



Brighton & Hove  
City Council

# Overview & Scrutiny

Title:	<b>Environment &amp; Community Safety Overview &amp; Scrutiny Committee</b>
Date:	<b>5 September 2011</b>
Time:	<b>4.00pm</b>
Venue	<b>Committee Room 1, Hove Town Hall</b>
Members:	<b>Councillors:</b> Morgan (Chair), Sykes (Deputy Chair), Buckley, Cobb, Gilbey, Janio, Jones and Littman
Contact:	<b>Mary van Beinum</b> <b>Overview &amp; Scrutiny Support Officer</b> 01273 - 29 - 1062 mary.vanbeinum@brighton-hove.gov.uk

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For further details and general enquiries about this meeting contact Mary van Beinum, (01273 - 29 - 1062, email [mary.vanbeinum@brighton-hove.gov.uk](mailto:mary.vanbeinum@brighton-hove.gov.uk)) or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

Date of Publication - Friday, 26 August 2011



# Agenda Item 11

## PROCEDURAL BUSINESS.

### A. Declaration of Substitutes

Where a Member of the Commission is unable to attend a meeting for whatever reason, a substitute Member (who is not a Cabinet Member) may attend and speak and vote in their place for that meeting. Substitutes are not allowed on Scrutiny Select Committees or Scrutiny Panels.

The substitute Member shall be a Member of the Council drawn from the same political group as the Member who is unable to attend the meeting, and must not already be a Member of the Commission. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

### B. Declarations of Interest

- (1) To seek declarations of any personal or personal & prejudicial interests under Part 2 of the Code of Conduct for Members in relation to matters on the Agenda. Members who do declare such interests are required to clearly describe the nature of the interest.
- (2) A Member of the Overview and Scrutiny Commission, an Overview and Scrutiny Committee or a Select Committee has a prejudicial interest in any business at meeting of that Committee where –
  - (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken the Member was
    - (i) a Member of the Executive or that committee, sub-committee, joint committee or joint sub-committee and
    - (ii) was present when the decision was made or action taken.
- (3) If the interest is a prejudicial interest, the Code requires the Member concerned:-
  - (a) to leave the room or chamber where the meeting takes place while the item in respect of which the declaration is made is under consideration. [There are three exceptions to this rule which are set out at paragraph (4) below].
  - (b) not to exercise executive functions in relation to that business and
  - (c) not to seek improperly to influence a decision about that business.
- (4) The circumstances in which a Member who has declared a prejudicial interest is permitted to remain while the item in respect of which the interest has been declared is under consideration are:-

(a) for the purpose of making representations, answering questions or giving evidence relating to the item, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, BUT the Member must leave immediately after he/she has made the representations, answered the questions, or given the evidence,

(b) if the Member has obtained a dispensation from the Standards Committee, or

(c) if the Member is the Leader or a Cabinet Member and has been required to attend before an Overview and Scrutiny Committee or Sub-Committee to answer questions.

#### C. Declaration of party whip

To seek declarations of the existence and nature of any party whip in relation to any matter on the Agenda as set out at paragraph 8 of the Overview and Scrutiny Ways of Working.

#### D. Exclusion of press and public

To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

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

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

**BRIGHTON & HOVE CITY COUNCIL**

**ENVIRONMENT & COMMUNITY SAFETY OVERVIEW & SCRUTINY COMMITTEE**

**4.30PM 6 JUNE 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Morgan (Chair); Sykes (Deputy Chair), Cobb, Gilbey, Jones and Littman

**PART ONE**

**1. PROCEDURAL BUSINESS**

1.1 The Chair Councillor Warren Morgan welcomed everyone to the meeting especially new Councillors and in particular Councillors Ian Davey and Pete West, Cabinet Members for Transport and Public Realm, and Environment and Sustainability respectively. Councillors including those new to this Committee introduced themselves.

**1a Declarations of Substitutes**

There were none.

**1b Declarations of Interests**

There were none

**1c Declaration of Party Whip**

There were none.

**1d Exclusion of Press and Public**

In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

**1.2 RESOLVED:** That the press and public be not excluded from the meeting.

**2. MINUTES OF THE MEETING HELD ON 4 APRIL 2011**

2.1 **RESOLVED**; that the minutes of the meeting held on 4 April 2011 be agreed and signed by the Chair.

**3. CHAIRS COMMUNICATIONS**

3.1 The Chair Councillor Warren Morgan congratulated the Scrutiny Team on winning the national Good Scrutiny Award for Innovation for the Scrutiny Panel on Climate Change Adaptation and on being shortlisted for Scrutiny Team of the Year.

3.2 Councillor Morgan noted the changed Cabinet portfolios for Environment and Community Safety issues.

3.3 He had received a note for the Committee from Councillor Ben Duncan, Cabinet Member for Communities and Community Safety which would be circulated.

**4. PUBLIC QUESTIONS/ LETTERS FROM COUNCILLORS/REFERRALS FROM COMMITTEES/NOTICES OF MOTION REFERRED FROM COUNCIL**

4.1 A letter had been received from Councillor G Theobald requesting scrutiny of gypsies and travellers policy. A report would be added to the agenda for the next ECSOSC, 5 September.

**5. DISCUSSION WITH CABINET MEMBER; INTRODUCTION TO ENVIRONMENT SERVICES**

5.1 The Strategic Director Place, Geoff Raw, told the meeting that the central Policy Team had made an early analysis of election manifestos and alternative policies. He referred Members to the new Cabinet portfolios in the areas of environment and community safety, that had been agreed at 19 May full Council. Extracts from the Scheme of Delegation for Cabinet were included with this agenda.

5.2 The new policy agenda was now being developed and it was important to support ECSOSC to help reach the best possible decisions. There would be clear timetables of meetings and agendas to assist with this.

5.3 Councillor Ian Davey, Cabinet Member for Transport and Public Realm, said that environment was a colossal area of work for which responsibility had now been split between three Cabinet Members, who would work together at all levels.

5.4 The City faced huge challenges and Cabinet members would look to work with scrutiny to make improvements. Scrutiny was valued and key issues would be brought to the committee. Councillor Davey gave examples of recent scrutinies; significant progress had been made in starting to implement the recommendations of the 20mph scrutiny review and new criteria for pedestrian crossings were being implemented for instance.

5.5 Large public realm issues were high priorities for the new administration - such as Brighton Station Gateway, Valley Gardens and streetscape in general.



5.6 Councillor Pete West, Cabinet Member for Environment and Sustainability, told the meeting he looked forward to a beneficial, productive, open and inclusive relationship with Scrutiny. He said he was already tackling a number of key issues.

5.7 For example the administration was looking to renew the Travellers Strategy and in recognising the needs of travellers, would also have to be mindful of concerns of the settled community.

5.8 Councillor West said the State of the Local Environment report made grim reading. Asked to expand on this, he referred to indicators on recycling, drinking and seawater quality and the Council's carbon footprint. There was plenty of scope for improvement and he looked forward to working on policy development with scrutiny and bringing the City to a much stronger position.

5.9 The Chair Councillor Morgan reminded Members that the State of the City report, to go to tomorrow's Overview and Scrutiny Commission, set the scene and would influence the scrutiny agenda. He encouraged Cabinet Members to bring forward more issues than formerly, for pre-decision scrutiny. Councillor Davey remarked that scrutiny input into a planned review of citywide parking, would be useful.

5.10 Councillor Morgan said he wished to discuss the current protocol between the Community Safety Forum and ECSOSC with Councillor Ben Duncan the Cabinet Member for Communities and Community Safety, whom he would invite to a future meeting.

## **6. INTRODUCTION TO SCRUTINY**

6.1 The Head of Scrutiny Tom Hook gave a brief introduction to scrutiny; a booklet was available for Members. The Committee's terms of reference extracted from the Council's Constitution, plus the protocol for working between ECSOSC and the Community Safety Forum, were tabled at the meeting.

## **7. COMMUNITY SAFETY, CRIME REDUCTION AND DRUGS STRATEGY 2011-2014**

*( Note this report was considered after item 8)*

7.1 The Commissioner Community Safety introduced her work and the draft Community Safety Crime Reduction and Drugs Strategy 2011- 2014. She manages the Community Safety Partnership (CSP) Team that delivers the Strategy and oversees the production of priorities.

