reduced by 1083 offences (-36.1%) in 2009/10 compared to 2005/06, due in the main to a decrease in Violence Against The Person, in particular to reductions in Public Order Harassment. The largest reduction has been on Beat 3.

- 2009/10 has seen an increase in overall Public Place Violence of 74 offences (+2.4%) due to increases in Violence Against The Person – in particular Actual Bodily Harm Offences. Although no exact figure is available, it is certain that a number of crimes were incorrectly registered from the preceding performance year.

    - The months of April, October, November and February all showed significantly higher levels of ABH than the previous year.

    - The volume location types road and licensed premises have both seen a slight rise in 2009/10, with Beat 3 being the only 'hotspot' Beat seeing an increase in licensed premises and Beats 4 and 5 contributing most to the rise in location road.

- The proportion of PP Violence Against The Person offences flagged as Domestic Abuse has risen from 3.9% in 2005/06 to 7.4% in 2009/10. This is due to the decrease in Violence Against The Person offences however rather than an increase in Domestic Abuse.

- It is relevant to report that over the past year, licensed venues have been encouraged to report assaults to police without fear that they would be regarded as a problem premises. This has contributed to a rise in reporting as well as an increase in the associated detection rate.

- With regard to the Cumulative Impact Zone: the data support the assumption that, in spite of national trends, the city centre has not seen a significant increase in violence; and there is no evidence of displacement or emerging crime and disorder issues for the neighbouring wards.

Sussex Police Recommendation

Since the Cumulative Impact Area was established, it has supported a positive medium term trend of a safer night time economy. Although there is only a rebuttable presumption that licence applications will be objected to, it does provide an effective platform for objections when appropriate, or appropriate conditions to ensure that the venues provide a safe and diverse environment for customers. It also supports a proportionate response within a challenging economic environment.

The Sussex Police and Brighton and Hove City Council licensing teams believe that the CIA contributes positively to mitigating the risks presented by the sales and consumption of alcoholic drinks. For that reason and referring to the outcomes contained in the attached analysis, it is recommended that the CIA is retained in its current form.

2.7 **The Licensing Authority will support:**

2.7.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports: mixed use venues encouraging a wider age balance.

2.7.2 Favourable consideration will be given to promoting the city's cultural quarter, live entertainment in pubs, food led operations, developing LGBT and other communities of interest venues, particularly around St James's Street, promoting a family leisure area on the sea front with a more adult leisure centre at night.

2.7.3 Café Bars - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. Licensees should be aware that breach of such conditions is likely to lead to appropriate enforcement action.

2.7.4 Restaurants with outside service - the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for café bars, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply: -
The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

2.7.5 Geographical spread of licensed premises - spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the

problems of dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder. Food led operations are promoted.

2.7.6 **Care, control and supervision of premises**: The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

2.7.7 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, e.g. type of licence, capacity, operating hours restrictions.

2.7.8 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

2.7.9 This policy recognises the use of registered Door Supervisors as members of the extended police family as all Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short

notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.

2.7.10 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

2.7.11 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.

2.7.12 Enforcement will be achieved by the enforcement policy appended (Appendix E).

2.7.13 Any enforcement checks will include outside drinking areas, looking particularly at noise and customer smoking areas.

2.7.14 **Adult Entertainment**

This relates to regulated entertainment such as the live performance of dance which is for the purpose of sexually stimulating any member of the audience and including exposure of breasts, genitals, urinary or excretory organs during the entertainment. It could include, but may not be limited to, lap dancing, pole dancing, table dancing, and strip tease. Premises which are classified as Sexual Entertainment Venues (SEVs) will be dealt with under the Council's Sex Establishment policy 2010.

2.7.15 It is important that applicants state in their operating schedules whether adult entertainment is going to be provided on an infrequent basis. If no such intention is stated then the Licensing Authority will normally add a condition that there will be no adult entertainment.

2.7.16 If applicants wish to provide adult entertainment, the Licensing Authority will have particular regard to whether the premises are in the vicinity of:

- residential accommodation;
- schools and English Language Schools;
- places of worship;
- other premises where entertainment of a similar nature takes place;
- community centres; and
- youth clubs.

2.7.17 Where such applications are made, the licensing authority will expect operating schedules to address the following matters and will include such conditions as are necessary to promote the licensing objectives:

A. A code of conduct for dancers and appropriate disciplinary procedures, developed in consultation with the Police and the Council.

B. Rules of conduct for customers, developed in consultation with the police and the council.

C. Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work.

D. The exclusion of persons under 18 from the premises when such activities are taking place.

2.7.18 Health Impact Assessment

The licensing authority's response to this public consultation is as follows:

- Schemes to recognise well managed licensed premises will be supported
- Enforcement of licensing conditions, underage sales and offences will be dealt with having regard to the enforcement policy appended
- Trading Standards will offer business support to premises licence holders and staff
- Applications for food based operations will be supported
- 24-hour licences to off-licensed premises would be refused where justified
- Ward Members and EHOs should make representations on behalf of residents concerned for anonymity where appropriate
- The licensing inspection programme will be prioritised and risk-based
- Taxi-marshalling is supported
- Diversification of the night-time economy in Brighton & Hove and non-alcohol-related leisure activities available in the city is strongly supported.

2.8 ALCOHOL DISORDER ZONES

The licensing authority has adopted the government's favoured approach, only exploring ADZs as a last resort and following a request from the Chief Officer of Police, and receipt of evidence for the need in a tightly defined area.

The authority promotes the business improvement district and expansion to address crime, disorder and nuisance.

2.9 Street drinking

The area around the Level is considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3 Public Safety

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

3.1 Club owners and promoters will be expected to have regard to "Safer Clubbing: guidance for licensing authorities, club managers and promoters". The licensing authority will seek to ensure that licensed premises are designed and run in a way which maximises the safety of customers and staff. In order to minimise disputes and the necessity for hearings, it would be sensible for applicants to consult with all responsible authorities when operating schedules are being prepared.

3.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

3.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:-

(a) provision of closed-circuit television and panic buttons.
(b) use of shatterproof drinking vessels, bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons (recognised by Community Safety Strategy).
(c) use of door supervisors, licensed by the Security Industry Authority (recognised by the Community Safety Strategy).
(d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
(e) occupant capacity conditions will be applied where appropriate.
(f) the provision of designated and suitably trained first aiders.

3.4 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers as recognised by the Community Safety Strategy and Policing Strategy. Applicants may be required to consult local transport operators and are encouraged to support the use of public transport through the provision of advice, contact details, provision of dedicated taxi phones etc.

3.5 Policy recognises that the numbers of late night revellers can lead to service delivery pinch-points, for example at city centre taxi ranks. Frustration and restlessness in queues can lead to anti-social behaviour and public disorder which can be controlled by, for example, taxi marshalling systems. Operators whose customers contribute to the night-time demand for taxis may wish to consider assisting in the provision of resources for such systems or similar schemes.

3.6 Control of public safety at high profile commercial or sporting events or other large scale events may be supported by police powers of closure of licensed premises.

3.7 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE publications "Event Safety Guide" and "Managing Crowds Safely"; LACoRS publication – "Managing Large Events".

4. Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.

4.1 Planning, building control and licensing will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licences.

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

4.3 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

4.4 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.5 Generally regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4.6 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.7 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre, on busy main roads and in the central leisure area. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood. Licensed premises in residential neighbourhoods will normally have a terminal hour no later than 2330. In mixed neighbourhoods they will normally have a terminal hour of no later than 0200 hours to counter noise disturbance to residents as informed by the health impact assessment and requested by Licensing Strategy Group.

4.8 While each application will always be considered on its merits, as an indication the St James's Street area and the North Laines/area will be considered residential neighbourhoods, and East Street a mixed neighbourhood.

4.9 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 4.10 below).

4.10 **Smoking Advice**

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.

- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

4.11 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

4.12 Health Impact Assessment

The licensing authority's response to this public consultation exercise is as follows:

- There is no presumption in favour of later terminal hours generally
- Minor variations to licenses will be processed expeditiously
- The Cumulative Impact Areas (CIA) and Special Stress Areas (SSAs) will include all locations where there are residents in the vicinity of licensed premises when there is an evidential basis to justify.
- Low-level impacts and noise levels as a result of alcohol consumption are legitimate considerations for licensing reviews
- Information about the licensing process using leaflets and the Council's website will be available for residents

- The Council will publicise its statement of licensing policy, enforcement policy and information to assist applying for licence reviews and making representations for licence applications
- The local character provided by small local public houses is recognised. Policy supports the need to support small local businesses, providing information and business support to assist successful businesses
- Policy recognises the need to mediate between residents and licensed premises where noise and other nuisance/disturbance occurs late into the night/early morning where appropriate. Enforcement action will have regard to the Council's enforcement policies
- Normally the terminal hour in residential areas will not exceed 2330 hours
- Normally the terminal hour in mixed areas will not exceed 0200 hours
- Normally in city centre leisure areas favourable consideration will be given to later terminal hours.

5 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes moral, psychological and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (e.g. passport, photo driving licence or pass card).

5.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.

5.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

(a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street

(b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises.

(c) Further take-up of proof of age schemes will be promoted

(d) In-house, mystery shopper type schemes operated by local businesses will be supported

(e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be CRB checked

5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

5.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authorities procedures for dealing with unclassified films are appended at Appendix 2.

5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for

every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Local Safeguarding Children Board (LSCB) in its capacity as the responsible authority. Copies should be sent care of the Police. The booklet 'What to do if you are worried about a child' is available from the LCSB and is downloadable from the council's licensing web pages.

5.7 Children and Young Persons Overview and Scrutiny Council reported on Reducing Alcohol Related Harm to Children and Young People to Licensing Committee who agreed:

5.7.1 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and RUOK undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

5.7.2 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

5.7.3 In determining applications and reviews, applications can only be dealt with on their individual merit. Use of schemes like Think 21 and Challenge 25 are appropriate on a case by case basis. Normally a Challenge 25 condition will be appropriate.

5.7.4 A clear causal link between price discounting and disorder will normally lead to the imposition of conditions prohibiting irresponsible promotions. This is now reflected in the new mandatory conditions which can be found on the licensing pages of the council's website.

5.7.5 The cumulative impact area boundaries and supporting evidence will be kept under review. The CIA is recommended for review as part of the statement of licensing policy, informed by:

1. Sussex Police report of public place violent crime 09/10
2. Environmental health noise statistics for 09/10
3. Overview and Scrutiny reports
4. Health impact assessment of licensing report
5. Licensing enforcement policy (following Home Office & DCMS advice on problem premises)
6. Licensing Guidance.

5.8 Best Practice to protect children from harm

The Council passed a Notice of Motion that licensing committee recommend best practice for both on and off premises to take on board on a voluntary basis, in order to promote responsible licensing.

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale - deterrence

The council will support accreditation schemes, such as Best Bar None and Purple Flag, where appropriate and subject to resources.

5.9 Health Impact Assessment
The licensing authority's response to this public consultation process is as follows:

- Enforcement decisions of under-age sales from licensed premises will be taken with regard to enforcement policy appended
- Safe Space and refuges for potentially vulnerable people is supported
- The council will make a telephone number available for reporting licensing offences and concerns

6 Integration of Strategies

6.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with tourism, stakeholder groups, business groups such as the city centre Business Forum and the economic development functions for the council
- Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols

- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- Having regard to the Home Office Safer Clubbing Guide

6.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

6.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

6.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

6.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

6.7 Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Applications Committee or following appeals against decisions taken by that committee and will not normally cut across such decisions.

6.8 **Other regulatory regimes**

This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:-

Health and Safety: Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If

other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

Fire Safety: Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

Noise: Statutory and Public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in antisocial behaviour provisions.

Race Relations: The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, obliges public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. The local authority's race equality scheme produced under these obligations shall include reference to this statement of licensing policy.

Community relations: Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities.
Measures to address prevention of crime and disorder recognise the need to improve well being and safety of all the communities in the City.
Licensing policy supports the crime and disorder reduction partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

Anti-Social Behaviour Act 2003: Provides that if the noise from any licensed premises is causing a public nuisance an authorised environmental health officer would have the power to issue a closing order in respect of it effective for up to 24 hours. This complements the Police powers under the act to close licensed premises for temporary periods.

Litter and Smoking: City Clean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

Disability Discrimination Act: Applications for new premises or for variations involving changes to the layout of premises, are reminded to have regard this legislation.

Gambling Act 2005: In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the Act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

6.9 **Enforcement** - The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at appendix H. In addition the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions (Appendix E). In order to better target enforcement resources, inspections will also be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements. Joint Intelligence Meetings are organised and include officers from responsible authorities.

6.10 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Private Security Industry Authority
- The Anti Social Behaviour Act 2003
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

7 Live Music, Dancing & Theatre

7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be

monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

7.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

7.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

8 Reviews

8.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – appendix E.

8.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

9 Contact Details, Advice and Guidance

9.1 Guidance notes to accompany this policy and details about the licensing application process, including application forms, can be found:

- E-mail ehl.safety@brighton-hove.gov.uk
- Via www.brighton-hove.gov.uk (search under Licensing Act 2003 and follow the relevant links, for example to the Licensing Applications page for a weekly update of applications received)
- By contacting the Health & Safety and Licensing Team at:
  Bartholomew House
  Bartholomew Square
  Brighton BN1 1JP
- By telephoning them on 01273 294429
- By faxing on 01273 292196

9.2 Advice and guidance to applicants may also be sought from:

The Police and Fire Authority by contacting them at:

Police
Licensing Unit
Police Station
Holland Road
Hove
BN3 1JY
Tel: 01273 665523

East Sussex Fire and Rescue Service
Brighton & Hove Fire Safety Office
Hove Fire Station
English Close
Hove
BN3 7EE
Tel: 01323 462130

Other responsible authorities:

Health & Safety

For non-council owned premises:
Environmental Health & Licensing
Bartholomew House
Bartholomew Square
Brighton BN1 1JP
Tel: 01273 294429

For council parks & other council-run premises:
Enforcement Liaison Officer, HSE
Phoenix House
23-25 Cantelupe Road
East Grinstead RH19 3BE
Tel: 01342 334200

Planning
Development Control
Hove Town Hall
Norton Road
Hove
BN3 1PT
Tel: 01273 290000

Child Protection
Chair of Brighton & Hove ACPC
Children Families & Schools
Kings House,
Hove BN3 2SU

Tel: 01273 29000

Environmental Health:
Environmental Protection Team
Bartholomew House
Bartholomew Square
Brighton, BN1 1JP
Tel: 01273 290000

Trading Standards:
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP
Tel: 01273 292523

Please note the above were correct at time of publication but may be subject to change; please contact the Licensing Authority if you have queries regarding the above contact points.

APPENDIX A

Brighton & Hove City Council - Cumulative Impact Area



The Cumulative Impact Area comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Ayr Street with the west side of Queens Road and then northward to the north-west corner of Queens Road junction with Church Street; thence along the north side of Church Street eastwards to its junction with Marlborough Place and continuing south-east across to the north-western junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Preston Street; northward to that point and along the west side of Preston Street to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Spring Street

APPENDIX B

Brighton & Hove City Council – Special Stress Areas

The areas recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below:-



Area 1 - an area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Spring Street and along the north side of Western Road, Hove to its intersection with the west side of Holland Road; southward along the west side Holland Road to its end and then due south across the Kingsway to the mean water mark; along the mean water mark eastwards to the intersection with the boundary of the cumulative impact area and along that boundary northwards to the intersection of Western Road, Brighton with the west side of Spring Street.

Area 2 – an area bounded by and including: from a point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road eastwards along the north side of Trafalgar Street to its eastern end; due east across York Place to the east side of Richmond Place; southward along the east side of Richmond Place and Grand Parade to the cumulative impact area's Edward Street boundary: westwards along the cumulative impact area's northern boundary to the north-west corner of the Church Street junction with Queens Road; north along the west sides of Queens Road and Surrey Street to the point on the west side of the Surrey Street / Terminus Road intersection adjacent to Guildford Road.

APPENDIX C

Measures to be included for consideration in SSAs are:

Matters that would normally be expected in operating schedules -

- the adoption of a "Challenge 21" policy with acceptable proof of id as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital cctv system by liaison with, and to a standard approved by, Sussex police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise
- systems to ensure any SIA doorstaff or Mobile Support Unit personnel display appropriate badges when on duty

Items to which positive consideration would be given -

- membership of Brighton Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'NightSafe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to drug use
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Matters that might be recommended for appropriate restrictions -

- entry to premises by under 18s after certain times
- consumption of food and drink in smoking areas
- access to outside seating areas after certain times

Areas of best practice in licensing

The Licensing Strategy Group agreed the following best practice list, some of which would be more appropriate to off sales rather than on sales. All should take into account the new mandatory conditions:

- Awareness of the problem of proxy sales
- Signage
- Selling to underage people
- Staff training
- Challenge 25
- Pass scheme
- Voluntary restriction of high strength alcohol
- Membership of BCRP
- Use of polycarbonate glass
- Lockable glass bins emptied at appropriate times
- Staff training against the four licensing objectives and including conditions on licence
- Trading Standards Business Support
- Risk assessments

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders
- Staff training – in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage – proxy sale – deterrence

APPENDIX D

The following measures are to be considered best practice for premises to ensure safe and peaceful dispersal of their patrons.

Dispersal Policy

Every venue should prepare and implement a dispersal policy. Such a policy would set out the steps the venue will take at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. The policy should be in place prior to a venue beginning to trade and should be kept under review to address new issues as they arise. While preparing their policy, operators should consider the local statement of licensing policy and any relevant conditions attached to the premises licence. A dispersal policy might include the following elements:

Transport
Probably the biggest single factor triggering disorder and disturbance is a lack of public and private transport at the end of the evening, preventing the swift dispersal of customers away from the venue. There are a number of steps operators can take to reduce transport related problems:

- Promote safety on leaving, for example through operating a concierge service and providing a safe place for customers to wait for taxis (particularly lone females);
- Advertise reliable services by providing free phone numbers for licensed mini-cabs and details of nearby taxi ranks, bus timetables or other local transport networks.
- Agree an operating policy with local private and public hire vehicles, for example banning the sounding of horns after 11pm;
- Discuss with the council the location of taxi ranks to ensure they are easily accessible without causing bottlenecks outside venues;
- Consider, in discussion with the police and council, the use of stewards to act as marshalls at bus stops and taxi ranks; and
- Work with the local authority and transport providers to agree bus routes, stops and timetables.

Road Safety:
Should the venue exit onto a public highway, operators should ensure separation of customers and traffic – if necessary by the installation of permanent or removable barriers.

Car Parking
If appropriate, operators could advise customers of the best car park to use (either through their website or on printed material) so that they leave in a direction with minimum disturbance to local residents. Operators might also be able to negotiate with local car park operators to allow customer usage.

Staffing
During the last half hour of trading, the service points in each bar may be reduced and some staff reallocated to collect glasses or work in the cloakroom. This will assist customer departure and reduces the potential for people to carry glassware out of the premises.

Cloakroom
The cloakroom should be set up in order to assist the swift return of coats with staffing and control systems increased in the period prior to closure.

Music & Lighting (internal)
During the last 20 minutes of trading, the DJ may typically play slower music and reduce the volume of the music played. In addition, lighting levels can be manipulated to encourage the gradual dispersal of patrons during the last part of trading and the drinking up period (see winding down).

Lighting (external)
Operators have found that the use of bright lights at the exit of the venue encourages customers to leave more quietly. Operators should liaise with the local council to establish guidelines on the positioning of these lights which will also prompt customers to leave the area quickly and enhance CCTV coverage.

Minimising Noise on Exit
If possible, a manager should be in the area close to the main exit to oversee the end of night departure period. DJ announcements should be used to remind customers to be considerate on leaving the premises. While highly visible notices can be placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their properties.

Bottles or glasses
Signage should make clear that customers will not be allowed to leave the premises with bottles or glasses. This policy should be supported by a vigilant door team searching customers where necessary. If appropriate, bins can be provided at exits for use by customers. Operators could also provide advice on any drinking ban in the area.

Litter
Operators should send out a ‘Rubbish Patrol’ following closure. This patrol will pick up bottles, flyers, food wrappings etc in the immediate vicinity of the premises. As well as clearing rubbish, the patrol acts as another set of eyes and ears identifying potential disorder. Their activity, particularly sweeping the pavement, will also encourage customers to vacate the area outside the premises.

Door staff
The door team play a key role in the implementation of several aspects of any dispersal policy:

• encouraging customers to drink-up and progress to the exit within a venue throughout the latter part of drinking-up time;
• drawing the attention of exiting customers to the notices in the foyer and ask them to be considerate;
• ensuring the removal of all bottles and glasses from departing customers;
• actively encouraging customers not to congregate outside the venue; and
• directing customers to the nearest taxi ranks or other transportation away from the area.

Marshalls:
The use of venue security staff as marshals should always be in negotiation with the police and kept under review. A marshal is a patrolling security officer wearing high visibility clothing, who works close to the venue in a designated area and is in direct communication with the venue management. Their aim is to create a highly visible presence and to communicate, rather than deal with, potential problems.

Wind down period or "Chill out hour"

Many aspects of a model dispersal policy can be drawn together into a chill out hour that gently winds down the evening rather than bringing it to an abrupt halt. Operators might find there is a profit to be had from offering a taxi booking service and providing coffee, soft drinks and bar snacks as a way of keeping customers in the premises and thus spreading departures over a longer period of time.

Appendix E

LICENSING ENFORCEMENT POLICY

1.0 STATEMENT OF OBJECTIVES

1.1 The Environmental Health & Licensing service is committed to the Council's core priorities. This policy gives detail on how the Council's priorities:

Protect the environment while growing the economy;
better use of public money;
reduce inequality by increasing opportunity;
fair enforcement of the law;
open and effective leadership.

and will inform the enforcement actions taken. Amendments to prioritise will be embedded automatically.

1.2 This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.

1.3 In certain instances the service may conclude that a provision in the Code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

1.4 The service pursues a positive and proactive approach towards ensuring compliance by:

- Supporting the better regulation agenda;
- Helping make prosperity and protection a reality for the City's community;
- Helping and encouraging regulated entities to understand and meet regulatory requirements more easily;
- Responding proportionately to regulatory breaches; and
- Protecting and improving public health and the environment.

1.5 This policy is based on the seven 'Hampton Principles' of:

Economic Progress: Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection;

Risk Assessment: Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most;

Advice and Guidance: Regulators should provide authoritative, accessible advice easily and cheaply;

Inspections and other visits: No inspection should take place without a reason;

Information requirements: Businesses should not have to give unnecessary information or give the same information twice;

Compliance and enforcement actions: The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions; and

Accountability: Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

1. 6 The rights and freedoms given under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

2.0 SCOPE OF THE POLICY

2.1 This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Brighton & Hove City Council's Corporate Enforcement Policy, Statutory Codes of Practice and relevant guidance documents and guidelines issued by Government Departments and co-ordinating bodies.

2.2 This policy relates to actions taken to educate and enforce legislation where non-compliances have been identified or have a realistic potential to occur.

2.3 The policy is limited to those enforcement activities lead by the Head of Environmental Health & Licensing.

3.0 TRAINING

3.1 Officers undertaking enforcement duties will be suitably trained and qualified so as to ensure they are fully competent to undertake their enforcement activities.

4.0 MANAGEMENT SYSTEMS

4.1 The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, so as to ensure, so far as is reasonably practicable, uniformity and consistency.

5.0 ENFORCEMENT OPTIONS

5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by Government Departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.

5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards that ensure individual's, public safety or the environment is adequately protected. The aim of sanctions and penalties are to:

- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Proportionate to the nature of the offence and the harm caused; and
- Aim to deter future non-compliance.

5.3 Criteria to be taken into account when considering the most appropriate enforcement option include:

- the potential of the offence to cause harm;
- confidence in the offender;
- consequences of non compliance;
- likely effectiveness of the various enforcement options.

5.4 Having considered all the relevant options the choices for action are:

- **Informal Warning:** All advice issued will be given in writing and specify the nature of the breach or offence, and the actions required to remedy the issue. An informal warning may be included with the advice, and may accompany higher-level actions, such as Enforcement Notices or Voluntary Surrender:
- **Licence review:** Licence review power will be used where an application for review relates to one or more of the licensing objectives.
- **Taxi licence:** Taxi licence suspension or revocation will be used to protect public safety. Other sanctions such as DSA testing will be used to protect public safety and in accordance with the taxi licensing policy (Blue book).
- **Simple Caution:** The issue of a Simple Caution by an authorised officer may be undertaken as an alternative to prosecution where it is considered unnecessary to involve the courts, and the offender's response to the problem makes repeat offending unlikely, or the offender's age or health make it appropriate. Cautions may only be issued where the offender makes a clear and reliable admission of guilt and understands the significance of acceptance.
- **Prosecution:** A prosecution is appropriate where there is a breach of a legal requirement, such that public safety, health, economic or physical

well-being or the environment or environmental amenity is adversely affected.
The Crown Prosecutor's Code of Evidential and Public Interests tests must be met in all cases. However, certain circumstances will normally justify prosecution to prevent the undermining of the service's enforcement responsibilities.

- Failure to comply with an Enforcement Notice
- Declining a Simple Caution
- Continued, reckless, negligent or pre-meditated non-compliance.
- Failure to pay a fixed penalty.
- Non-cooperation, acts of obstruction or threats of physical harm or abuse.

- **Injunctions:** Injunctive action as a means of preventing an activity or course of action likely to result in significant risk to public or community safety or economic wellbeing of consumers and businesses.

5.5 If the Department is considering taking enforcement action which it believes may be inconsistent with that adopted by other authorities, the matter will be referred to the appropriate local co-ordinating body.

6.0 INFORMAL WARNING

6.1 Informal action may be taken when:-

- the act or omission is not serious enough to warrant formal action or
- from the individual's/enterprise's past history it can be reasonably expected that informal action will achieve compliance or
- confidence in the individual/enterprise's management or ability to resolve the matter is high or
- the consequences of non-compliance will not pose a significant risk to public health, public safety, animal welfare or the environment.

6.2 When an informal approach is used to secure compliance with regulations, written documentation issued will:-

- contain all the information necessary to understand what is required and why;
- indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen;
- clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

7.0 SIMPLE CAUTIONS

7.1 A Simple Caution may be issued as an alternative to a prosecution. Cautions may be issued to:-

- deal quickly and simply with less serious offences;

- divert less serious offences away from the courts;
- reduce the chances of repeat offences.

7.2 The following factors will be considered when deciding whether a Caution is appropriate:-

- evidence of the suspect's guilt
- has a clear and reliable admission of the offence been made either verbally or in writing
- is it in the public interest to use a Caution as the appropriate means of disposal when taking into account the public interest principles set out in the Code for Crown Prosecutors.
- the suspected offender must understand the significance of a simple caution and give an informed consent to being cautioned.

7.3 No pressure will be applied to a person to accept a Simple Caution.

7.4 The 'cautioning officer' will be the most appropriate officer from Service Director, Service Assistant Director, Head of Service Environmental Health Manager or Licensing Manager. The Cautioning Officer must not have taken an active part in investigating the case.

7.5 Should a person decline the offer of a simple caution a prosecution will be recommended.

8.0 PROSECUTION

8.1 The Department recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

8.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the Council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be taken into account when deciding if the issue of proceedings is proportionate include:-

- the seriousness and nature of the alleged offence;
- the role of the suspect in the commission of the offence;
- any explanation by the suspect or any agent or third party acting on their behalf;
- was the suspect in a position of trust, responsibility or authority in relation to the commission of the offence;
- is there evidence of premeditation or disregard of a legal requirement for financial reward;
- risk of harm to the public, an individual or the environment;
- relevant previous history of compliance;
- reliability of evidence and witnesses

- any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence;
- suspect's willingness to prevent a recurrence of the offence;
- the need to influence future behaviour of the suspect;
- the likely penalty to be imposed; and
- a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.