7.2 The Council had an equal duty with the Police to reduce crime in the area and to publish a 3- year Strategy. Priorities as listed on Page 19 of the Strategy, are based on detailed crime analysis, an audit of crime and disorder, annual strategic assessment and consultation with communities of interest and neighbourhood communities.

7.3 The Commissioner explained that previously, consultation at the start of the 3-year period had elicited only limited response rates. Now, on-going consultation and dialogue is built in and Local Action Teams (LATs) are especially useful in developing a real understanding of the priorities. The draft Strategy is included in the Consultation Portal and published on the Safe in the City website and is subject to change to reflect the feedback from consultation.

7.4 The Community Safety Partnership had received accolades from the Home Office as a 'mature' partnership, good at calculating and dealing with the causes of offending.

7.5 Further developing integrated offender management and reducing youth reoffending linking in with other plans for instance Children's Services, were key elements of current work, she said. The aim is to reinvest more in prevention and early intervention services.

7.6 Members thanked and congratulated the officers on their work.

7.7 Asked how Intelligent Commissioning (IC) linked in, the Commissioner pointed out that the draft Strategy would still change to reflect the Commissioning Strategy in the areas of the three Pilots on domestic violence – the most advanced IC area– alcohol-related harm and drug-related deaths, where there would likely be most change.

7.8 In reply to questions Members heard that lead officers' names could be provided. A potential list of 'outcomes' rather than targets was being drawn up and these would be reported to the Community Safety Forum.

7.9 Regarding potential root causes of crime such as some areas of high dwelling densities, lack of amenities and facilities, and general health and well-being, the Commissioner pointed out that CSP does not lead on those areas but does suggest and encourage crime reduction measures eg in planning and major projects, supporting events such as White Knights. Crime and disorder is considered in all decision-making, as set out in other strategies. Root causes and breaking the cycle of crime are addressed where possible in dealing with individual offenders, by integrated offender management.

7.10 An investigation was suggested of how 'crime and disorder' is incorporated into strategic plans, including any potential correlation between housing issues/crime and disorder, and housing for offenders.

7.11 The Committee asked about crime trends, how the priority areas are established, which officers or bodies have responsibilities in each area and how resilience to all types of extremism is being developed. They heard that the published annual strategic assessment forms the basis for setting priorities and analytical performance reports are provided regularly to the Community Safety Forum. Moving towards a positive Community Cohesion approach with the Communities and Equalities team was now under way.

7.12 The Commissioner clarified the meaning of scrutiny panels (page 56, point 11.2 refers) that were convened by the Multi-Agency Risk Assessment Conferences rather than Scrutiny Councillors.

7.13 ECSOSC noted that this was a working document undergoing development and recommended that the adopted Strategy:

- i) provide information on statistical trends and cross-refer priorities to relevant data in the Strategic Assessment, State of the City report, etc
- ii) include information on the lead bodies on each priority area

iii) ECSOSC recommends that how crime and disorder issues are incorporated in Strategic Plans, be added to its scrutiny work plan.

## **8. PROCUREMENT OF VEHICLES AND PLANT**

### **8.1** *(Note this item was considered before Item 7)*

The Fleet and Maintenance Manager and the Head of Strategy and Projects introduced the report seeking approval for a 7-year programme of Procurement of Vehicles. The aim was to reduce carbon emissions, make savings, reduce the overall number of vehicles and reduce maintenance and fuel costs. Capital expenditure for vehicle replacement had been approved in March.

8.2 Answering questions, the Fleet and Maintenance Manager said the current fleet comprised 440 vehicles. Procurement and maintenance had previously been done on an 'ad hoc' basis but now for example it was possible to ensure all vehicles are fit for purpose, identify vehicles with very low mileage that could be taken out of the fleet, potentially reduce insurance costs and look for other ways to reduce the need for vehicles.

8.3 It was proposed to replace around 90% of the vehicles under the structured programme. Older vehicles were generally sold at auction. Replacement of gritter vehicles were being dealt with separately and would be reported to the next ECSOSC meeting.

8.4 Members commented that whole life costs and more details of the business case, calculations of the carbon impact and alternatives that had been considered would be helpful.

8.5 Officers stated that more details were readily available. Electric vehicles had been tried, unsuccessfully, for recycling. Research was on-going and detailed specifications were still being developed. Work areas such as social services and Cityclean had different needs and for example it had been found possible to reduce the size of the City Car Club fleet.

8.6 ECOSC agreed to forward its comments and recommendations to 9 June Cabinet;

8.7 ECSOSC welcomed the aims of the vehicle replacement programme, reducing carbon emissions and increasing Value for Money. More information on current vehicle usage, the business case for change, evaluation of alternative options and environmental considerations would be beneficial.

### **8.8 ECSOSC recommends:**

i) That the Council be able to account for all its vehicles and plant, including records on maintenance, insurance and other running costs.

ii) That anticipated reductions in the size and the carbon impact of the vehicle and plant fleet be tracked and reported.

iii) That disposal of the existing vehicles takes environmental impact into account, as far as possible.

iv) That any further practical measures be considered that would reduce the operational need for vehicles across the council.

- v) That technological developments including improved 'hybrid' vehicles be fully investigated.
- vi) That consideration be given as to whether there are further opportunities to re-evaluate the fleet for low carbon emissions.

**9. ECSOSC DRAFT WORK PLAN AND FORWARD PLAN**

9.1 ECSOSC noted that the next meeting would include reports on Gypsies and Travellers and Monitoring the Winter Service Plan scrutiny recommendations.

9.2 Members agreed it was preferable at this stage to keep the agenda light to enable items from the Forward Plan to be included.

9.3 All the Committee Members were invited to bring forward potential subjects to the Head of Scrutiny.

**10. ITEMS TO BE REFERRED TO CABINET MEMBER, CABINET OR FULL COUNCIL**

10.1 There were none.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

## **Agenda item 13**

### **CHAIRS COMMUNICATIONS**

#### **Suggested timeline for scrutiny involvement in citywide parking review**

- a) Informally set up & brief a citywide parking review workshop before 4 October 2011
- b) An initial short report to 31 October 2011 ECSOSC meeting
- c) Workshop to meet early November 2011 for a broad discussion of content
- d) Workshop to meet again in early December 2011 for a more detailed discussion and recommendations
- e) Second report to 23 January 2012 ECSOSC
- f) Could be further workshop involvement on analysis of the results of the review later in the process



# **ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE**

**Agenda Item 15**  
Brighton & Hove City Council

**Subject:** **Taxi licensing and the Hackney Carriage Office**

**Date of Meeting:** **5 September 2011**

**Report of:** **Head of Planning and Public Protection**

**Contact Officer:** Name: Tim Nichols Tel: X 2163  
E-mail: Tim.nichols@brighton-hove.gov.uk

**Wards Affected:** All

## **FOR GENERAL RELEASE**

### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 A request for scrutiny of taxi licensing was submitted on 28 June by the Chief Officer of the Brighton & Hove Federation of Disabled People and Brighton & Hove Streamline Taxis. Issues raised include the proportion of wheelchair accessible vehicles, cross-border hire, passenger safety, driver training and information and licence fees.
- 1.2 The request is attached at Appendix 2
- 1.3 Initial information provided by officers is included at section 3 of this report and in Members' Rooms.

### **2. RECOMMENDATIONS:**

- 2.1 That members: (1) Note this summary report.
- (2) Consider whether the taxi licensing council function should be reviewed and scrutinised.

### **3. BACKGROUND INFORMATION**

- 3.1 Overview and Scrutiny Commission can review and scrutinise all matters. Council functions may be Executive or Council. Environment and Community Safety Overview and Scrutiny Committee performs the review and scrutiny function in relation to all environment matters, particularly executive decisions and service provision connecting to the Environment function.