8.3 All relevant evidence and information will be considered before deciding whether to instigate proceedings in order to enable a consistent, fair and objective decision to be made.

8.4 Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered:-

- the gravity of the offence;
- the adequacy or otherwise of the powers of the summary court to punish the offence;
- the record of the suspect;
- the suspect's previous response to advice or other enforcement action;
- the magnitude of the hazard;
- any circumstances causing particularly great public alarm;
- comments from the Council's Solicitor's Office.

8.5 As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstances prosecution may be undertaken without giving prior warning e.g.

- the contravention is a particularly serious one;
- the integrity of the licensing framework is threatened.

9.0 Home Office and Government Advice: Problem premises on probation

9.1 The licensing authority supports the strategies of interventions and tough conditions to be assembled into packages released on 2008. The current version is appended (appendix A).

10. APPEALS

If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager, Head of Service or Assistant Director.

Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such

complaint will be dealt with in accordance with Corporate procedures and guidance.

Complaints that are not dealt with by the council's complaints procedure are listed in corporate policy and include:

- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council.

- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint.

11. SHARED ENFORCEMENT ROLES

Lead agency status between Sussex Police, East Sussex Fire and Rescue Service and the council's trading standards, environmental health and licensing officers are determined between the agencies at county level. The current position is appended (appendix H).

ANNEX A

"PROBLEM PREMISES ON PROBATION" – RED AND YELLOW CARDS : HOW IT WOULD WORK

The problem

1. In many cases, revocation of a premises licence effectively kills any business which is focussed on retailing alcohol. This means that not only the business owner suffers, but most people working there will lose their livelihoods. Many of these workers will be entirely innocent of any wrong-doing. There is also an impact on those who rely indirectly on income from the premises – such as local food suppliers or cleaning contractors, and the closure of a premises can deprive some communities of their local shop or restrict local consumer choice. Enforcement agencies that apply for reviews and local councillors sitting on licensing committees are well aware of this potential impact and it can lead to a reluctance to use the powers in the Act to revoke the licence instantly for any failure to promote the licensing objectives. This risks patchy enforcement and uneven solutions to alcohol-related problems around the country.

2. In addition, in many cases, enforcement agencies will prefer to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. While this may be a reasonable approach in many cases, there is a risk that some premises are not being dealt with as firmly as necessary, particularly given the level of test purchase failures. Nor are voluntary agreements particularly visible, lessening the deterrent effect on other premises.

3. Government wishes to support the enforcement agencies and licensing authorities by providing clear guidance on a "yellow card / red card" system, which would ensure a firm response to problems, but which give premises an opportunity to reform. The intention is that such a system would be highly visible and send a clear message to alcohol retailers, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.

4. The proposed interventions below would not prevent the giving of an instant red card in an appropriately serious case. It should be realised that a "test purchase" failure often masks multiple offences that have gone undetected.

Supporting enforcement agencies

5. The Government will encourage enforcement agencies – mainly the police, trading standards officers and environmental health officers – to seek more reviews in the knowledge of the yellow card/red card system described below. This will mean not giving formal warnings. It will mean that on identifying problem premises, the licensing authority will be engaged faster than it might have been in the past.

6. Enforcement agencies would be encouraged to seek reviews when local intelligence suggests that individual premises are selling to children or causing other crime problems or causing noise nuisance.

7. Under the law, the licensing authority must then hold a hearing so long as the application relates to one of the four licensing objectives and is made by a responsible authority or by an interested party like a local resident or another local business.

First intervention

8. Responsible authorities will be encouraged to propose a package of touch new conditions to be added to the existing conditions which are designed to combat the identified problem. The kinds of conditions that we have in mind are set out in Annex A. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by:

   - Removal of the designated premises supervisor and his/her replacement (the manager is removed);

   - Suspension of the licence for between 1 day and 3 months according to the circumstances.

   - Restriction on trading hours – cutting hours of trading in alcohol.

   - Clear warning that a further appearance will give rise to a presumption of revocation.

9. If appropriate following review, the licensing authority should consider these packages of conditions and action s to challenge problem premises more aggressively.

10. For example, requiring a major supermarket to make all alcohol sales through a single till manned by a person aged 25 years or older in order

to tackle sales to underage. Over a year, this would potentially cost such a supermarket £millions. It would also make them reflect on their levels of supervision at other stores.

11. In addition, enforcement agencies should make the premises in question a priority for test purchases and more regular inspections.

12. The aim would be to put the premises on probation. Effectively, they are given a yellow card. They are put on notice that the next offence or breach would mean an automatic second intervention – a red card.

Second intervention

13. In the absence of improvement, enforcement agencies should seek another review. The licensing authority again must grant a hearing.

14. If satisfied on the issue of the lack of improvement, the licensing authority should look to **revoke the licence**. The action should be publicised in the area as an example to other retailers.

Implementation

15. Requires:
    - Development with the Home Office of a toolkit and guidance for police, trading standards and ethos;
    - Initial letters to Leaders of local authorities and Chief Executives;
    - Ultimately, stronger statutory Guidance to be laid in Parliament for licensing authorities themselves.

16. Central Government cannot tell licensing authorities what to do. The review powers are devolved to them. Similarly, central Government cannot direct enforcement agencies how to enforce the law. It would remain their judgement when and how to act.

ANNEX B:

POSSIBLE TOUGH CONDITIONS TO BE ASSEMBLED INTO PACKAGES

n.b. These would not be appropriate for every premises and need to be tailored to the nature of the problem and the type of premises.

GREATER CONTROL OVER SALE

1. Designated checkout(s) for alcohol sales (supermarket). Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).

2. Personal licence holder/DPS to be on site at all times during sales of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.

3. Personal licence holder/DPS to supervise and authorise every individual sale of alcohol. Impact on protection of children from harm and new costs if additional staff have to qualify as personal licence holder.

4. SIA registered security staff to be present at points of sales to support staff refusing sales to u-18s and drunks.

5. Alcohol sales only to be made only by person aged not less than 25 years. Impact on protection of children from harm, but also impact on sales and goodwill (probable loss of trade to competitors).

6. CCTV installed at all points of sale and recorded. Recordings can be examined by a constable or trading standards officer to determine sales to minors or drunks.

7. The licensed premises shall join the Business Crime Reduction Partnership scheme.

TRAINING

8. All staff to read and sign a declaration that they understand the law every time they start a shift.

9. Train all staff engaged in selling alcohol in alcohol awareness (not just personal licence holders). All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and to be available for inspection by any authorised person and training standards officers. Impact on all licensing objectives.

ALCOHOL SALE BANNED AT CERTAIN HOURS

10. No alcohol sales Mon – Fri between 4pm and 8.30pm. Impact on protection of children from harm or targeted hours reflecting times when local intelligence indicates under 18s may be purchasing alcohol.

11. No alcohol sales – Friday to Sunday. Impact on all four licensing objectives.

ALCOHOL DISPLAYS

12. No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.

13. No alcohol stocks promoted alongside goods likely to appeal to children (e.g. confectionary, toys).

CUTTING DOWN ON SHOPLIFTING

14. SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.

15. Location of alcohol stocks/displays not to be sited near the entrance/exit to deter shoplifting.

16. No direct public access to alcohol products – like tobacco, alcohol to be kept behind a dedicated kiosk.

NAMING AND SHAMING

17. Display an external sign/yellow card to state which of the licensing act objectives they have breached and what action has been taken against them.

OTHERS

18. Maintain a log of all under attempted purchases from those who appear to be under 18 or drunk.

19. Children aged under [18 years] not to be present or (not more than one child at any one time) on premises (other than children living on the premises or of the people working on the premises); or only children under 18 accompanied by an adult to be permitted on the premises during retailing hours. Impact on protection of children from harm.

20. Products to be labelled (a label stuck to the bottle or can) to show the details of the shop from which it was bought. Purpose would be to

provide evidence of unlawful sales if product found commonly in possession of persons under 18.

21. Designated single items – beer, alcopops and cider – not to be sold to any person. Impact on protection of children from harm. Purpose would be to reduce sales to children and drunks. Alternative would be to prescribe sales of beer, alcopops and cider in quantities of less than four.

22. CCTV installed, monitored and 24 hour recordings kept for a week and made available to constables and persons authorised under the 2003 Act to help identify attempted proxy purchasing.

23. Where there is no designated smoking area, readmission after midnight should normally be prohibited.

Appendix F

Film classification

1.1 The British Board of Film Classification (BBFC) and the Licensing Authority are the classification bodies for films shown in the city, and as such has the right to issue film classifications to films that are shown in premises such as cinemas. Recent films that have been classified in Brighton and Hove City Council have been for the Duke of York's and Sallis Benney Theatre. Some films and film festivals are sponsored by Brighton and Hove City Council (BHCC) and/or the Arts Council and under such circumstances it could be imprudent to refuse permission.

1.2 In practice, officers may view films in advance, and determine classification, commonly after consultation with the Chairman. There is also no process to refer films to the Licensing Committee for classification where those films give rise to concerns regarding the licensing objective "the protection of children from harm."

1.3 The British Board of Film Classification (BBFC) classifies films to be exhibited in cinemas on behalf of Licensing Authorities, and as such Brighton and Hove rarely uses its right to classify films.

1.4 Under the Licensing Act 2003 any premises that has permission to show films as part of their permitted licensable activity, such as a cinema, has mandatory conditions attached to the licence regarding the exhibition of films. Premises that were previously licensed under the Cinemas Act 1985 will also have additional conditions attached, unless an application has been made to remove these. A schedule of the relevant conditions is attached as **APPENDIX 1**.

1.5 The Licensing Authority can be requested to classify a film that has not yet been classified by the BBFC. A typical example of this would be a locally made film, such as a student production, to be shown at a film festival in the borough.

1.6 A distributor of a film can appeal to the Licensing Authority against a decision of the BBFC.

1.7 Any classification issued by the Licensing Authority only applies when the film is exhibited within the city, and does not effect the classification in other areas.

Current Process

2.1 Where a request is made to classify a film, a full copy of the film is requested. An officer will view the film and assess the film against guidelines issued by the BBFC. Officers will then issue a certificate with a classification for each film

viewed. Conditions are attached to a waiver, and these are shown on **APPENDIX 2.**

2.2 A decision will be made at an officer level regarding the classification to be issued. This decision will be based on the BBFC guidelines and in agreement with the Chairman of the Licensing Committee.

2.3 Where a number of films are received at the same time, officers will view all the films submitted and issue a certificate prior to screening.

2.4 The following extract from Brighton & Hove Licensing Policy is considered relevant to this report:

> "5.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification".

2.5 Classification Requirements when films are not viewed in advance

Requests for an 18 certificate classification requirements be determined on an officer basis subject to the conditions shown in **APPENDIX 2**. An 18 certificate would be issued based only on the synopsis of the film and would be appropriate in the following cases:

(a) A film festival
(b) A one off screening of a film
(c) A trailer for a film

2.6 Any request to classify a film will be considered by the licensing authority and must be accompanied by both the synopsis of the film and a full copy of the film in DVD or video format.

2.7 All requests must be made with a minimum of 7 days notice of the proposed screening or 28 days for multiple requests.

2.8 It is recommended that officers from the Licensing Authority view the entire film and assess against the BBFC guidelines, and a recommendation is made on the classification.

2.9 Where the appropriate classification is deemed to be a rating up to and including 15, then a classification will be issued by officers.

2.10 In sensitive cases, officers would consult with the Chairman or Deputy.

Mandatory Conditions - Licensing Act 2003

The Conditions detailed below are mandatory conditions required to be placed on all Premises Licenses where the showing of films is authorised under the Licensing Act 2003

Exhibition of films

S 20; mandatory condition: exhibition of films

- the admission of children is to be restricted in accordance with the following

(a) where the film classification body is specified in the licence, unless subsection (3)(b) of S 20 applies, admission of children must be restricted in accordance with any recommendation made by that body

(b) where the film classification body is not specified, or [(S20 (3)(b)] the relevant licensing authority has notified the holder of the licence that this subsections applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority

<u>Additional Conditions Attached to Cinema Licences</u>

Embedded Conditions:

- Cinematographic (Safety) Regulations 1955
- Cinemas Act 1985
- Licence to Use Premises for Cinematograph Exhibitions

Conditions Attached to an 18 Certificate Film Classification Requirements where films have not been viewed in advance

The conditions listed below are attached by BHCC on all waivers to the film classification requirements:

1. The films must not encourage or incite crime; or lead to disorder; or stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or promote sexual humiliation or degradation of or violence towards women.

2. The films must not have the effect such as to tend to deprave and corrupt persons who see them.

3. The films must not contain a grossly indecent performance thereby outraging the standards of public decency.

4. Persons under the age of 18 must not be admitted to any such film exhibitions.

Appendix G

Licensing Enforcement Pathway

Licensing incident: Apparent offence, injury or incident

or







Report

Trading Standards
Contact 01273 292523
then press option 2

294429
Ehl.safety@brighton-hove.gov.uk
Council – Environmental Health & Licensing

0845 6080999
Sussex Police

Licensing Unit contact 665523





Consideration by responsible authorities at joint intelligence exchange (Sussex Police, BHCC trading standards, environmental health and licensing, East Sussex Fire & Rescue Service



Assign lead investigator responsibility (Lead Agency agreement)



Investigation – Licensing Enforcement Policy

Offence	Offender(s)	Defences/Exceptions
Consumption on relevant premises of alcohol by under 18 or knowingly allowing the consumption to occur	Under 18 or person in capacity to prevent	(1) Lack of knowledge (2) Table meal exception
Delivering alcohol sold or	Person working	(1) Lack of knowledge

supplied on relevant premises to under 18	on premises	(2) Exceptions in s151(6)
Allowing anybody else to deliver alcohol sold or supplied on relevant premises to under 18	Person working on premises in capacity to prevent delivery	(1) Lack of knowledge (2) Exceptions in s151(6)
Sending an under 18 to obtain alcohol sold or supplied on relevant premises for consumption off the premises	Any person	(1) Lack of knowledge (2) Exception for Test Purchase Operations (3) Under 18 works on relevant premises in capacity involving delivery of alcohol
Sale or supply of alcohol to under 18	Any person or a club	(1) Due diligence (if act by another person) (2) Belief that individual over 18 and reasonable steps taken to establish age or no reasonable suspicion under 18
Allowing sale or supply of alcohol to under 18	Any person authorised to prevent	Lack of knowledge
Purchase/supply (or attempt to purchase/supply) of alcohol by or on behalf of under 18 Purchase/supply (or attempt to purchase/supply) of alcohol for consumption on relevant premises by under 18	Under 18 or person purchasing on behalf of	S149(1) – exception if done as part of Test Purchase Operations S149(4) – table meal exception S149(3) or (4) – no reason to suspect under 18
Sale or supply (or attempt) or allowing sale or supply of alcohol to person who is drunk	Any person in capacity to prevent	Lack of knowledge
Obtaining or attempting to obtain alcohol for consumption on relevant premises by drunk person	Any person	Lack of knowledge

Appendix H

LEAD AGENCY STATUS

Offence / Issue	Police	Local / Licensing Auth	Fire & Rescue	Trading Standards
Licensing Objective 1: **Crime and Disorder**				
Offences of failing to notify changes in details *Section 33(6) Licensing Act 2003*		Lead		
Offences of failing to display licences or certificates *Section 57(4) Licensing Act 2003*		Lead		
Unauthorised use of premises for licensed activities *Section 136 Licensing Act 2003*		Lead		
Exposing alcohol for unauthorised sale *Section 137 Licensing Act 2003*	Shared Lead	Shared Lead		
Keeping alcohol on premises for unauthorised sale *Section 138 Licensing Act 2003*	Shared Lead	Shared Lead		
Allowing Disorderly Conduct on Licensed Premises *Section 140 Licensing Act 2003*	Lead			
Obtaining/supplying alcohol to drunk *Sections 141 / 142 Licensing Act 2003*	Lead			
Drunkenness in Premises *Section 143 Licensing Act 2003*	Lead			
Keeping of smuggled goods *Section 144 Licensing Act 2003*	HMC&E	HMC&E		
False statements made for purposes of the Act *Section 158 Licensing Act 2003*		Lead		
Enforcement of closure order *Section 169 Licensing Act 2003*	Lead			

Offence / Issue	Police	Local / Licensing Auth	Fire & Rescue	Trading Standards
Prohibition of alcohol sales at service / garage areas *Section 176 Licensing Act 2003*	Shared Lead	Shared Lead		
Public Drunkenness *Section 12 Licensing Act 1872*	Lead			
Underage drinking *Section 169 Licensing Act 1964*	Shared Lead			Shared Lead
Misuse of Drugs *Section 4 Misuse of Drugs Act 1971*	Lead			
Anti Social Behaviour *Section 1 Crime & Disorder Act 1998 (ASBO)*	Shared Lead	Shared Lead		
Acceptance of accredited proof of age cards		Lead		
Provision of effective CCTV in and around premises		Lead		
Employment of SIA licensed door staff	Shared Lead	Shared Lead		
Requirements to provide toughened or plastic glasses		Lead		
Provision of secure deposit boxes for confiscated items (sin bins)	Shared Lead	Shared Lead		
Provision of litterbins, other security measures such as lighting		Lead		

Licensing Objective 2: **Public Safety:**	Police	Local / Licensing Auth	Fire & Rescue	Trading Standards
Sales of alcohol on vehicles *Section 156 Licensing Act 2003*	Lead			
Overcrowding of premises		Shared Lead	Shared Lead	
Use of special effects such as lasers, pyrotechnics, smoke machines and foam		Shared Lead	Shared Lead	
Blocked or locked means of escape		Shared	Shared	

		Lead	Lead	
Provision of sufficient number of people employed to secure safety of patrons		Lead		
Regular testing and certification of systems and appliances		Shared Lead	Shared Lead	

Licensing Objective 3: Public Nuisance:				
Public nuisance from noise		Lead		
Public nuisance from litter		Lead		
Public nuisance from persons leaving the premises	Shared Lead	Shared Lead		
Public nuisance from odour		Lead		
Effective public transport		Lead		
Adequate public lighting/security lighting		Lead		

Licensing Objective 4: Protection of Children from harm:	**Police**	**Local / Licensing Auth**	**Fire & Rescue**	**Trading Standards**
Exposure to explicit films/plays *Sections 74 & 76 Licensing Act 2003*		Lead		
Requirements for children to be accompanied by an adult *Section 145 Licensing Act 2003*		Lead		
Sale of Alcohol to Children *Section 146 Licensing Act 2003*				Lead
Sale of liqueur confectionery to children under 16 years *Section 148 Licensing Act 2003*	Lead			
Purchase, acquisition or consumption of alcohol by or for children	Lead			

Sections 149 & 150 Licensing Act 2003				
Delivering to or sending a child to obtain alcohol *Sections 151 & 152 Licensing Act 2003*	Lead			
Unsupervised sales by children *Section 153 Licensing Act 2003*	Lead			
Confiscation of sealed containers of alcohol and unsealed *Confiscation of Alcohol (Young Persons) Act 1997)*	Lead			
Provision of sufficient number of staff to secure protection of children from harm *Section 12(1) Children and Young Persons Act 1933*		Lead		
Concerns of moral/psychological harm		Lead		
Concerns over physical harm	Shared Lead	Shared Lead		
Exposure to drugs, dealing or taking	Lead			
Exposure to gambling	Shared Lead	Shared Lead		
Exposure to activities of adult/sexual nature	Shared Lead	Shared Lead		
Exposure to incidents of violence/disorder	Lead			
Exposure to environmental pollution such as noise or smoke		Lead (with HSE)		
Exposure to special hazards i.e. suitability of the premises		Lead		
Limitation on hours when children may be present on all or parts of premises	Shared Lead	Shared Lead		
Exclusions by age when certain activities are taking place		Lead		

Appendix 2

List of responses received from Statement of Licensing Policy consultation and actions taken

Responses received relating to consultation on Brighton & Hove City Council revised Statement of Licensing Policy
Consultation lasted 12 weeks and ended 31 August 2010.
Consultation was advertised on the Council's website (licensing pages), consultation portal, Licensing Strategy Group, Members, Brighton Business Forum pages and letters to statutory consultees.

Received from	Date received	Topic	Response	Action
Tim Nichols from discussions in Licensing Strategy Group		Crime & Disorder or Public Safety	St. James Street and North Laine should be treated as a residential area. East Street should be treated as a mixed area Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.	Incorporate " Incorporate
Jeremy Paine Strategic Development Manager	25.08.10		I am currently employed by Sussex Police to work with BHCC in running a series of Intelligent Commissioning pilots, one of which concerns Alcohol Harm. The overall aim of the work will be to	

[1] NIMHE. Mental disorders, suicide, and deliberate self harm in lesbian, gay and bisexual people. A systematic review. December 2007.

Brighton and Hove Police.			commission services which reduce harm, consider structural, policy and practise issues which will assist that improvement, and learn from the process for the future. As such I forward the following for your consideration having read the draft licensing policy and held discussions with a number of colleagues. Overall I feel that the new draft policy is a considerable improvement from the current policy, and has clearly taken into account many of the experiences and modern thinking associated with alcohol regulation. My comments are therefore matters of detail and tone rather than any fundamental shift, and will be referenced by the relevant paragraph. Without having researched the point, and no doubt there is clear guidance, it seems to me that this important policy serves a number of purposes. It puts on record the policy which will be driving action and decision making around licensing regulation, and it lays down a marker for those in the trade as to what they should expect. It will support arguments either way around the granting of licenses, and the conditions attached. The wording therefore is important such that it does not create unintended consequences, nor support for proposals which go against what is desired for the city. 2.1 I was surprised, in my naivety, that training for licensees and staff serving alcohol is optional.	

			Language such as recommends and encourage suggest this is optional. It is not clear to me whether the training suggested relates to the law and relevant license conditions or is confined to drugs and violence and child protection. My view is that anyone serving alcohol, whether the DPS or staff, on or off-license, should have mandatory training around the law and their responsibilities, including child protection. Alcohol is a dangerous substance if sold and consumed inappropriately. I also believe that the training re drugs and violence should be mandatory for on licence staff. I am told that schemes exist where DPS will give written authority to staff to sell alcohol on their behalf, with a record of the expectations on them. This sounds to me to be good practise. These I believe should be explicit in this policy.	LA2003 sets training requirements. SOLP incorporates that it is expected that DPS or personal licence holder in day to day management normally & DPS's duty is to train staff on induction concerning premises licence conditions.
			2.6.14 I believe there is good evidence that the Cumulative Impact Area and Special Stress Areas are having a positive effect. I think it is a mistake to suggest in this document that if it is found that the problems of crime and disorder or nuisance 'are receding the Special Policy may be reviewed with a view to revising the boundaries'. If the problems recede, which we hope they do, then it shows that policies and	No change to CIA proposed

				procedures are working. To draw back may allow matters to deteriorate again. These matters will of course be kept under review, however it may give strength to the arguments of those seeking to breach the CIA where they can quote falling violent crime and this part of the policy. Put simply I believe this point is best left unsaid.	
			2.7	A minor point forgive me but it may be better if 'The Licensing Authority will support:' is in bold to distinguish it from the Police section.	
			2.7.1	Diversity of premises – this is an important and potentially impactive part of the policy which in the absence of a reduction in the numbers of licensed premises will be our sole means of reducing the volume of alcohol sold and consumed. If actioned it will, as you say, change the ambience of the city and what is currently, at times, an exclusive and threatening place. I believe the language should be more positive and direct. Rather than say this *attempts* to ensure, and this in turn *may* have a positive effect…and create opportunities, we should say it will and does. I also believe it could have unintended consequences to say the authority will encourage 'varying hours of business'. This will	Incorporate

			give strength to the argument for those who want longer hours of business, which causes problems for policing. 2.7.2 Whereas I agree with the overall intention of this paragraph I do not understand why we have specifically cited developing LGBT venues. Any number of community groups could argue for mention in this regard. The below is an extract from the Alcohol Needs Assessment for Brighton and Hove PCT completed in 2009. *Brighton and Hove has a 30,000 Lesbian, Gay, Bisexual and Transgender (LGBT) community. It is estimated that one in six of the total population have a LGBT sexual orientation. A systematic review by National Institute for Mental Health England in 2007[1] found that alcohol misuse was at least 1.5 times more common in lesbian, gay and bisexual people than heterosexual.* *The Count Me in Too Survey (2007/08) of 819 people and 20 focus groups has specific findings relating to alcohol consumption among LGBT people.* ▪ *The majority of Trans people (62.5%) within the LGBT group were less likely to drink*	Incorporate Based on experience and not meant as exclusive. *Check SOLP?*

			alcohol (although this was from a small sample of 40 people). ▪ *58 (9%) people said their use of alcohol had led to them being assaulted* ▪ *42 (6%) people said their alcohol use had led to them being a victim of crime* ▪ *30 (5%) people said alcohol had led to them assaulting someone* ▪ *Those living in St. James Street and Kemptown were more likely to drink alcohol than those in other areas.* ▪ *People who lived in rented and privately owned property were more likely to drink than those in social housing.* ▪ *Those who were frequently concerned about their use of alcohol or amount they drank had experienced problems in getting accommodation.* ▪ *Some focus groups expressed a desire for spaces to socialise in without alcohol* Alcohol Harm is an issue and would need to be taken account of in any policies relevant to the LGBT community and localities. 2.7.5 Geographic spread is a contentious issue. Concentrations of high volume premises are a recipe for problems in respect of crime, disorder and antisocial behaviour. However if	

				there were a number of clubs separated across the city this also would cause problems for police having to spread thin resources even further. The economic situation will mean that police, and other public services will have their capacity reduced, and therefore policies must concentrate on demand reduction rather than making it more difficult to police. We should be aiming to reduce the numbers of people whose main aim is to drink within these premises, rather than spread the problem around.	Recognised difficult balance
			4.11	Last point. Why do we explicitly say that favourable consideration will be given to later terminal hours in the city centre leisure areas. This clearly strengthens any proposals from venues to stay open later. There is no evidence that this helps prevent crime and disorder, and again spreads thin policing resources. Any increase in resources applied to hotspots at night in the city will take them away from neighbourhoods.	
			5	In various sections under Protecting Children there are brief references to causal links to discounting and disorder, and high strength alcohol. There is strong evidence that price and marketing, along with the strength of alcohol and access have causal links to	To distinguish from mixed and residential

			alcohol harm across **all age** ranges. I believe the policy should be clearer about those links and explicit about the use of conditions and sanctions where relevant. My own view is that we should be exploring options around minimum pricing; some other Authorities are.	areas Quote licensing guidance section on pricing
Trading Standards	05.07.10	5.3 – age related Contact details	(b) should read: Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises. Tel: 01273 292523	Incorporate

Doug Simmonds	12.05.10	Point 1.16 BCRP MSU Mandatory conditions	Clearly states that various schemes will be recognized and approved for sharing information and conditions currently placed on licenses reflect that by their wording. I support the BCRP in its concept and the role it plays but not in its exclusivity and I believe that the paragraphs at 2.6.6, 2.6.13 and 2.6.19 firstly need tidying up and partly re-worded to reflect that and that which is stated in para 6.5 At point 2.6.8 it recognizes the role of Mobile Support Units, the Licensing Strategy Group spent a long time formulating the minimum requirements for a MSU and these do not appear to now be taken any notice of by some of the units and Policy should have a clear indication of what is a minimum standard and how it is implemented Point 5.7.4 appear to reflect one of the new mandatory conditions should it be there. Would it be sensible to publish the wording that you are using on all reprinted licences stating what the new Mandatory conditions are. Would it also be practical to publish a guidance note to those operators who already have a condition on their licence identifying that this is what is required as the policy from 1st of October and that if this is already in place they are complying? Training is imperative to running good premises and I frequently find that persons coming forward to take	BCRP is supported by SOLP (not exclusively) MSU requirements Incorporate – repeat mandatory conditions