- 3.2 The Licensing Committee is responsible for discharging the Council's functions under the Licensing Act 2003 and the Gambling Act 2005; most licensing matters are Council functions, dealt with by Committee rather than leader and cabinet. It also has responsibility for all licensing and registration functions not covered by the Licensing Act 2003; it discharges all the Council's functions regarding licensing and registration. Licensing committee is the decision making body for developing taxi licensing policy.
- 3.2 The Licensing Committee has been overseeing and developing licensing policy. The action plan is appended (Appendix 1).
- 3.3 On 10 September 2010 a report was made to a Special Licensing Committee (Non Licensing Act 2003) regarding the Equalities Review. As part of that report, a list of recommendations was prepared and following on from that committee, that list of recommendations became an Equalities Review Action Plan (see appendix 1). Link to web page <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=116&MId=3060>
- 3.4 On 10 February 2011, a Petition "Enforcement of Legal Duty for Disabled Taxi Passengers" was received by the Licensing Committee (Non Licensing Act 2003). Reports on Equality Act 2010 - List of Designated wheelchair Accessible Vehicles, Guidance for CCTV monitoring in Licensed Hackney Carriage and Private Hire Vehicles, Hackney Carriage / Private Hire Trade Ethnicity Monitoring and Inherited Hackney Carriage plates were presented. Link to web page <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=116&MId=2341>
- 3.5 On 23 June 2011, Reports on Blue Book Review, Horse Drawn Hackney Carriage Vehicle Licences and an updated action plan from Committee report recommendations September 10 were presented to the Licensing Committee (Non Licensing Act 2003). Link to web page <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=116&MId=3348>
- 3.6 An internal audit is being conducted into licensing to ensure licence fees are set transparently in compliance with regulation and that income is processed efficiently, effectively and properly reconciled.
- 3.7 The Transport Select Committee (set up to scrutinise the Government Department for Transport) recently reported on "Taxis and private hire vehicles: The road to reform". The conclusions and recommendations are included in documents in Members' rooms. The Committee recommends a "thorough overhaul of the legislation".



- 3.8 The Transport Select Committee has three recommendations concerning cross-border hire problems relating to licence conditions, enforcement options and policy.
- 3.9 The Council's Equality Action Plan (Appendix 1) deals with training (paragraphs 2, 3, 22 and 23) and passenger safety (paragraphs 4, 8, 8A, 9, 15, 19, 21 and 23).
- 3.10 Further information is being placed in Members' Rooms as follows:
- a) A letter from the National Private Hire Association outlining the national position with tables to illustrate the Wheelchair Accessible Vehicle (WAV) percentages within licensing districts. Local authorities fall into four groups: regulated mixed fleets (as Brighton & Hove), fleets deregulated with only WAV new entrants, deregulated with no WAV requirement and 100% WAV. In Brighton & Hove there is limited hackney carriage numbers policy and managed growth. The proportion of WAVs is increased by 5 new WAVs per annum and by requiring transferred plates to be accessible at next renewal. This is Licensing Committee policy.
  - b) Taxis and private hire vehicles: the road to reform - Transport Committee. Conclusions and Recommendations
  - c) Extracts from Private Hire Association sheets detailing action taken by Local Authorities re Wheelchair Accessible Vehicles (WAVs)

#### **4. CONSULTATION**

- 4.1 The Federation and the Taxi Forum which comprises the Unions, Operators and Associations are involved in the review and development of taxi licensing policy.

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

##### Financial Implications:

- 5.1 To be met from existing budget.

##### Legal Implications:

#### **5.2 Equalities Act 2010 - accessible vehicles**

Section 16 of the Transport Act 1985 will be amended by Section 161 of the Equality Act 2010. This means that in certain circumstances, section 16 of the Transport Act 1985 which allows limiting the number of licensed hackney carriages (HC), will not apply. So our restricted numbers policy would no longer apply to wheelchair accessible

hackneys. We currently only issue hackney carriage vehicle licences to WAVs by managed growth.

### **Control of numbers of licensed taxis: exception (section 161)**

Section 16 of the Transport Act 1985 will be subject to Section 161 of the Equality Act 2010, which applies if an application for a HC vehicle licence is made, where it is possible for a disabled person to get into and out of the vehicle in safety and to travel in the vehicle in safety and reasonable comfort, and while in a wheelchair of a size prescribed by the Secretary of State, and the proportion of taxis licensed in respect of the area to which the licence would apply is less than the proportion that is prescribed by the Secretary of State. Section 16 of the Transport Act 1985 (which allows a licence to ply for hire to be refused in order to limit the number of licensed carriages) will not apply in relation to the vehicle.

A key consideration for us will be the proportion of wheel chair accessible vehicles (WAVs) prescribed for us by the Secretary of State.

Taxi accessibility regulations would provide requirements concerning access, comfort, door size, headroom, restraints, and floor area.

Section 163 requires that a licence for a taxi to ply for hire must not be granted unless the vehicle conforms to the provisions of taxi accessibility regulations. Renewal of existing licences is exempted unless the Secretary of State makes an order which can apply differently for different areas / localities.

164 Exemption from taxi accessibility regulations. The implementation of these regulations has missed deadlines and were originally expected under the DDA 1995.

An authority may only apply for an exemption order if satisfied both that, having regard to the circumstances in its area, it is inappropriate, and that the application of that section would result in an unacceptable reduction in the number of taxis in its area. I think it's unlikely that argument could be made here as we have a waiting list for HC licences and a premium on the plate, even though we only issue plates for WAVs.

Our restricted numbers policy is at risk by this. A possible conclusion could be delimiting hackneys, only allowing WAVs as new entrants but unrestricted. There is also indication that the power to limit HC numbers might be revoked.

Equalities Implications:

- 5.3 These are the subject of the report and the Equalities Impact Assessment led to the Equalities Action Plan.

Sustainability Implications:

- 5.4 Lengthening the age limit for hackney carriages could impact on emissions but vehicles are subject to a high standard of vehicle checks.

Crime & Disorder Implications:

- 5.5 Sufficient taxi provision is required for safe dispersal of the night time economy's customers.

Risk and Opportunity Management Implications:

- 5.6 When taxi accessibility regulations are made, potential outcomes are: 100% accessible fleet or delimiting for new WAV hackney carriages. This has implications for the taxi trade.

Corporate / Citywide Implications:

- 5.7 A sustainable, successful taxi fleet is essential for a successful local economy and tourism strategy.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Updated action plan
2. Request for Scrutiny

**Documents in Members' Rooms:**

Letter from National Private Hire Association re Taxi Accessibility Survey of all councils England and Wales: comparison history of hackney carriage and private hire numbers since 1999.

Taxis and private hire vehicles: the road to reform - Transport Committee. Conclusions and Recommendations

Extracts from Private Hire Association sheets detailing action taken by Local Authorities re Wheelchair Accessible Vehicles (WAVs)

**Background Documents:**

1. NONE

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**Agenda Item 15 Appendix 1**

Updated action plan from Committee report recommendations September 10 (updated 14 July 2011)

Date & Number	Recommendation	Agreed action
10/09/10 1	That the committee notes the position regarding the Equality Act 2010 and its possible implications.	Committee originally noted in September 2010. Further report to be made to update members. This action is complete. Further reports continue to be made to taxi forum and licensing committee.
2	That the committee notes the current BTEC qualification will not be available to new applicants after 30 <sup>th</sup> September 2010 and approves the replacement entry-level qualification for new drivers.	BTec is now a National Standard called Introduction to the Role of the Professional Taxis and Private Hire Driver (L2) and we will recognise any qualification gained under this standard. All new drivers will have to attain this qualification. Need to ensure that the new qualification provides the correct level of equalities training including proper use of wheelchair accessible vehicles. This action is complete.
3	That the HCO, working in partnership with the Federation of Disabled People and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.	Please see 2 above. There is a need to establish the baseline of equalities training and consider how to ensure continuing professional development. Once established, a licence condition would be imposed once the hackney carriage office has legal clearance. There has been difficulty identifying an accredited provider.

		The three taxi operators agreed to develop their own scheme at taxi forum on 17 June 2011.
4	That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.	A new complaints leaflet has now been produced and distributed to council's main access points. It is also available on the council's website. These are also available for operators. This includes a 'free post' post card to allow people in taxis to make complaints. This action is complete with a customer feedback postcard.
5	That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.	The maximum age limit was raised. This action is complete.
5A	That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.	As 5 above. This action is complete.
6	<b>Withdrawn</b>	This arose from technical difficulties in requiring swivel seats in vehicles not designed for them. Not applicable.
7	That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.	The trade and officers are aware of the separation between licensing requirements and contract work. The trade have been advised by the Head of Schools admissions and transport on a number of occasions. The city's private hire operators understand the new Best Value tendering and procurement process and are very welcome to

		submit tenders. The separation between contracts and licensing requirements has been fully aired between officers. This will remain a sensitive area.
8	That the Committee approve all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA.	Officers are aware of 13 transfers that have resulted in new WAVs in the fleet. Taxi licensing is migrating to a corporate software system which should allow transparent reporting of data. This will increase the percentage of accessible vehicles to 27%.
8A	That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.	Taxi licensing policy (Blue Book) will be used to attempt to specify minimum standards of WAV. This is complete, however, there are new requests from the Federation to be processed.
8B	That the Committee approves the immediate release of five new hackney carriage vehicle licenses.	Agreed to issue 5 last September and 5 in May have been offered. This action is complete.
9	That the Committee approves that CCTV approved by the Director is installed in all vehicles (a) upon application for a new vehicle licence on or after 1 April 2012, or (b) on annual renewal of a vehicle licence falling between 1 April 2012 and 31 March 2013	Amended to read by 1 April 2013. Committee have now agreed this condition. Officers are following progress of legal challenge elsewhere in the country. This action is complete although CCTV remains a sensitive area and subject to legal challenge elsewhere.
10	That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.	Details of WAV drivers installed on BHCC website with relevant links to Federation website. This action is complete.
11	That the Committee note the promotion of accessible taxi/PHV services to	Customer Services have placed information on the

	taxi voucher recipients in January 2011.	Website to promote vouchers. This action is complete but could be repeated where necessary.
12	That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating access features of vehicles.	City Cabs promoted their vehicles during this week. Further work with customer services will be explored. This action is complete but could be repeated as appropriate.
13	That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.	MS to arrange meeting between Geraldine, MS and operators, also include in Forum Agenda. Preliminary work has been undertaken and officers are seeking trade buy-in to action.
14	That the Committee ask the Federation of Disabled People to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.	Geraldine to investigate.
15	That the Committee require 'Right to Work' checks carried out on application for drivers' licences.	This action is complete.
16	That the Committee approve in principle, interior seat advertising in licensed WAVs.	This action is complete.
13/05/11 New 17	Equalities Act 2010 preparation for a list of designated vehicles. New offences are created concerning failure to pick up, failure to carry safety and overcharging.	Officers are now able to produce a designated list of wheelchair accessible vehicles and have written to all proprietors advising them that their vehicle has been placed on the "shadow list" and that they will be written to again once the act comes into force.  Currently officers only know of 10 of the 126 WAVs that have medical exemptions either for manual handling or respiratory conditions.

New 18	Taxi forum terms of reference.	Head of Environmental Health & Licensing to offer assistance to progress. This was reported to taxi forum on 17 June 2011. There were some outstanding issues concerning the pre-meetings, rules on attendance and levels of consensus required for recommendations. It has been deferred to the next taxi forum on 14 July 2011.
05/07/11 New 19	Blue Book to include DfT advice on EA2010.	
New 20	Blue Book to include list of designated vehicles.	
New 21	Use TfL guidance to use as consultation base set for WAV specification locally.	
New 22	Record Certificate of Competence on driver records.	
New 23	Trawl for funding for training.	
New 24	Circulate Bracknell's and Streamline's advice to Forum for comments. This advice is aimed at safe transport of passengers including disabled passengers.	



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## Agenda Item 15 Appendix 2

The FED and Brighton and Hove Streamline would like to suggest a scrutiny of Taxi Licensing and the Hackney Carriage Office.

This is very timely because there are number of things the panel might want to consider:

- The taxi provisions in the Equalities Act. There is an issue locally regarding the proportion of wheelchair accessible vehicles (WAVs) in the fleet.
- The commitment from the administration to increase the percentage and how they might implement that commitment.
- The inquiry into taxi/ph licensing by the Government's Transport Select Committee, looking at cross-border hire problems caused by private hire vehicles picking up passengers outside of the area in which they are licensed, again a local problem.
- The Select Committee is also considering issues with regard to passenger safety which is an issue for all stakeholders.
- Driver training and information.
- Commitments by the administration to ensure the licence fees reflects the true cost to the council.

*Geraldine Des Moulins 29 June 2011*

[Further information is enclosed for Members: 24 August 2011]



# OVERVIEW AND SCRUTINY COMMISSION

**Agenda Item 16**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Update on the Scrutiny Review of the Winter Service Plan</b>		
<b>Date of Meeting:</b>	<b>5 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Christina Liassides</b>	<b>Tel:</b> <b>292036</b>
	<b>E-mail:</b>	Christina.liassides@brighton-hove.gov.uk	
<b>Wards Affected:</b>	All		

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

1.1 This report enables the Environment and Community Safety Overview and Scrutiny Committee to monitor and track progress on the scrutiny recommendations on the Winter Service Plan. The recommendations and update appears as appendix 1 to this report.

1.2 The report will help the Committee to assess the impact and consequences of the scrutiny recommendations.

### 2. RECOMMENDATIONS:

- (1) That Members consider the action taken against these recommendations, and provide feedback.
- (2) That the Committee determines whether a further tracking report relating to this scrutiny review is required.

### 3. BACKGROUND INFORMATION

#### 3.1 The Scrutiny Review

The Scrutiny Review of the Winter Service Plan was established, following extensive disruption after severe weather over the Christmas and New Year period 2009 – 2010.

- 3.2 Chaired by Councillor Warren Morgan the cross-party panel consisted of Councillors Tony Janio, Sven Rufus and David Watkins. Unlike most previous scrutiny panels, the panel was set up as a one-off meeting. It

was agreed at Environment & Community Safety Overview & Scrutiny Committee (ECSOSC) on 8 February 2010 to supplement the extensive report and discussion undertaken at that meeting with a one-day scrutiny panel. The 8 February 2010 ECSOSC meeting agreed the Panels terms of reference relating to:

- The council's Highways Winter Service Plan
- The predicted regularity of severe winter weather
- The council's response to the initial snowfall
- Changes to the council's response at the time of the second snowfall
- Suggestions for alterations to service provision
- Comparative information available from other local authorities
- Financial implications of any service modifications.

3.4 The Panel's completed report was formally endorsed by ECSOSC 21 June 2010 and referred to the Council's Executive.

3.5 The 26 July Environment CMM considered and agreed the actions in reply to the scrutiny report. Full Council on 21 October received both the Scrutiny report and cabinet response for noting.

### 3.6 **Monitoring Scrutiny Reviews**

The usual arrangements for monitoring the outcome of scrutiny recommendations are:

- a) The decision-makers to whom the recommendations are addressed, are asked to submit a formal response to the recommendations normally within two months, including an action plan and timetable for implementation with named contact officers to action the recommendations.
- b) The report of the scrutiny review and response from the decision-makers are then reported together to full Council for information.
- c) The parent Overview and Scrutiny Committee normally receives a report of progress against the agreed recommendations, six months after the decisions are made.
- d) The Overview and Scrutiny Committee will at that stage determine if any further monitoring is required; whether a progress report is required after a further six months or one year. Otherwise the Committee may resolve that no more monitoring is necessary.

3.7 A summary of the Scrutiny Recommendations and replies plus progress in implementation appears at Appendix 1 to this report.

## 4. **CONSULTATION**

- 4.1 The scrutiny panel heard verbal evidence from a wide range of contributors during one public meeting. Members received information from council officers and various public services, members of the public and other local authorities.

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

### Financial Implications:

- 5.1 The costs of providing the Winter Maintenance Service are covered by a revenue budget of £338,330. Any underspend in the revenue budget is carried over into the Winter Maintenance Reserve as contingency for periods of extreme weather. This fund is used to provide operatives, gritter fuel, gritter maintenance, contractors and other costs associated with an ongoing major operation. The balance on this reserve is currently £430,297.

Finance Officer Consulted: Karen Brookshaw Date: 27/07/2011

### Legal Implications:

- 5.2 The Council as highway authority has a statutory duty to maintain publicly adopted highways. Since October 2003 this statutory duty has included a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice (s41.(1A) Highways Act 1980 as amended by the Railways and Transport Safety Act 2003). The actions detailed in Appendix 1 to this Report will assist in demonstrating that the Council will be in a position to comply with its statutory duty.

Lawyer consulted: Carl Hearsom

Date: 27/07/2011

### Equalities Implications:

- 5.3 The Winter Maintenance service covers main routes and all bus routes. It is not logistically or economically feasible to cover all roads in the city, so by treating bus routes and pavements on a priority basis we ensure that most areas of the city have some accessible options for travel and target areas of highest usage first. However to balance this, grit drops and grit bins prioritise more residential areas in the outlying areas of the city.