		Training	training courses have no idea what the conditions on their licence where they are employed state. There is no such thing as a standard licence any longer so everyone whenever they start work at a new premise as a minimum needs a training session to not only remind them of the law but the specific conditions and policies on that particular premise licence. Obviously good training requires records to prove it has been carried out and this helps show the licensees are promoting the licensing objectives. It is not done by a very high percentage of premises. At 2.1 training is mentioned but little mention is made of the above. Obviously the BII and other training organizations have recognized training qualifications for everyone involved in the trade although the Personal Licence course is the only compulsory one There are course for School children, bar-staff, workers in catering and those for avoiding conflict and violence and dealing with Drugs there is a course for the DPS to name a few perhaps more encouragement should be given to taking the training and recognizing its value when licences are being applied for or varied, it can of course be done in house but is it, prove it!.	Incorporate
Doug Simmonds	20.08.10		Regarding B & H policy I sent you an email some time ago with respect mainly to the number of places and a certain amount of inconsistency that the various	No change to CIA proposed

			paragraphs had on the role of the BCRP and other like schemes. Other than that although I still think the CI is to big I think it works fine.	
Anne Marie Chebib Managing Director, Select Security & Stewarding Ltd	29.08.10	1.4 Consultation	This should include g. such other persons as the licensing authority considers to be key stakeholders in its area. This would give a cover for representation, and build in capability for further consultation if required.	Consultation wider than stat minimum
		1.6.1. Good regulation at a local level provides fair trading conditions. This creates a fair trading environment, discourages irresponsible practices and promotes community well being.	This statement should be qualified with the wording: the aim of i.e. the aim of good regulation at a local level is to provide fair trading conditions This is dependent on a number of variables, and in whose viewpoint it is fair! It is easy to site cases where good local legislation has not discouraged irresponsible practice	Better regulation principles and enforcement policy
		1.9 Arts	Point 1.9.13 would be better placed after point 1.9.9	Agreed
		1.9 Arts	Seems to be missing a mention here of the multi	Incorporate

			agency support given to special events in the city	
		1.11 Fear of crime	Qualification is needed here as to what is crime and what is perception of crime or fear of crime. This is an important difference.	Difficult to address
		1.12 Alcohol	On the consult document: there needs to be a space between 21 & 22	Incorporate
		1.15 under Delegations	As 1.4: such other persons as the licensing authority considers to be key stakeholders in its area	Set by statute
		1.16 under Delegations	Could the Door Supervisors Business Forum be included here?	Set by statute
		2 Management Responsibilities	Replace door staff with door supervisors This section is not marked 2.1, which is confusing	Incorporate
		2.5 Operation Marble	Some further definition here is needed or include an appendix	Incorporate
		2.6.13 Special stress areas	Spelling error: should start On	Incorporate
		2.7.12 The Licensing Authority will support	Spelling error: should start Any	Incorporate
		Public Safety	Numbering inaccurate here 3.5 or 3.6 included on consult document in introduction	Incorporate
		3.2 Conditions	(c) use of security personnel, such as door supervisors: replace with use of door supervisors	Incorporate

			(legal requirement)	
		3.6 Public safety large events	Some mention of submission of event safety plans and operating manuals may be appropriate here	Incorporate
		4.5 Regulated Entertainment in Open Air	I do not agree with the statement that most open air regulated entertainment happens tents and marquees, this dismisses any outdoor staged events for example	Incorporate
		4.9 Smoking Advice	Ensure drinks, glasses and bottles must not be taken onto…: grammar here: replace with: Ensure drinks, glasses and bottles are not taken onto…	Incorporate
		4.9 Smoking Advice	Ensure door staff: replace with: ensure door supervisors	Incorporate
		4.9 Smoking Advice	Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response This is debatable. The BCRP system for example should not be used to call a Police response but is solely for sharing intelligence (we are told).	Night Safe and BCRP supports
		4.10 Signage	Include comment here regarding other useful signage such as license restrictions Also to ensure signage is visible, even in the dark	Incorporate
		5.6 Adult supervision	Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children This comment is of concern – as for special events,	Incorporate

			there is a deployment rather than ratio requirement as per guidance (The current Event Safety Guide and proposed rewrites)	
		5.7 Reducing alcohol related harm to children	Training and education should be recommended here (although this is mentioned in 5.8)	Incorporate
		6.1 Liaison and consultation.	As 1.4: such other persons as the licensing authority considers to be key stakeholders in its area	Incorporate
		6.2 Equalities.	For example communities of interest such as – clumsy wording!	Difficult to substitute
		6.9 Enforcement	The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between …. Should this protocol be added as an appendix as it is referred to and is not publically available?	Incorporate
		7.2 Community interests.	….community I n determining what conditions…: spelling error: in	
		General Comments	It is a clear statement that there is a balance between economy and public safety which is an excellent starting place. There is little or no definition of the night time and day time economy. This should at least be defined.	
		6.1 Liaison and consultation.	As 1.4: such other persons as the licensing authority considers to be key stakeholders in its area	

		6.2 Equalities.	For example communities of interest such as – clumsy wording!	
John Gorton, Chairman & Pauline Crouch, Secretary - Ovingdean Village Club			Thank you for your letter of 14th June and the enclosed copy of the above document. Ovingdean Village Club operates from the Council-owned Village Hall and is generally open three times a week; we have a private members' club licence. The hall is also hired out to various user groups and for private functions. It has a maximum capacity of c. 100 people. We have noted the content of the draft statement with interest and it contains information which the Club Committee may wish to follow up on, to help improve the running of the club. However, in the context of our small organisation, there are no substantive issues in the policy document itself which we would wish to see added to or amended. Thank you for the opportunity to comment on the Policy Review.	
THE KINGSCLIFFE SOCIETY	30.08.10	Preliminary Comment	This Kingscliffe Society's response to the Council's consultation on the review of its current licensing policy, as set out below, takes into account, where appropriate, the Government's recently issued consultation paper ***"Rebalancing The Licensing Act – A Consultation on Empowering Individuals, Families and Local Communities to Shape and***	SOLP must be reviewed every 3 years (LA2003)

			Determine Local Licensing." We imagine that, in undertaking its review of policy, the Council will similarly wish to take into consideration that timely government communication. (We shall, of course, be responding in full to the Government document and will be happy to send a copy to the Council for information). In light of the government paper we wonder if it might be helpful and possible for the Council to 'hold fire', so to speak, on final decisions with regard to completing changes to its current licensing policy until more is known about the government's intentions (although some of our comments below, relating to changes in local practice, seem possible for implementation now)? We understand that at least some proposed changes will be incorporated into legislation sooner rather than later, via the Policing Bill. Our references in this document to 'residents' refers to those who are solely residents and not to residents who also are involved in the running of licensed premises in the area, or indeed other relevant businesses. This is because we feel they may well view things from a somewhat different perspective compared with those who are 'just' residents, and they can, anyway, make their own representations.	
		Pre-application and immediate post-application	The Government Consultation Paper (question 3) asks ***how the application process could be amended to ensure that applicants consider the***	The position in relation to local authority policy reviews under the

		contact with residents	***impact of their application on the local area.*** In response we support the view, expressed elsewhere, that applicants should produce an impact study with their application to show that adequate pre-application consultation has taken place with those who might be adversely affected by their proposals. If that is not yet possible as a requirement under legislation we would hope and suggest that the Council meantime encourages prospective applicants to contact their near neighbours and relevant community groups to gather their views on any proposed licence. A Code of Practice could be a facilitating factor here. The issue referred to in 2.1 above links with Question 5 in the government paper which asks ***'How can licensing authorities ensure greater community and local resident involvement?'*** In addition to the comments in 2.1 a different but important step relates	Licensing Act 2003 remains unchanged: authorities should not attempt to pre-empt any changes to the current legislation, and policies should be based only on the law as it currently stands. Proposals to remove the three yearly requirements for reviewing licensing policy statements are not likely to be implemented in time to change the current primary legislative requirements to review licensing policies in January 2011. Set by regulation and resource implications

			to the advertising of applications. The onus on the applicant to place an appropriate notice on the relevant premises is potentially open to abuse by, e.g., placing where the public cannot easily see it. It should be the responsibility of the local authority to display the notices in a prominent public site and ensure that it is legally compliant, as with planning applications. Additionally, following the planning pattern, near neighbours should be individually informed of an application. Although this may not be mandatory it does represent good social practice. We appreciate that currently the Council requests that a window notice is displayed and maintains a web site list of applications, but we consider that notification should take a somewhat different route, as suggested above. That would seem to be possible within existing legislation. Of course, at these early stages – and throughout the application process – we would hope and urge that the voice and experience of residents is really listened to and taken into account. Such a commitment and practice would not be dependent on new legislation.	
		<u>Vicinity</u> (Government Consultation paper Chapter 11, Question 6	We are not in favour of the concept of 'vicinity' being removed from legislation/policy at this time, but consider that it should carry a fair definition. For example, it ought to include adjacent streets that are recognised routes widely used by people to exit an	Outside scope of current provisions

		refers)	area where licensed premises are (or are proposed to be) located since those streets suffer considerably as a result of noise nuisance from people who have imbibed alcohol. We hope that the Council will take that view on board now. We recommend that the Council should designate Quiet Zones (duly prominently labelled as such) that are in the vicinity of clusters of licenses premises as although we are not optimistic or naive enough to think that, as a result, all late night revellers would take note and act in a considerate manner some (hopefully!) would. Again, this surely would be possible within existing legislation.	Outside scope of SOLP
		Noise and its effects	Following on from above**,** there is already a considerable (and growing) body of evidence as to the harmful effects of noise on the health of individuals. For example, the European Commission's Night Noise Guidelines for Europe, Final Implementation Report (December 2006) prepared in conjunction with the World Health Organisation, reports on the health effects of environmental noise and the vulnerable groups severely affected. Their findings are backed up by studies such as one from the West Virginia University School of Medicine that states '*Sleep disturbance may be a risk factor for cardiovascular disease'*. Further, it is reported that	This area should be considered residential for the purposes of determining applications

			from a study of 30,000 adults it was found that heart attacks, strokes and angina are twice as high among those who sleep less than 5 hours nightly. The damaging effects of night noise coming in 'pulses' to disturb sleep at intervals has also been referred to by the WHO. Findings as those quoted above are a matter of concern per se but particularly so for us since late night noise and disturbance is a major problem in many of the residential streets in our area - mainly those around the St. James's Street neighbourhood. Some residents experience horrendous noise and sleep disturbance on virtually every night of the week (noise diaries support this). It is time that the adverse health results of alcohol intake by others on residents trying to sleep are taken as seriously as the health results of alcohol over-consumption on those who drink excessively. Such recognition would fit with the concept of a local authority's 'duty of care'. We are aware that licensing legislation is not the primary mechanism for such noise nuisance control (para. 1.15 of local policy) but even if not the *chief* instrument for same, surely consideration should and could still be given to the problem of noise – both its effects and reduction. The people who make the damaging noise are surely those who have left premises in the area and although all applicants at licensing hearings which we have attended insist that	

			noisy revellers come from elsewhere no evidence to that effect has been forthcoming in support of such assertions. Collectively applicants respond as if the 'culprits' are parachuted into the area from elsewhere!	
		Planning and Licensing	Council's current licensing policy refers to the planning/licensing relationship at para. 4.1, which records the expectation that issues of planning and building control will have been explored before licensing applications are submitted. We would urge that the word 'expectation' is replaced with 'requirement'. That would seem to harmonise with the comment at 6.7 of the local policy that licensing decisions would not normally cut across planning decisions. In our experience they often have and we have gained an impression that despite paras. 4.1 and 6.7 the issue of planning is almost a taboo subject at hearings if introduced by objectors.	Outside powers – quote licensing guidance
		Restriction on closing hours (government paper Chapters 6 & 11 plus Q 12)	The not yet implemented Crime and Security Act 2010 has a power to allow licensing authorities to make Early Morning Restriction Orders (EMRO's) which restrict the sale of alcohol between 3 a.m. and 6 a.m. if considered necessary to meet licensing objectives (which, of course, would include prevention of public nuisance). We note with approval that the government intends to '*commence this power with a significant amendment to allow local councils to decide between which hours (e.g. midnight to 6 a.m.) they would like to prevent premises from opening, according to what they believe to be most appropriate*	

			for their local area.' Further, '*The change would ensure that licensing authorities are given the freedom to respond to the needs of their local community in determining when premises can sell alcohol.'* We are fully in favour of local authorities being able to make areas free of the night economy after midnight. In particular, we urge that such a policy be implemented in respect of the St. James's Street area as soon as possible when the Act is implemented. It is so often overlooked that the area in question is ***overwhelmingly*** residential, although, sadly, policies and practices have allowed a noisy night time culture to develop without regard to that fact. A restriction such as we urge would fit with a response to the needs of our local community	Not supported by current provisions
		Late Night Levy	In instances where premises are allowed to operate beyond midnight we are in favour of a late night levy being imposed. This is the only acceptable way that the quantity of policing can be paid for to match the fall out from the licensing effects. However, it is not just a question of policing. There is the cost of managing the refuse and street fouling, which falls to the council (as do noise patrols and noise monitoring), the cost of the damage and disturbance caused to properties of residents and businesses, costs at the A & E departments of NHS (injury and illness) as a result of alcoholic intoxication. In all	Not supported by current provisions

			respects it is only fair that 'the polluter pays' and a late night levy on licensed premises **and** late night refreshment facilities should be imposed to cover the likely costs of policing and other expenses (and be regulated by the local authority). No limit should be set and the levy should be high enough to cover all costs incurred.	
		Cumulative Impact Area	We supported the establishment of a C.I. zone for the St. James's Street area and wish that to continue and to be ***rigorously*** applied, without fear of Appeal. We are heartened by para. 6.09 of the Government consultation paper where the intention to simplify C.I. policies is recorded, in order to make them more responsive to local needs by the removal of the evidential requirement – thus giving greater weight to the views of local people through lessening constraints on the licensing authority.	
		Temporary Event Notices (TENs).	Leaving aside the occasional 'one off' private party or fete situations, generally speaking this provision is frequently, if not usually, a bane to residents. Thus, since residents tend to be the sufferers on such occasions it is only right that they should be allowed to make representations in respect of TENs applications. This means that TENs should be open to advertisement and objections.	

			The opportunity to comment on TENs is relevant in any event but should afford an opportunity to oppose the situation which arose in the recent street party when several enterprising people, not attached to licensed premises, just set up tables selling cheap drink. We strongly endorse the government's proposed change of '***giving discretion to licensing authorities to apply existing licensing conditions for the period of a TEN when the applicant is already a licensed premises***.' (The recent street party in the St. James's Street area is an example of noise continuing well into the small hours, way beyond the official closure of the music played via outdoor speakers, since licensed premises with TENs seemed just to set aside conditions relating to noise escape, etc. Thus residents in several streets were kept awake until 3a.m. or 4/5 a.m by both music and badly behaved partygoers on the streets who were 'sticking around' at least until the action stopped. Non-partygoing residents seemed to count for nothing during that weekend event.) Since it would appear that the government definitely intends to allow the discretion referred to above we urge the council to take advantage of it immediately it becomes available.	PR & SR Bill

			We support the option of limiting the number of TENs and restricting applications to personal licence holders only.	
		Other matters arising from the Government consultation paper.	There are, of course, many issues that we have not referred to above which are contained in the consultation paper. As indicated in para. 1.1 above, we will be submitting responses to the Home Office. In addition, we consider that the paper fails to consider two important matters. Firstly, no attention is given to the need to consider the problems presented by Late Night Refreshment venues which often are the site of crime and disorder as well as public nuisance problems. Secondly, we would have wished that the government had given full attention to the prevention of pubic nuisance at night which occurs to the serious detriment of the environment of many towns and cities, including our own. We urge the council to pursue those concerns by all possible means.	PR & SR Bill
		Concluding Comment.	We hope that you will perceive our comments as constructive. You will be aware that many residents blame the licensing regime, ushered in with the 2003 Act, for the present problems of the night time economy. Prior to that legislation the night economy usually ended by midnight; now it continues into the early hours and, indeed, throughout the night in many	

			instances. We have seen public nuisance – noise, anti-social behaviour, street fouling, damage to property – grow in the last few years and this is linked with both extended operating hours and the growth in the availability and cheapness of alcohol available to the public. We ask the council to do its utmost to overcome these problems. It is true to say residents' groups/organisations across the country see an imbalance in the 2003 Licensing Act and its accompanying guidance, with a bias in favour of applicants for licenses distorting the licensing process at the expense of the community. We are hoping that within the foreseeable future we shall see some important improvements in the licensing regime that will bring about equality and we express in advance our thanks to the Council for taking our considerations and concerns on board.	
Response by Green Group of Councillors from Cllr Pete West	27.08.10	Introduction	The first section is in the form of a briefing I offered to the Green Group of my initial observations before going on holiday. I had planned to work up properly on my return but have since found myself heavily way laid by school holiday child-care, so please do accept my apologies for its rather raw form. The second section contains comments received from Cllr Jason Kitcat	

			In the third section I've copied the Noctis Dispersal Policy, which has been brought to my attention and I hope may prove useful in developing dispersal policy. I have also received expressions of concern from a number of Green councillors about the decline of the traditional pub and looking for ways that Licensing could better support their existence as an aspect of our local cultural and economic diversity. The Green Group are also keen to see discouragement of loss leaders and promotions, are keen on some form of minimum pricing/ unit tax, and would like to see the Council continue to press for health impact to be made a licensing objective. • the planning context • delegations – we have concern about applications for variations being determined by officers and notification of interested parties • EU Service Directive – this could be argued as having some bearing on the transparency of variations, also there is the matter of appropriate fees	Planning context, delegations and fees set by statute
		Prevention of Crime and Disorder	• Management responsibilities – I wonder if expectation on training may be strengthened. • Operation Marble – I think this is deserving of more than one sentence	Incorporate Incorporate

			• CIA & SSA – I would suggest we would wish to argue, giving evidence on proliferation, crime and noise, for the enlargement of the area to include North Laine, London Road and Lewes Road. Where else? We have taken exception to the Police interpretation of crime statistics and their resultant reluctance to call for an extend the CIA • Health Impact Assessment – the response is a little thin. I note the inclusion of reference to supporting schemes that recognise well managed premises.	Insufficient evidence All elements of HIA which are legitimate licensing considerations have been incorporated SOLP (where based on licensing objectives)
		Public Safety	• Conditions – I note the absence of mention of MSUs, and other measures • Night time transport – perhaps include reference to Sustainable Communities Strategy Transport chapter. Any other thoughts?	Incorporate
		Prevention of Public Nuisance	• Location and Type of Premises – I think something could be said about the impact on the immediate area as people leave along access routes • Regulated Entertainment in Open Air – This	Incorporate and make reference to noise

			speaks of time but not noise limits • Nuisance – I would suggest the classification of 'residential' and 'mixed' in determining terminal hours needs defining. The data on why people stop complaining about noise will be helpful. I note no mention of noise patrols. • Dispersal – there is nothing I can see here on this (though mentioned in Intergration of Strategies) and would propose a new section to cover: dedicated taxi phones to avoid people outside using mobiles; staff asking customers to leave and make their way quietly with signage to support this; staff actively dispersing people hanging around outside. (see also Noctis Dispersal Policy copied below) • Smoking – I think we have succeeded in winning a lot of understanding here. I note some of the security measures mentioned should also be included in prevention of Crime & Disorder/ Public Safety • Signage – Keep quite signs are good news, but I would argue that staff would need to reinforce the message	council guidance Incorporate in St James Street = residential East Street = mixed N Laine = residential Incorporate Incorporate
		Protection of Children From Harm	Best Practice to protect Children From Harm – here we have mention of our responsible licencing motion, with a cobbled together list of best practice. I note no	Incorporate

			similar reference to this under Prevention of Public Nuisance. I would suggest the reference here to limiting sales of high ABV should also come under Prevention of Crime and Disorder	
Response by Green Group of Councillors from Cllr Jason Kitcat			* Councillors who sit on Licensing panels need more training in how to uphold the council's policies, particularly relating to the cumulative impact area. * The enforcement policy should allow more flexibility, allowing where appropriate a more immediate move to serious action without having to go through intermediate steps such as 'three strikes' including letters to managers. * Temporary Event Notices should not automatically granted. Within the limits of the existing laws, more should be done to allow input into their approval. * Strong support for responsible licensing scheme (I have several venues very keen on this idea) * More standard conditions should be introduced to regulate the hours when waste can be put out and collected. I would suggest this shouldn't be between 10pm and 8am. * The council should do more to notify residents of	Incorporate Misunderstanding Set by statute Incorporate Prohibited by licensing guidance

			license applications, variations and minor variations. They should also do more to support residents in writing their objections and submitting requests for reviews. • If possible within the law, there needs to be better co-ordination over the closing hours of venues in agreement with the police and residents associations.	Set by statute and resource implications Applications on individual merit
Response by Green Group of Councillors from Cllr Pete West /Cont.			**Noctis Dispersal Policy** <u>Introduction</u> It is clear that the licensed trade has played a major role in regenerating our town and city centres; however, there is a tipping point where the positive benefits give way to problems as a lack of infrastructure creates pressure points which in turn lead to disorder and disturbance. "The night time economy is helping enable economic regeneration in many deserted and run down traditional urban centres. However, it is in no-one's long-term interest if such economic regeneration leads to social degeneration in the shape of violence, disorder and destruction of private and public property." It is widely accepted that the vast majority of problems relating to alcohol occur at the end of	Outside scope. However, define East Street as mixed and N Laine and St James Street areas as residential

			the evening and in the public realm as customers leave venues and begin to compete for scarce resources. Potential victims and aggressors are to be found side by side at taxi ranks, in the queue for fast food or walking the streets in a bid to hail a cab. "From the information given to Nitelite it was clear that poor lighting, not enough transport and overcrowding at closing time can pave the way for people feeling unsafe." *Nitelite Southport* Operators accept that their responsibilities cannot simply end at their front door and that, by contributing to a better managed end of night, they can deliver a safer town or city centre. The most popular venues will attract large numbers of customers and, by their very nature, can be potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and the authorities. Operators are, therefore, eager to develop, in partnership with the police and council, a dispersal policy which will seek to reduce the pressure on the police at the end of trading, ease customers' passage home and minimise the likelihood of local residents being disturbed.	Supported where such a condition would be

			<u>Preparing A Dispersal Policy</u> Every venue, be it pub, club or bar, can and should prepare and implement a dispersal policy. Such a policy would set out the steps the venue will take at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. Clearly the contents of the policy would vary widely from one venue to the next based on its size, location and offering. Prepared in consultation with the licensing officers of the local council and police and, ideally, in place prior to a venue beginning to trade, the policy should be kept under review to address new issues as they arise. While preparing their policy, operators should consider the local statement of licensing policy and any relevant conditions attached to the premises licence. <u>Elements of a Dispersal Policy</u> *Transport* Probably the biggest single factor triggering disorder and disturbance is a lack of public and private transport at the end of the evening, preventing the swift dispersal of customers away from the venue. There are a number of steps operators can take to reduce transport related problems: • Promote safety on leaving, for example	supported by the application process (in operating schedule or by Panel in adduced evidence).

			through operating a concierge service and providing a safe place for customers to wait for taxis (particularly lone females); • Advertise reliable services by providing free phone numbers for licensed mini-cabs and details of nearby taxi ranks, bus timetables or other local transport networks. • Agree an operating policy with local private and public hire vehicles, for example banning the sounding of horns after 11pm; • Discuss with the council the location of taxi ranks to ensure they are easily accessible without causing bottlenecks outside venues; • Consider, in discussion with the police and council, the use of stewards to act as marshalls at bus stops and taxi ranks; and • Work with the local authority and transport providers to agree bus routes, stops and timetables. *Road Safety:*	

			Should the venue exit onto a public highway, operators should ensure separation of customers and traffic – if necessary by the installation of permanent or removable barriers. *Car Parking* If appropriate, operators could advise customers of the best car park to use (either through their website or on printed material) so that they leave in a direction with minimum disturbance to local residents. Operators might also be able to negotiate with local car park operators to allow customer usage. *Staffing* During the last half hour of trading, the service points in each bar may be reduced and some staff reallocated to collect glasses or work in the cloakroom. This will assist customer departure and reduces the potential for people to carry glassware out of the premises. *Cloakroom* The cloakroom should be set up in order to assist the swift return of coats with staffing and control systems increased in the period prior to closure *Music & Lighting (internal)* During the last 20 minutes of trading, the DJ may typically play slower music and reduce the volume of the music played. In addition, lighting	

			levels can be manipulated to encourage the gradual dispersal of patrons during the last part of trading and the drinking up period (see winding down). *Lighting (external)* Operators have found that the use of bright lights at the exit of the venue encourages customers to leave more quietly. Operators should liaise with the local council to establish guidelines on the positioning of these lights which will also prompt customers to leave the area quickly and enhance CCTV coverage. *Minimising Noise on Exit* If possible, a manager should be in the area close to the main exit to oversee the end of night departure period. DJ announcements should be used to remind customers to be considerate on leaving the premises. While highly visible notices can be placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their properties. *Bottles or glasses* Signage should make clear that customers will not be allowed to leave the premises with bottles or glasses. This policy should be supported by a vigilant door team searching customers where necessary. If appropriate, bins can be provided	As above

			at exits for use by customers. Operators could also provide advice on any drinking ban in the area. *Litter* Operators should send out a 'Rubbish Patrol' following closure. This patrol will pick up bottles, flyers, food wrappings etc in the immediate vicinity of the premises. As well as clearing rubbish, the patrol acts as another set of eyes and ears identifying potential disorder. Their activity, particularly sweeping the pavement, will also encourage customers to vacate the area outside the premises. *Door staff* The door team play a key role in the implementation of several aspects of any dispersal policy: • encouraging customers to drink-up and progress to the exit within a venue throughout the latter part of drinking-up time; • drawing the attention of exiting customers to the notices in the foyer and ask them to be considerate; • ensuring the removal of all bottles and glasses from departing customers; • actively encouraging customers not to congregate outside the venue; and	

			• directing customers to the nearest taxi ranks or other transportation away from the area. *Marshalls:* The use of venue security staff as marshalls should always be in negotiation with the police and kept under review. A marshall is a patrolling security officer wearing high visibility clothing, who works close to the venue in a designated area and is in direct communication with the venue management. Their aim is to create a highly visible presence and to communicate, rather than deal with, potential problems. ***Wind down period or "Chill out hour"*** Many aspects of a model dispersal policy can be drawn together into a chill out hour that gently winds down the evening rather than bringing it to an abrupt halt. Operators might find there is a profit to be had from offering a taxi booking service and providing coffee, soft drinks and bar snacks as a way of keeping customers in the premises and thus spreading departures over a longer period of time. <u>Examples of good practice</u> Perhaps the most comprehensive example of the steps venues can take to reduce anti-social	As above

			behaviour comes from Newport where a club has worked with local police to develop a model dispersal policy. Rather than be pushed out on to the street to compete for the all too few taxis operating late at night, customers can book a taxi through the club, wait in comfort, warmth and safety, purchase snacks and coffee while they wait and be escorted to the taxi when it arrives. In Dursley, a club extended its hours to sell soft drinks and coffee after bar staff stop serving alcohol at 2.00am. This chill-out hour allows customers to disperse over a longer time period and reduce the risks of flashpoints in the centre of town. Previously, Dursley had three late night venues all closing at the same time with only one kebab house and one small taxi-rank. In Edinburgh, one operator details staff to monitor customers on departure identify lone customers (particularly lone females) and hand them a small card which states, "If you are traveling alone and require a CLUBSAFE CAB please speak to a steward or a member of staff". A Middlesbrough operator stocks lollipops to be given out free to people leaving late night events in a bid to curb noise. A taxi ordering system is also in operation to prevent people waiting in the street.	