### Sustainability Implications:

- 5.4 Salt has a negative environmental impact e.g. on the water table or vegetation. Sharp sand (grit) does not dissolve into solution and can have a negative impact on drainage and appearance. Therefore resources are carefully deployed in order to provide a balance between network usability and detriment to the local environment.

### Crime & Disorder Implications:

- 5.5 There are no crime or disorder implications.

### Risk and Opportunity Management Implications:

- 5.6 The objective is to provide a winter service, which will permit, as far as is reasonably possible, the safe movement of traffic on designated roads throughout Brighton and Hove and to keep to a minimum delays and accidents brought about by adverse weather conditions.

Corporate / Citywide Implications:

- 5.7 The winter service is an essential support service for the city's economy by helping to provide an accessible road network.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Recommendations of the Scrutiny Review of the Winter Service Plan, the CMM response and progress against the recommendations.
2. Attachments 1 – 11: supporting evidence of progress against the recommendations

[Attachment 1 – Contact Centre statistics for October, November and December 2009 and 2010](#)

Attachments 2 – 5 Brighton & Hove City Council website links

[Attachment 2 – Gritting Information video](#)

Full url: <http://www.brighton-hove.gov.uk/index.cfm?request=c1238234>

[Attachment 3 – Severe weather page](#)

Full url: <http://www.brighton-hove.gov.uk/index.cfm?request=c1159891>

[Attachment 4 – Cold weather update](#)

Full url: <http://www.brighton-hove.gov.uk/index.cfm?request=b1157184>

[Attachment 5 – City News November 2010](#)

See front page and page 7

Full url:

<http://content.yudu.com/Library/A1pipn/BrightonCouncil/resources/index.htm?referrerUrl=http%3A%2F%2Fwww.yudu.com%2Fitem%2Fdetails%2F232553%2FBrighton-Council>

[Attachment 6](#) – Directgov website link [Clearing snow and ice from pavements yourself](#)

Full url [http://www.direct.gov.uk/en/NI1/Newsroom/DG\\_191868](http://www.direct.gov.uk/en/NI1/Newsroom/DG_191868)

[Attachment 7](#) – City Infrastructure Members’ briefing 17 Dec 2010

[Attachment 8](#) – Highways and City Infrastructure Winter Service Feedback on snow event

[Attachment 9](#) – Response from partner agencies on review of Highways’ Performance Winter 2010 - 2011

[Attachment 10](#) – LGA review: photos July 2010

[Attachment 11](#)– LGA review: photos November 2010

### **Documents In Members’ Rooms/ Background Documents**

None.





## Agenda Item 16 Appendix 1

Rec	Recommendation	Comments	Position as reported to 4 November 2010 Environment CMM	Date	Update for ECSOSC 2011
1	<p><b>Greater coordination within the council and between partners is required, building upon examples of good practice. The WSP should be developed with input from partner organisations.</b></p>	<p>Agreed. Can use the Brighton and Hove Resilience Forum to do this. This group contains all category 1 responders and major local employers.</p>	<p>Meetings of Brighton &amp; Hove Resilience Forum have taken place plus work with individual agencies. Brighton and Hove are likely to set up a 'Severe Weather Office' with stakeholders meeting together coordinate an improved response. This is due to be tested at an exercise at Hove Town Hall on 4 November. The Civil Contingencies Team are also working on a revised severe weather plan to provide more support to the vulnerable at times of severe weather.</p>	<p>Ongoing but WSP 2010-11 developed with input from partner organisations.</p>	<p>BHCC Highways in conjunction with Civil Contingencies team carried out partnership working on winter during summer and autumn 2010. This included offering advice about clearance and supplies, incorporating some requests into gritting routes, providing grit drops or grit bins near key premises, agreeing priority routes for extreme circumstances. Highways WSP presented at</p>

					<p>Environment Cabinet Member meeting on 4 November 2010 and available on the website.</p> <p>During winter, inter-agency teleconferences held for December snow events. Transport Hub activated and plans made for Christmas-New Year period in case of severe weather. Highways team worked with bus company to inform and deliver on routes.</p> <p>Pavements around key infrastructure - e.g. hospitals – given priority for clearance.</p> <p><b>See Attachment 9</b></p>
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2	<p><b>All relevant services should have regularly updated snow resilience plans that feed into the WSP.</b></p>	<p>Agreed. Will form part of the Business Continuity review now being carried out which will specify high risks</p>	<p>The Sussex Resilience Forum (SRF) have undertaken a review of contingency planning for the Sussex Police area following the recent severe winter. The Environment Agency has led a number of Task and Finish Groups to develop our response to protracted periods of severe weather. The highways issue is only one of a series of problems faced during severe weather. These groups are scheduled to report back to the SRF Executive on 28 October for the revised plans to be approved and able to be invoked for the forthcoming winter. They include an improved warning system, improved communications plan.</p>	<p>Completed for 2010-11 but should be ongoing process</p>	<p>BHCC Highway Winter Service Plan shared with all partner agencies. BHCC contributed to Health resilience plans. BHCC Highways &amp; Transport teams worked with bus company to agree priority routes and turn-around points as well as to ensure communications up to date during severe weather.</p> <p>BHCC Highways Winter Service Plan has always been and will continue to be reviewed and updated annually</p>
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3	<p><b>A review of gritting routes is made on an annual basis. This review should be undertaken with partners and take into account the needs of priority services. This review should also take into account health statistics to identify problem areas not already on gritting routes.</b></p>	<p>Agreed.</p>	<p>See point 1 and 2 above. Highways have utilised information from the Resilience Forum and also engaged individually with specific partners on more complex issues e.g. hospital access or how best to service outlying bus routes that may need alternative routing during extreme conditions.</p>	<p>Consultation and route planning complete by 1 November but if major changes to gritting routes are required in the future this will require introduction of additional resources including staff time, route re-mapping, IT/GPS technology and possibly additional vehicles.</p>	<p><b>BHCC WSP:</b>  Consultation and route planning took place with partner agencies. Gritting routes expanded to include some agency requests e.g. bus route round Mill View, Marina bus route and coastguard station. Not all requests could be met e.g. gritting on other agencies' land as this would require a currently unachievable increase in stock and resources. Analysis included information from police and health. Also incorporated new guidance from Department for Transport. Plans will be reviewed again prior to winter 2011-12.</p>
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4	<p><b>Building upon action taken during the severe weather events policies and procedures regarding the temporary transfer of staff to support specific services in the event of snow should be agreed across the council and wider public sector. Lists of staff available to support other services should be compiled, for example call centre capacity needs to be enlarged during periods of prolonged snowfall to deal with the increased volume of calls.</b></p>	<p>Agree in principle although further work needed corporately across the council. This is already being investigated within Sustainable Transport, Cityclean and Cityparks. Bringing in additional staff across the council will require a greater level of co-ordination and may need HR involvement &amp; Communications to make arrangements with unions, etc. To preplan staff redeployment during severe winter weather will require a strategic corporate decision. Will also need to consider training, PPE, etc. Contact centre capacity: discussions already in hand with ASC single contact point and Hollingdean staff to increase capacity and opening hours</p>	<p>In progress - being undertaken within existing resources for council teams with lead roles in winter e.g. Environment, Business Continuity and Adult Social Care.</p>	<p>Ongoing but all staff involved in Highways WSP trained and with relevant support by start of winter season 2010</p>	<p>Training completed by November 2011 for contact centre staff, comms team and other highway/environment staff. Information pack sent to planning &amp; environmental health services for telephone support if required during severe weather. Additional staff trained in shovel loading and 4 x 4 driving so could switch to essential winter duties during severe weather.</p>
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5	<p><b>Schools closure policy in the event of snow should be clarified and then communicated to all parents.</b></p>	<p>Schools have been issued with guidance on emergency closure and been provided with a model letter to send to parents if snow/closure is likely.</p>	<p>Schools and Highways have worked together to identify priority school routes during examinations.</p>	<p>Ongoing</p>	<p>Highways in contact with Schools officers re snow clearance and donated some grit for premises clearance</p>
6	<p><b>Consideration needs to be given to communication with the public both during and prior to snow events:</b></p>	<p>Agreed. Please see the evidence submitted to the scrutiny investigation on communications.</p>	<p>A communications strategy is currently being drafted, which will include phases of communications in autumn (preparation) and during any crisis</p>	<p>By mid October</p>	<ul style="list-style-type: none"> <li>• Information in City News Nov 10 – focus on how to prepare</li> <li>• Website page updated to reflect improved WSP</li> <li>• Links from home page to additional useful information</li> <li>• Video information via website</li> </ul> <p><b>See Attachments 1, 2, 3, 4, 5 and 6</b></p>

6a)	<p><b>Regular updates during periods of severe weather are required, though needs to be given as to how this occurs if staff cannot reach their place of work.</b></p>	<p>Agreed – we are already doing this regularly this and the communications team was congratulated verbally during the scrutiny review more than once for its regular internal updates. Work in the future will fundamentally involve the use of regular ‘bulletins’ on the Wave and website but will also include an email issued to all managers to cascade to their teams. The Emergency Staff Advice Line can also be put in use. Communications for staff who are not able to access their normal workplace will form part of the latest business continuity plan for communications, which is currently being drafted.</p>	<p>The communications strategy will include the implementation of hourly service and advice updates to print radio and television news desks, as well as on the website, through social media platforms and internally. The communications team is also preparing all heads of delivery units and other relevant managers to cascade information via email on the council’s external email portal so that they can do this from any online computer. The Emergency Staff Advice Line is ready to use when required. Comms staff with access to all the council’s communications tools will be rota’d 24/7 in the event of any severe weather.</p>	<p>Ongoing – briefings completed by November and repeated periodically.</p>	<ul style="list-style-type: none"> <li>• Briefings 2 or 3 times per day to members and SLB</li> <li>• Regular communication updates via radio, website, Twitter and Facebook saying what we had done and what we were doing next</li> <li>• Gritting route maps, grit bin locations and grit drops all available on website</li> <li>• Video on YouTube and website about what the council does and what individuals can do to help</li> <li>• Shovel, sweep, salt message</li> <li>• Messages on bus website and real time information</li> </ul> <p><b>See attachments 1, 2, 3 – 7, 8 – briefings</b></p>
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6b)	<p><b>Use of social media should be expanded as it allows for frequent updates to reach large numbers of people. People should be directed towards the website for information.</b></p>	<p>Agreed - we are already doing this with considerable success. Indeed the council's use of social media during the recent snow crises was highlighted as best practice in I&amp;DeA's recent 'Local by Social' report and Socitm's "Twitter Gritter" report. It was also praised by the national Government. In the future, we will make full use of the major social media technologies, including interacting with well-read blogs, posting information on micro-blogging site and social networking sites and consulting residents on communications.</p>	<p>The council is increasing its potential audience across all relevant social media technologies, including Facebook, Twitter, Flickr and YouTube. We were primed to deploy visual, audio and text-based communications to these platforms.</p>	Ongoing	<p>As above, full use made of social media. City Infrastructure worked with comms team to deliver updated messages via Facebook, Twitter, website and YouTube. Also worked with bus company regarding communications on routes. Through winter all contact to Cityclean went up by 5% compared to last year. Call volumes however were 29% lower and online contact was up 42%. We also received three to four times more hits than usual on the website on many occasions during the snow, but saw only a small increase in calls during these times. This shows the effectiveness of the</p>
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6c)	<p><b>City News in the autumn should contain information of what to do during severe cold weather.</b></p>	<p>Agreed. We will publish a winter service special informing residents how the local public sector is preparing and how residents and businesses can also make preparations in advance of any cold weather.</p>	<p>The early November edition will be the 'snow special' and will include news, features and advice related to the potential for severe weather. Copy is currently being produced</p>	<p>Edition comes out on November 1</p>	<p>information we were coordinating with you and putting out through our winter update section online and through social media. <b>See attachments 1,2 and 3</b></p>
				<p>Completed. <b>See attachment 5</b></p>	

6d)	<p><b>Clear legal advice regarding liability for clearing snow from the pavement should made widely available.</b></p>	<p>Agreed - we will deploy the 'Shovel, Sweep, Salt' message again as part of a mini-campaign <i>well in advance</i> of any predictions of severe weather. Note: during the last weather crisis, this message appeared in the headline of the front page of the city's major news medium, the Argus - which is the ultimate goal of media message placement during an emergency.</p>	<p>A key part of the communications strategy will involve rolling out the 'Shovel, Sweep, Salt' message in a mini-campaign.</p>	<p>Prior to any forecast of severe cold weather</p>	<p>Information in City News and on website. Link from BHCC website to government guidance.  <b>See attachments 1, 2, 3, 4, 5 and 6</b></p>
6e)	<p><b>Discussions should be held with the CVSF and other third sector organisations so that information could be passed on to residents prior to or during severe weather to reassure, inform and mobilise them.</b></p>	<p>Agreed.</p>	<p>We have agreed with our CVSF partners to share with them our communications in advance of and during winter so that they can deploy them within their own communities.</p>	<p>Done.</p>	<p>Completed</p>

7	<p>There is a need to support local residents in being able to grit roads not on gritting routes. Gritting points should be established and marked where grit will be dropped off by the council when required. The panel felt investing in extra gritting bins would not be cost-effective.</p>	<p>Agreed - but with additional clarification that this will only take place where severe and prolonged snowfall is expected rather than for snowfall which is predicted to melt rapidly or is fairly light.</p>	<p>Additional grit bins in place where the requests met agreed criteria. Gritting points established where gaps exist, where most needed (e.g steep slopes) and where no grit bins are in place.</p>	<p>By 1 November 2010</p>	<p>Grit bins increased by 50+. Grit drops took place during both snow events – mainly in steep colder areas and particularly as important transport nodes. List of grit drops, gritting routes &amp; grit bins available on website.  <b>See attachment 2, 3</b></p>
8	<p>A new fleet of gritting vehicles is required and the panel support the agreed allocation of funds for this; in future vehicles should be replaced on a rolling-programme and reviewed frequently than every 10 years. Adequate staff time should be given to research the best available vehicles.</p>	<p>Agreed. Market research into new gritting vehicles currently in progress. Due to research requirements and procurement timescales, not possible to have new vehicles in place by beginning of this winter season but work will proceed as quickly as possible. Any fleet replacement across the council should look at increasing the number of 4 wheel drive vehicles. Will also investigate purchase of a machine for pavement gritting.</p>	<p>Detailed market research undertaken in order to spend the money on the best vehicles for Brighton &amp; Hove's terrain e.g. narrow streets, steep hills, high cambers and speed humps. Procurement in progress. Legal requirements for procurement mean that timescales can take up to several months. Can take up to 26 weeks for companies to build the gritter vehicles once ordered</p>	<p>Replacement gritter fleet by 1 November 2011. Other vehicle replacement as and when required within individual services</p>	<p>Vehicles delivered in stages end Aug-Sept</p>

9	<p><b>A covered salt barn at the Hollingdean Depot would be of benefit. This should be prioritised as part of any future upgrades to the Depot.</b></p>	<p>Agreed. Discussions regarding redevelopment for Hollingdean Depot are due to start soon and the winter service requirements are already logged for consideration. In the meantime, Network Management are exploring the possibility of utilising some space at one of West Sussex County Council's depot but salt would only be covered by tarpulin and would still therefore have a limited storage life.</p>	<p>Have investigated the possibility of temporary cover but even this is difficult within the confined space available. Also repairs to the walled area are required so not able to erect a temporary structure this season. Highways have discussed long term needs with surveyor and relevant depot coordinators.</p>	<p>Long term - dependant on Depot redevelopment timescales</p>	<p>Types of provision and estimates have been obtained but cannot be progressed until depot safety works are completed and long-term location for salt is identified.</p> <p>Additional salt stored at West and East Sussex and brought in as required before Christmas. Additional salt stored at WSCC for winter 11-12</p>
10	<p><b>There should be investment in relatively inexpensive equipment such as shoe adaptors for priority council staff to enable them to work during severe snow events.</b></p>	<p>Managers of services that require staff to work outside in such conditions should include this in any business continuity reviews.</p>		<p>In progress for Network Management &amp; Cityclean</p>	<p>Investigated but options available not seen as particularly robust. However, all staff issued with relevant PPE for working on highway. Other services have issued these to staff.</p>

Also please see attachment 7 – summary of City Infrastructure actions taken during first December snowfall & attachments 10 and 11 – photographs from Local Government Association reviews