Green party, additional info from Bill Randall	31.08.10		Regarding limiting the availability of high strengthen beer and cider. I note that in the section entitled 'Best Practice to Protect Children from Harm' it does call for "Voluntary restriction of high strength alcohol – operating schedules may be used to limit high ABV beers and ciders". However, we can also condition maximum ABV where there is concern about problems relating to street drinkers, as for example was achieved by panels I sat on for off-licenses in York Place and Upper St James Street, yet there is no mention of this power within the draft SoLP. We'd like to see greater awareness/use of this power in relation to the licensing objectives relating to Crime and Disorder and Public Nuisance, and would recommend the inclusion of relevant statements within the SoLP.	Incorporate
Juliette Hunting Chair, Lansdowne Area Residents' Association	27.08.10		Here is the LARA (Lansdowne Area Residents' Association) comments to the Council's Draft Version of the Statement of Licensing Policy. The comments also include those made by individuals who attend the local LAT meetings, and the Residents' Associations in the area. Overall we strongly support the extension of the Cumulative Impact Area to include the Special Stress Area of Brunswick, and to extend it to St. John' Church i.e. west end of Palmeira Square (new night club and off licences); the area is a dense residential	Insufficient evidence

			one and residents suffer from the number of alcohol licenses We consider that there is not enough weight given to Residents' needs (Human Rights breach) We strongly support the Health Impact Assessment Report While we recognise that there is regulation regarding pubs and clubs, the outcome t does not always reflect these regulations. There is less successful legislation and enforcement regarding small newsagents' shops who have been granted off-licenses. **Introduction:** 1.1. We propose more publlciity informing the public likely to be affected by licensing applications, as is done under Planning Applications, e.g. individual letters. It is not always easy to see pale blue small A4 notices placed in an obscure position in a window. 1.3. Scope: Vicinity: "Vicinity' need to more defined in more detail - acitivites of individuals spread widely down residential side streets, not just within 25 yards	Set by statute and resource implications Experience shows vicinity dependent

			of an establishment. 1.4 Consultation: The emphasis is loaded against the residents. We suggest more priority given to local residents and the extent of the area for "relevant representations" should be increased. The presumption of the automatic granting of a license if no relative objections are made is to the detriment of the residents in the area. 1.6.1. Partnership This statement places the Residents in a subsidiary position, Its focus is on the local economy and business. The philosophy of tolerance is not always in the interests of residents (Save Dave campaign may help.) The policy itself identifies a high number of 'neets' and extensive alcohol licenses in off -sales in shops are an invitation to such groups. The number of English Languages Schools identified under 1.71. - there is a high concentration in the Brunswick area - and under age drinking is only encouraged with regular availability of alcohol for under age students. 1.8.2. We suggest that the citizens/ residents of the area are seen as minor partners in terms of Culture and Tourism and they should be major partners	upon locality Process set by licensing guidance Equal weight shall be given to partners Difficult to apply

				without proposals
			1.85. Not enough diversity - too many licences in shops	
			1.8.7 The balance between a tolerant attitude and appropriate behaviour is not always achieved	Ditto
			The Planning Context: We welcome the integration of planning and licensing ; when will this be a legal necessity?	Ditto
			1.8.15 Avoid large bars/pubs and night clubs - why are not off- licenses also considered?	Ditto
			1.8.17 is this done?	Ditto
			1.8.20 Reduce alcohol as factor in at least 40% of violent crime, by limiting availability. Off sales in the Brunswick area have snowballed. A helicopter view of these is needed. The crime statistics in the Local Action Team of Brunswick and Regency have risen over the last quarter,	Ditto
			1.8.21. This is more than a concern - the statistics from the hospital suggests it is a problem.	Ditto

			1.15 More consideration and weight to be given to residents and local people. e.g. Sainsbury off licence, from 6.00 a.m. - despite local objections 1.17 NOISE on Hove Lawns Human Rights: Article 8. human rights article 8 are breached due to spread of alcohol. 1.20 Unable to identify their integration **Prevention of crime and disorder:** 2.1. management responsibilities off license in small shops are these clear? 2.3. When is this used 2.6. Cumulative impact we welcome tightening laws for pubs, etc. with street bouncers, and tight observations by supermarkets, but what about others. We recommend that the Cumulaltive Impact Area be extended to take in the current Special Stress Area. This, with the exception of the Western Road is a highly dense residential area and its residents suffer from the impact of multiple licensing. 2.6.6. most important	Ditto Ditto Ditto Incorporate with training and DPS/ premises LH requirements Insufficient evidence

			2.6.12 Biassed in favour of applicants 2.7 Conflict of interest 2.7 The Licensing Authority will support - this has not always been the case..... 2.7 4 Welcome physical barrier proposals 2.7.10 welcome this 27. 12 welcome this . 2.7.9 welcome this 2.7.12 welcome this 4.1. Unclear - contradicts earlier statement, headed Planning Context 4.2. welcome this 4.5. welcome this 4.7 too late 0200 4.10 more implementation of this	Difficult to apply without proposals Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto

			4.11Health Impact Assessment, Support all of this, especially hours (as a representative of Lara, I took part in this) ; Do not support favourable consideration to later terminal hours 6.1. include Residents 6.3. Tourism stragegy - what about the residents 6.7. Unclear as to procedures to be followed? community relations - minor in all of this litter and smoking - welcomed, improving but still gaps 6.9 welcomed 6.10 where are the residents 7.2. Community interests - where are the residents 7.3. Protect living conditions in mixed use areas is most important.	Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto
Tom Chavasse Brunswick and	29.07.10		Our main concerns are twofold:-	

Adelaide Residents Group			1. Extension of an overlapping Stress and Cumulative Impact Zone to all of the central artery through Brunswick Town. viz the Western Road westwards to St.John's Church / Road. 2. The possible effect of the new Government's heralded changes in the relevant national policies. We having strong concerns about the density/number of outlets for alcohol and the times when it is available. We thus again enquire as to the extent which the current review will take of the additional, recent announcements by central Government which herald specific changes in the policies which are being reviewed. Are we in danger of participating in a review which will be outdated almost before it is complete ? We have noted comments that have appeared in The Argus - and we copy the Committee's Chair : Denise Cobb.	Insufficient evidence Outside scope PR&SR Bill will necessitate review of LG & SOLP
Tom Chavasse Brunswick and Adelaide Residents Group	04.07.10		You kindly invited the Brunswick Town residents' Associations, through LARA Juliette Hunting, to comment -by 29th August. We will be considering making comments in the near future. As you may know, the Brunswick Residents wish to have less availability of alcohol along the Western Road - and	

			extension of the Stress Area to include all of the Brunswick Town stretch of that road from St.John's Church Eastwards to Norfolk Square. Since we last commented matters have deteriorated and further late night sources have been permitted. You have mentioned that one aspect to be considered will be changes in Government Policy in relation to these matters. We believe that the media has already reported such changes - certainly a different attitude is emerging. Can you now indicate what consideration may thus have to be given to possible changes? A similar situation has developed with the formulation of the Local Plan - in which case there has been postponement of some work pending clarifications. Much of that, we think, centering on the role of the S. East Development Agency which is now being 'curtailed'. However, do you anticipate postponement of the Licensing Act 3 year review ?	PR&SR Bill will necessitate review of LG & SOLP
Inspector Vicki Harris, Sussex Police		2.1 2.6.5 2.6.14 2.7.2 2.7.5	Licensees will be expected to attend training courses. Should also include minor variations. Remove last sentence (If it is found that the above problems are receding the special policy may be reviewed with a view to revising the areas boundaries). Concern that naming St J's street might attract problems.	) Incorporate

		2.7.6 2.7.8 (DS/MSU) 2.7.9 2.7.13 4.11 Addition	Query where capacity of 250 came from BCRP or other approved (e.g. CDRP) Feels this needs some reworking Add “who should be working towards SIA accreditation” Nearly the same as 2.7.6 and repeated again at 2.7.19 Take out italics or it doesn’t look like part of the policy. Can we word something around cruising bars, gay saunas, sex taking place on licensed premises?	))))))
M. Eidmans, National Pubwatch	17.06.10		As a national organisation, does not feel a suitable consultee to comment on local matters.	
Philip Wells, Christina Summers, LAT Chair, Vice-Chair, London Road Area Local Action Team	17.06.10		The London Road Area Local Action Team have asked us to write to you about licensing, with particular respect to the sale of alcohol. **Context** London Road is – as you know – a shopping street with many small businesses, set within the larger residential context of St. Peter’s North Laine ward. Anti-social behaviour by locals and visitors with alcohol- and drug-related problems forms a small but arguably the worst feature of the area. **Particular problem areas**	

			This is highlighted (a) on the open-space area of “The Level” where “street drinkers” habitually congregate (b) in the York Place area where users of the CRI needle exchange (11 St George’s Place) are inevitably present during large portions of the day. In the case of York Place the situation is made worse by the presence of three sensitive locations – the needle exchange, the pharmacy where drug prescriptions are dispensed, and off-licenses selling cheap alcohol. In both cases existing problems are inevitably exacerbated by the ready availability of alcohol. **Licensing and other issues** We have noted the following features of the existing licensing regime: 1. it is virtually impossible for local residents to have any effect on restriction of licences 2. the period of time available for comments is so quick that our monthly LAT meetings cannot keep up with applications 3. the licensing criteria take no account of excessive supply already being present 4. the licensing criteria take no account of other risk	Acknowledge Timescale set by regulation

			factors (e.g. presence of needle exchange and pharmacy) 5. the low price of alcohol means that it is too readily available in large quantities to all (including under-age and problem drinkers) 6. the low price of alcohol means that drinking at home, in the street, in open spaces is preferentially occurring compared with drinking in a pub or other responsibly supervised location. 7. it is impossible to restrict sale of higher strength products	Predicated on licensing objectives N Laine to be considered residential
Received via the Council's consultation portal. d1254536e2587		Alcohol	The "Cumulative Impact Zone" within central Brighton may have granted greater powers to the Licensing Committee to control the number of licensed premises, there is little evidence from numbers of applications granted that these powers are actually used.	Area of level to be recognised as high risk for street drinkers and sale of high ABV
1.27616E+12		Cumulative impact, Special policy and Special stress areas	2.6.4 "The special policy will only be overridden in exceptional circumstances". Evidence is to the contrary, only a minority of applications are refused. Applications for minor variations are routinely abused to extend hours and nature of premises by stealth. So what starts as a restaurant becomes a cafe bar, then becomes in effect a nightclub which is typically open until 3-4am.	
d1254536e3529		Sussex Police	2.7.3 Café Bars -another condition should be some correlation between the number of seats and the	Incorporate

			capacity of the premises, otherwise they should be treated as nightclubs	
d1254536e4055		Health Impact Assessment	Schemes to recognise well managed licensed premises would be worthwhile, providing the council can commit resource to adequately managing and monitoring of such a scheme.	Incorporate
1.27616E+12		Location and Type of Premises	This is blatantly not the current policy as it stands. This section needs substantial attention.	Difficult to address without alternative proposals
1.27616E+12		Amplified or Live Music	this section needs to be more assertive - weasel words in here "normally", "may". It reads as if you are not actually intending to enforce this section.	Ditto
d1254536e4662		Health Impact Assessment	response is adequate, if enforced.	Ditto
1337218		Statement of Licensing Policy 2010	This draft policy is not clear enough on definitions, and is ambiguous. The Council has interpreted the 2003 Licensing Act to the detriment of residents' quality of life. It states, for example, that careful consideration has determined the Special Policy only to then state that it could be overridden in exceptional circumstances. An example of ambiguity is if an application is unlikely to add to the Cumulative Impact of the Area it may be granted. Surely any additional licensed premises in a CIA would have an impact on the area? Unfortunately for residents, corporate licensed applications are well served by slick solicitors at Panel Hearings who impress the Panel	

			with their legal jargon and glossy brochures. They seem to be able to 'prove' to the Panels that their business would not have a negative impact and yet residents objections are largely ignored as it seems they can't prove the impact on their health. Granting of licenses should not be given until a premises has planning approval for change of use and/or a refit. How can a licence be approved without any knowledge of the layout of a premises, which would include safety conditions such as fire exits and the type of materials used? The draft policy states that powers 'may be' exercised to impose conditions as to opening hours in order to avoid unreasonable disturbance to residents. The words 'may be' should be changed to 'will'. The draft policy is unclear about areas of mixed use. North Laine should be classed as residential for licensing and closing hours should not exceed 2330 except for holidays and special events. It is hoped that following the next Licensing Review the area will be classed as a CIA. More effort should be made to reduce the amount of alcohol displays that encourage people to drink more, perhaps through Conditions if that is possible. I fully support the Council's Public Health Management Plan, 2 March 2010 and hope that many of these actions are worked on.	
d1254536e2529		Crime and fear of crime	I have no comments	

Appendix 3

Licensing Strategy Group

Terms of Reference (Revised January 2005)

(i) Review and monitor the statement of licensing policy.

(ii) Support the licensing objectives: prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm; and encourage tourism.