New BHCC gritter chassis



**CONTACT CENTRE STATISTICS**

**Agenda item 16  
Attachment 1**

	October, November and December 2009	October, November and December 2010	<b>Percentage change</b>
Total calls	24,192	17,271	<b>-29%</b>
Unique page views (individuals only counted on the first visit)	22,252	31,533	<b>42%</b>
Number of online eform reports submitted	551	743	<b>35%</b>
Total contact (calls, web hits and online forms)	46,995	49,547	<b>5%</b>
Call abandonment rate	31%	1%	<b>-97%</b>
Average speed of answer	12:02:25 AM	12:00:16 AM	<b>-89%</b>
Written and email correspondance time (in days)	8.8	2.2	<b>-75%</b>





## Agenda Item 16 Attachments 2,3, 4 and 5

Gritting information video - Brighton & Hove City Council - Windows Internet Explorer provided by Brighton and Hove City Council

http://www.brighton-hove.gov.uk/index.cfm?request=c1238234

File Edit View Favorites Tools Help

Gritting information video - Brighton & Hove City Council

City airwatch

Coastal defence

Countryside

Environment

Local statistics

Major Developments

My play space

Parking

Planning

Property & land

Public toilets

Recycling & refuse

**Roads**

Sustainability

Travel & transport

Trees

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**Do it now**


- Find your parking zone
- Comment on a planning application
- Check your recycling and refuse day
- Apply for visitor parking permits
- Tell us about missed recycling or refuse collections

### Gritting

What we're doing and what you can do to help

Information and advice about gritting in Brighton & Hove

**Severe weather - What we're doing & what you c...**



Grit routes cover A and B roads, bus routes, commuter routes, the city centre and access to emergency services

YouTube

[Transcript of 'What we're doing and what you can do to help' gritting video \[PDF 38kb\]](#)

**A-Z of services**

A	B	C	D	E	F	G	H	I
J	K	L	M	N	O	P	Q	R
S	T	U	V	W	X	Y	Z	

**in 'Roads'**

- Abandoned vehicles
- Abnormal loads
- Alley gating
- Demonstrations & parades
- Disabled drivers
- Don't drink & drive
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- [Met Office shipping forecast](#) - check conditions before sailing
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- [BBC Sussex weather](#) - local weather forecasts

#### Flooding

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- [Floodline](#) - to sign up to receive text alerts of flood warnings
- [Flood Warnings](#) - to check on warnings in place
- [Direct Gov](#) - for tips and advice on preparing for floods
- [Southern Water](#) - is responsible for water supplies and sewers in Brighton & Hove - for water supply and sewer problems call 0845 278 0845 or to report leaks call 0800 820 999

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## Cold weather updates

We're not expecting any severe weather at the moment, but we are monitoring the weather and will send gritters out as necessary.

Since October, we've used over 1,000 tonnes of salt and over 500 tonnes of grit! Roads are prioritised to keep the city moving as much as possible, but we are unable to grit every road during a spell of severe weather.



We also drop grit in bins and at useful locations across the city when conditions are tricky (see our [map of the grit pile locations](#)).

- [See our map showing our grit bins locations and our full gritting route.](#)
- [See our video giving information and advice on what we do and what you can do to help.](#)

For the latest information on buses go to [www.buses.co.uk/news/home.aspx](http://www.buses.co.uk/news/home.aspx) and visit [the Southern Railway website](#) for information about trains.

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## Ready for snow and ice?

Emergency planners are making sure the city is well prepared for any cold weather this winter. The council is working closely with the NHS, police and emergency services to provide the best possible support for residents in case of snow and ice. Last winter saw a one in a year snowfall in Brighton & Hove over three periods either side of the New Year. Council leader Mary Meeks said: "We are doing all we can to keep people safe and keep the city moving during any bad weather. We also need the help of residents, last year volunteers also helped us save the lives of vulnerable residents by driving social care staff to their homes." Seven gritters with five snow plough attachments are on standby from 1 November to 14 March, ready to treat up to 14 miles of roads in advance of ice or snow. In preparation (snowfall) the service also includes snow ploughing and clearing pavements by hand. The priority is to keep major routes, pavements - this includes A roads, most B roads and other important routes to the city, such as bus routes.

Around 800 tonnes of salt are required each year. Supplies are stored at a multi-store depot, with a further stores at a site in West Sussex.

Do you know how you can look after yourself and others during a cold snap? Turn to page 7 to find out what you can do - starting now.



These youngsters are among the first in the country to be given winter training. Pupils at Herford Infant, Perlethorpe Infant and St Bartholomew's Primary Schools were taught manoeuvring skills and to avoid danger.

Done

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## **City Infrastructure Briefing: Severe Weather Forecast**

(December 2010 between the two major snow events)

### **Weather Forecast**

The Met Office's forecast for the weekend is as follows:

A depression is expected to bring heavy snow across parts of England and Wales from the west tomorrow. However, there is much more uncertainty than average in the forecast of this feature, with an increasing signal from models for its track to be further south than previously indicated.

Heavy snow is most likely over southern counties, where there could be 20-30 cm in places falling within a few hours. The picture is further complicated by the fact that it is likely to turn to rain or sleet, especially near coasts, as less cold air is pulled in, but this in turn poses a risk of black ice as it refreezes.

Please note that the Met Office is stating that there is still a lot of uncertainty about how this weather pattern will pan out across the South East regions especially where different climatic domains exist such as coastal/hilly.

### **City Infrastructure preparations**

We have been carrying out major logistical operations all through this week with regard to gritting materials. Salt supplies have been hauled in from holding depots in East and West Sussex. I have been contacting our salt supplier persistently over the past couple of weeks and as a result we have also received road haulage deliveries from them over the past 2 days.

Sharp sand has been delivered to Hollingdean Depot, Stanmer Park and Hove Park. There is so that we can run operations out of various locations, utilising Cityclean and Cityparks staff if necessary.

Road gritting has taken place over several nights this past week.

We have also hired in an additional gritter vehicle. Please note that this is not for increasing the amount of routes that we run as this is not possible in terms of resources. We already salt nearly 43% of the network during most of our winter gritting runs. The extra vehicle is a 4x4 to boost our capability in extreme weather and to act as back-up in case of breakdowns.

### **Salt Supply**

We are entering the Christmas-New Year period with a good supply of salt at the depot and with some remaining salt stored at West Sussex. However, national government has very recently put out a warning that salt supplies across the country need to be very carefully managed given the extreme weather starting so early in the winter season. We therefore need to be mindful that future deliveries will be

dependent on the national supply picture and whatever the weather brings. Highways need to carry out road gritting during icy conditions as well as snow conditions so all our operations need to calculate for continuing action after the snow has gone. For this reason, we will be carrying out our work according to the agreed Highways Winter Service Plan and will not be expanded gritting routes or responding to individual requests. The Plan deploys our operations as and how they will have the maximum benefit and effect.

### **Current operations**

Some snowfall is forecast for later today so we are running our Full Routes now through the afternoon to pre-salt the network in advance of more extreme conditions. Further treatments will be decided by the Duty Officer utilising weather station data and weather forecasts. Treatments will be dependent on type and level of snowfall that we experience.

During the weekend there will be Cityclean staff on duty briefed to begin pavement clearance in the city centre and around the hospitals, etc. Given the uncertainty of the forecasts, it is difficult to know exactly what to expect so decisions will need to be made on an ongoing basis. The relevant duty managers are working together throughout the period.

### **Grit bins**

Earlier this week, we collated requests that have come in via our website or inbox for refills of grit bins and have refilled these. We have also checked most of the bins in the outlying areas in the east and west of the city. Many of the bins were already refilled during the last snow event.

Please bear in mind that with 400+ bins, and with staff during the week carrying out their normal duties, it is not always possible to check each and every bin. Please direct residents to use our website form or inbox [gritbinrequest@brighton-hove.gov.uk](mailto:gritbinrequest@brighton-hove.gov.uk) to notify us of empty bins as this helps us to manage the information efficiently. Please also bear in mind that although we may have filled bins, we cannot prevent these being emptied immediately if individuals chose to do so.

There will be no new grit bins put out this winter as we have already put out all the stock ordered this summer and need to maintain the ones we already have in place.

### **Grit drops**

Many of the grit drops carried out 2 weeks ago are still in situ and we are encouraging residents to make use of these. Information on their locations can be found on our website – the majority are at important junction points in hillier colder areas. Depending on how the weather pans out during and after the weekend, we will revisit these if required.