(iii) Address public order safety and nuisance and alcohol issues, particularly at closing time, including the ways of dispersing people, with associated transport implications, including

- Links with Accident & Emergency, for the impact of casualty levels
- Any zoned approach including growth areas of new premises, cultural quarter, cumulative impact/saturation, alcohol disorder zones.
- The changing nature of the City, it's infrastructure and mixed developments
- Binge drinking and irresponsible promotions
- Under-age sales

(iv) Create and strengthen partnerships

(v) Create and strengthen links with corporate strategies including: Tourism, economic development and employment, community safety, local alcohol harm reduction, local development framework/local plan, local transport plan, equalities impact assessment.

Representation

Licensing Authority

Responsible Authorities: Sussex Police, Court Service, East Sussex Fire & Rescue Service, Child Protection, Accident & Emergency, Sussex Ambulance Service, Drug and Alcohol Action Team, Community Safety, Health & Safety, Trading Standards, Environmental Health

Business Representatives: Business Forum, Tourism, Economic Development

Licencee Representatives: Licensees Association, Licensed Victuallers Association, Door staff, training organisations, Gay Business Association

Residents Representatives: Residents Associations

Links to other strategies: Equalities, tourism, employment, crime prevention, planning, transport, economic development, Cityclean

Appendix 4

LICENSING STRATEGY GROUP
Tuesday, 12 October, 2010
Committee Room 2, Brighton Town Hall

MINUTES

Present:

Tim Nichols	Acting Assistant Director, Public Protection, BHCC
Jean Cranford	Licensing Manager, BHCC
Nigel Lidell	Business Crime Reduction Partnership
Nick Griffin	Pleisure
Roger Rolf	Kingscliffe Society
Trevor Scoble	St James's Street Area Action Group
Gavin George	InnBrighton Ltd
Councillor Jason Kitcat	for Old Town LAT
Sandy Crowhurst	North Laine Community Association
Malcolm Wauchope	Sussex Police
Dexter Allen	East Sussex Fire & Rescue Service
David Quant	CityCabs

Apologies:
Cllr Denise Cobb
Steve Larkinson
Doug Simmonds, Licensing Consultant
Jane Doherty
Naomi Hawes, Legal Adviser, Bton Magistrates Court
Roy Skam, North Laine Community Association

		Action
1.	**Statement of Licensing Policy** ▪ The current draft Statement of Licensing Policy has been circulated to the group and there has been a 12 week consultation period. ▪ The draft policy will now go to Licensing Committee on 18 November and then to full Council, which has to set policy, on 16 December. If it is agreed, it will come into effect on 3 January 2011. ▪ Tim thanked those who have submitted comments and explained that, where possible, suggestions have been incorporated into the draft policy, which is still a working document at the moment. ▪ It is not possible to include everything because of present legislation. Where comments have not been able to be included, these will be detailed in the	

	report with an explanation of the reasons why they have not been incorporated. The report will contain details of all comments which have been received and action taken. Jean will circulate a copy of all the comments received to the group, although unfinished until reported. ▪ There has been a reasonable response to the consultation, which met the statutory minimum and went further by using the consultation portal. ▪ It is recognised that there are ongoing problems with noise in the street, anti social behaviour and criminal damage, but at the moment these sorts of issues do not come within the scope of the Licensing Act. ▪ Nigel confirmed that 85% of yellow cards are not premises as such but for disturbances in the street. ▪ St James's Street and North Laine have been included as residential areas in the policy in an attempt to try and accommodate what was asked for. ▪ The Statement of Licensing Policy is normally reviewed every three years, though this one is likely to need reviewing earlier because of new proposals from the Coalition Government. ▪ Gavin explained he had not had chance to look at the draft policy yet and asked if it was too late to send in comments. Tim advised that if there was anything in particular he wanted to raise, he should go through his Ward Councillors, Licensing Committee Members, or send a letter to Committee by writing to the Chief Executive's office before the Committee meeting asking for his comments to be considered. ▪ In response to Cllr Kitcat's query re delegated decisions for minor variations, Jean confirmed that anything involving the sale of alcohol would not be treated as a minor variation. Cllr Kitcat asked if it was possible to raise awareness of these minor variations and Jean will investigate. ▪ Cllr Kitcat then asked if anything was known re the future of the SIA, as any changes could have a major impact re the employment of door staff. Malcolm Wauchope stated the police understood that parts of the SIA would be likely to go but that it will probably remain in some form, although this is still to be confirmed. ▪ It was recognised that off trade licences, e.g. takeaways, have a significant impact. Nigel will continue to encourage a representative from that area of business to get involved with meetings. ▪ Roger advised by Tim to try and feed into a Local	**JC** **JC** **NL**

	Transport Strategy Sub Group re concerns he has re the route of the No 7 bus at night.	
2.	**Lap Dancing Clubs – SEV Policy** ▪ Consultation on the Sex Establishment Venue Policy took place around the same time as the Statement of Licensing Policy. ▪ Very few responses have been received and the policy is unlikely to change much. Cllr Kitcat queried whether the Green Party comments had been received and will send through again to ensure they are included.	
	▪ The SEV Policy will also be going to Licensing Committee in November and, once it has been adopted, the council will take applications for new licences. ▪ Tim confirmed that this policy will cover sex shops.	
3.	**Rebalancing the Licensing Act** ▪ Nick explained that the trade were very unhappy about the way the consultation on this was carried out, which took place over six weeks during the summer. The impression given is that it is a fait accompli as no discussion has been allowed on any policy prior to implementation. ▪ The trade also unhappy about some of the implications, e.g. there is no right of appeal against a closure and TENs will require four weeks notice instead of ten days, which is not practical. ▪ Coalition Government are intending to include this in the Police Reform & Social Justice Bill, which is due to have its first reading in 15 weeks. ▪ Trade likely to fight proposals and take as far as possible.	
4.	**Purple Flag Scheme** ▪ The Purple Flag scheme was only a suggestion. There was also some support for Best Bar None, which had run a few years previously. ▪ On the agenda as there is a suggestion that it would be beneficial to have an accreditation scheme, which may well gain cross party support. The current financial and political environment made ability to innovate uncertain as public sector reduced. ▪ Nick recommended that an accreditation scheme should be trade led as it would have buy in from the local licensed and leisure industry. Nick offered to formulate some proposals for accreditation schemes and bring to the next meeting. To be on the agenda	**NG** **JC**

	for next time.	
5.	**Matters arising from 14 May 2010** ▪ Tim confirmed he had received the Kingscliffe Society response on the SOLP.	
6.	**Date and time of next meeting** ▪ Tim confirmed that the next four meetings will be arranged in advance, so that people will have more notice of when the meetings are taking place, which should help with attendance.	
7.	**Any Other Business** ▪ Roger stated he was not impressed with the lack of response he received from the Noise Patrol on Pride night. He stated he called them three times and did not get a call back. Tim explained that the priority of the Noise Patrol on that particular night was to deal with raves. However, he asked Roger for any recommendations he might have which could be considered for future years. Roger's notes passed to Tim, who agreed to look into the points raised.	**TN**

Council	Agenda Item 57(a)
16 December 2010	Brighton & Hove City Council

NOTICE OF MOTION

LABOUR GROUP

NATIONAL HEALTH SERVICE – BRIGHTON

"This council places on record its appreciation of the role of NHS Brighton and Hove (the Primary Care Trust) as commissioner of health services in the city and as a strategic partner of the council.

In anticipation of the planned abolition of the PCT the council requests that the Cabinet seeks to encourage and support any initiatives aimed at preserving as much as possible of the experience and expertise of the PCT and its staff, thereby reducing the risk that the new GP consortium or consortia will hire in private companies to carry out their commissioning functions."

Proposed by: Cllr Kevin Allen Seconded by: Cllr Craig Turton

Supported by: Cllrs Hawkes, Meadows, Morgan, Davis, McCaffery, Hamilton, Carden, Simpson, Lepper, Mitchell and Marsh.

Council	Agenda Item 57(b)
16 December 2010	Brighton & Hove City Council

NOTICE OF MOTION

LABOUR GROUP

VODAFONE AND BRIGHTON AND HOVE CITY COUNCIL

"This Council notes that Vodafone have allegedly been allowed to avoid an estimated £6 billion in tax through basing their financial operations in Luxembourg, despite being a UK based company.

This Council also notes that Brighton and Hove City Council has a substantial contract for mobile phone telecommunications with Vodafone, worth over £125,000 a year.

This Council notes the statement on Vodafone's own website that: *"The maximisation of shareholder value will generally involve the minimisation of taxation. It will also involve choices as to the jurisdiction in which to locate capital and/or business activity. Such choices will take account of all the business consequences, including the taxation consequences, of operating in that location."*

This Council notes that the effective tax rate for the largest companies like Vodafone will fall over the next four years from 21% to 17% under measures introduced by the Conservative/Liberal Democrat Coalition Government.

This Council also notes statements by the Chancellor that "we are all in this together", and believes that this should apply to businesses as well as individuals.

This Council further believes that taxpayers' money paid by this council to private companies should not then leave the UK via tax avoidance, and should instead remain within the UK as part of the taxation system, aiding the financial recovery, protecting public services and paying down the deficit.

This Council asks the Cabinet, within the terms of the relevant contract and the council's own legal duties (including best value and Contract Standing Orders) to:

- review the Council's contract with Vodafone with immediate effect;
- investigate if other not-for-profit telecommunications suppliers such as the Phone Co-op could offer a similar service at a similar price that would ensure taxpayers money does not go into private shareholder profits and out of the UK in terms of unpaid tax."

Proposed by: Cllr Warren Morgan Seconded by: Cllr Gill Mitchell

Supported by: Cllrs Hawkes, Meadows, Davis, Allen, McCaffery, Hamilton, Carden, Simpson, Lepper, Turton and Marsh.

NOTICE OF MOTION

GREEN GROUP

EXTEND THE CONSULTATION ON BRIGHT START NURSERY AND EFFECT ITS FUTURE VIABILITY

"This council notes Bright Start is a vibrant city nursery, located in the heart of Brighton. It caters for the children of council employees and those living in the surrounding area. As such, it is a valuable local resource that benefits the wider community.

The nursery is staffed by excellent and loyal professionals who have worked there for many years, offering a steadfast and continuous service that the children enjoy, and their parents and carers implicitly trust.

Bright Start has never been allocated a marketing or advertising budget. As a result many local parents are either not aware of the nursery's existence or believe that it is for council staff only, and thereby not available to them.

It has suffered from cutbacks in the past, and currently receives just £87,000 per year from the Council, as opposed to £200,000+ per year in the past.

The city's birth rate is currently rising. It has been doing so for some years and the 2011 figure for 0-4 year olds is projected to be almost double that of 2001.[1]

The Deputy Prime Minister has pledged to provide nursery places for all vulnerable 2-year-olds.

The council further notes the Conservative administration intends to withdraw funding and close the nursery in April 2011. At a Cabinet meeting on 11 October, and in the presence of a large number of parents and supporters who all called for the nursery to stay open, the Cabinet Member for Children and Young People effected a consultation process which is perceived to be the first step towards closure.

This council believes previous efforts to maximise take-up of Bright Start places have been ineffectual and the consultation proposed is totally inadequate. It therefore calls on the Cabinet to recognise that:

- Bright Start nursery is a highly valued local resource available to all pre-school children in the vicinity.

- With effective marketing, Bright Start could attract many more users and be a viable concern.

- Projected figures will place more and more demand on nursery places in future years.

- Failure to consult the wider community on the loss of Bright Start renders the consultation process fundamentally flawed.

Furthermore council calls on the Cabinet, as part of its consultation process, to consider:

- Identifying all parents of pre-school children within a 500m radius of Bright Start and including them in the consultation.

- Ensuring, before any decision is taken on the nursery's future, that all those who are eligible to use the nursery are aware a) of its existence and b) their eligibility to use it.

- Ensuring that consultation on the future of Bright Start and the possible withdrawal of a staff benefit is extended to all Brighton and Hove City Council employees, not just those who use the nursery.

- Undertaking to take the results of the consultation into account and especially, if a majority of those consulted express a desire for Bright Start to remain open."

Proposed by: Cllr Lizzie Deane Seconded by: Cllr Pete West

Supported by: Cllrs Kennedy, Randall, Wrighton, Wakefield-Jarrett, Steedman, Duncan, Kitcat, Fryer, Davey, Rufus and Phillips.

[1] Annual Report of the Director of Public Health, 2009, pp 45-46

Council	Agenda Item 57(d)
16 December 2010	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP

PRIVATE RENTED SECTOR RENTS

"This council notes many employees in the public and private sectors in Brighton and Hove are facing very low wage increases, pay freezes or, in some cases, wage cuts as an alternative to unemployment.

It also notes that, according to the council's latest *Housing Costs Update (November 2011*), private sector rents in the city for homes in the greatest demand – two-bedroom flats and houses – have risen by 22 per cent and 10.9 per cent between September 2009 and June 2010; the rents of studio flats rose by 12.4 per cent during the same period.

It also notes that, with the exception of rooms and studio flats, the local housing allowance is now less than lower quartile rents which could reduce the chances of those on benefits finding an affordable home (*Housing Costs Update, November 2011).*

It also notes that these rent rises have a widespread impact in Brighton and Hove where 22 per cent of all households live in the private rented sector (twice the national average) and where home ownership is beyond the pocket of many of those renting in the city where the average 1 bedroom flat costs more than 5½ times the median household annual income, 3-bedroom houses cost more than 10 times median annual income and deposits of 25 per cent are required (*Housing Costs Update, November 2011).*

Therefore, In circumstances where the combination of Housing Benefit cuts and rent increases could lead to increased hardship and homelessness in the city, this council calls on the Leader of the Council and the Chief Executive to write to the Chancellor of the Exchequer and the Minister for Housing, urging them to introduce a private rented sector rent freeze and reconsider their Housing Benefit proposals."

Proposed by: Cllr Bill Randall Seconded by: Cllr Rachel Fryer

Supported by: Cllrs Kennedy, Deane, Wrighton, Wakefield-Jarrett, Steedman, Duncan, Kitcat, Davey, Rufus, West and Phillips.