**Snow and gritting treatments**

As I am sure you are all aware from the past two year's experiences, salt is not a magic cure for snowfall especially if this is continuous and heavy. Salt needs a certain amount of warmth and a good deal of pedestrian or vehicle traffic to be effective. Ploughing can take place if depth of snow permits this but will not shift all the snow layers from our city roads especially where speed humps, crowning or cambers exist. Grit can be particularly good in laying down a bed for traction and breaking down the layers. If it continues to snow, our efforts get covered up and we start all over again on the next gritting cycle. Whatever we do will take time to work especially in colder areas with less through traffic where snow layers may remain despite pre- and post-treatments.



## Highways/City Infrastructure Winter Service: Feedback on Snow Event Nov/Dec 2010

### Overview

Generally, the operation was very successful. The preparation over summer and autumn that had gone into the Highway Winter Service Plan and the background operations associated with this paid off. This meant that both prior to and during the snow event, managers could utilise this preparation (such as maps and lists of pavement gritting areas) to mobilise staff quickly and efficiently with a co-ordinated approach.

### Preparation

City Infrastructure managers met regularly for over 2 weeks; initially on a bi-weekly basis when snow was forecast in the final week of November and then daily at 8 a.m. from Monday 29 November onwards.

The meetings discussed the latest weather forecast, the predictions for 2-5 days ahead and how/when to mobilise staff.

Because of the unpredictable nature of weather patterns, it can be difficult to plan too far in advance. Any winter response needs to be proportional to the need; this includes use of salt as well as deployment of staff who will be pulled off other duties to carry out winter gritting operations.

With snow forecast, managers planned what we would mobilise for the required operations using the road and pavement priorities pre-defined in the Highways Winter Service Plan and backed up by operational packs such as maps and recording sheets.

### Road Gritting

Road gritting is an activity carried out throughout the winter season whenever frost, ice or snow is forecast. This is a well set-up operation, tested through many winters, with a trained and experienced Duty Officer making decisions about treatments based on all the weather data from the Met Office and other meteorological sources as well as from our weather stations, plus calculations on previous treatments, levels of accumulations and levels of humidity.

In the week preceding the snow event, pre-treatment using 100% salt was carried out every night, and also during daytime on Saturday 27 November in advance of that day's predicted snow fall (which manifested in Brighton & Hove as light flurries). These treatments laid a good bed of well-trafficked salt onto the highway in preparation for the snow event of 30 November – 4 December.

The treatments were carried out on our Full Routes which include A, B and most C roads plus all bus routes.

Snowfall from 29 November to 30 November was fairly light and roads had responded well to treatment allowing traffic to move freely on gritted roads.

The Out of Hours Officer checked the network regularly throughout the night reporting back to the Duty Officer that the light snowfall had not settled on treated roads.

From 1 December onwards, road gritting was carried out both day and night time, using drivers from both shifts on the rota.

Wednesday 1 December early morning had seen only light snowfall and all services begun the day by carrying out their normal duties. The weather forecast had not predicted major snow accumulation during the day but when snow began to fall heavily from 9am onwards, all Cityclean crews were recalled from normal duties and switched to winter gritting operations, including gritter driving.

During and after any of the major snowfalls, the Duty Officer ordered a mix of salt/grit or pure grit to be used or ploughing only. This is because in heavy snowfall with freezing temperatures, salt alone is not the most effective treatment. Sharp sand (grit) will break down layers of compacted snow and allow the traffic to start working the salt underneath into a solution that will gradually result in the roads returning to tarmac again. We also need to be mindful of salt supplies and that there is yet no certainty whether UK salt suppliers can cope with the demand this winter.

By Wednesday afternoon, most roads had again responded well to treatment and traffic including buses was moving in the city.

During Wednesday night and all through Thursday when snow fell heavily and almost continuously, gritters concentrated on our priority routes (main A & B roads and routes to emergency services such as hospitals), going back over these routes again and again as they kept being covered by fresh snowfall. This is in accordance with our winter service plan which aims to cover all A, B and most C roads plus all bus routes but recognises that in extreme conditions, resources have to be targeted where they will be most effective and of the most benefit to the greater number of people.

The Duty Officer worked with the bus company and other key organisations throughout to keep them informed of our operations and to respond to feedback on routes that needed additional treatment.

Once snow ceased falling, gritter routes on Thursday night expanded to include our Full Routes again. On Friday daytime road gritting concentrated on problem areas around the Full Route network as reported by the bus companies, emergency services and highway officers driving the network.

### **Pavement Clearance**

Pre-salting was carried out on city centre pavements on Tuesday 30 November. Pre-salting uses a lot of resources, both in terms of staff and salt so we have to balance the benefit of this with what is sensible to do prior to any major snow event. As with road gritting, a substantial amount of traffic – in this case pedestrian footfall – is required for the treatment to be effective.



The pre-salting was of benefit in the following days, both in terms of helping clear the main city centre thoroughfares and for public perception of the council's preparedness.

From Wednesday 1 December, pavement gritting was carried out on all the priority pavements identified in the Highways Winter Service Plan (Areas 1-5 which take in all main thoroughfares throughout the city).

On Thursday 2 December, the decision was taken to delay further pavement gritting as the snow would simply have covered up all our efforts and wasted stock. However, an exception to this was for all pavements around hospitals, the station and other key infrastructure. Otherwise Cityclean & Cityparks staff concentrated on getting grit drops out to pre-identified locations in the city whilst our highway contractors carried out a refill of grit bins. Tractors were used to reach the outlying areas of the city.

Pavement clearance resumed on Friday morning from 7 a.m. onwards with priority given to key infrastructure as before especially around hospitals, and then completing Areas 1-5.

### **Grit bins**

The council now provides 407 grit bins on the public highway around the city. These are located usually on steep hills or junctions that are not on gritted routes and are there for residents to help themselves.

The majority of grit bins are placed following public request and not surprisingly tend to be located in the north, north east and north west of the city where the weather will be more extreme and the topography is that of steep hills.

Grit bins are filled with a 50:50 mix of salt:grit although in extreme circumstances during persistent snowfall 100% grit may be used.

All grit bins were checked and filled in October but we had reports that some were already empty by November. In the final week of November, 5 highway contractor gangs were diverted to re-checking and filling all 407 grit bins. This was completed by Friday 26 November.

A further grit bin refill was carried out by 13 highway gangs during Thursday and Friday. There were some problems with access as our contractors only have 2-wheel drive vehicles but a huge effort was made to reach as many bins as possible. Where grit bins could not be reached, equivalent piles of grit were dropped on street corners as near as possible to the bin locations. Bins were also filled by Cityparks staff.

The issue with having over 400 bins is that it takes a long while and a huge amount of resources to fill them. Each citywide refill takes 40 tonnes of salt, which is a precious commodity required to last all winter for ice and frost as well as snow events. Although many residents started to request grit bins during the final week in November, we will not put anymore out this winter as

each site needs to be assessed and the amount of stock required to fill these calculated into pre-season salt stock orders.

The Highways team believe we have now reached a capacity issue with grit bins: if we are to expand the number we need to find much greater salt storage capacity as well as increasing the budget to take into account the requirements of refilling regularly throughout the season. This is without the issue about how quickly it is feasible to refill; if we increase the amount of grit bins everyone will wait longer for a refill.

### **Grit drops**

35 locations were identified prior to winter for dropping piles or bags of grit by the roadside for residents to use. The locations were chosen as key points in areas most likely to suffer from greater snowfall – i.e. the outlying wards that are not on the flat. The locations link to the turn around points agreed with the bus company that they will utilise if they are unable to complete their full routes (largely due to narrow roads that do not respond well to treatment and are often very parked up leaving the large buses no room to manoeuvre safely). The idea is that the grit can be spread outwards from these key locations.

All the identified locations received a grit drop by Friday, carried out by Cityparks staff and vehicles. Further locations may well be identified but again we need to balance provision with what we can realistically achieve within reasonable timescales and with the resources available to us.

### **Other services**

Highways do not have an endless supply of salt (nor necessarily of grit). Our storage area in the depot is limited to approximately 1,000 tonnes and this needs to see us through road gritting on any freezing nights, not just during snow events. Snow events unsurprisingly use a great deal of stock for the public highway, on roads, pavements and grit bins. The council's statutory duty is for clearance of ice and snow from the public highway and with limited stocks, we cannot give these out to other agencies without running a risk of depleting supplies for the critical highway requirements throughout winter.

A great deal of work was carried out by the Highways team over summer with other services, discussing how we can support their operations but also about what we can realistically provide.

The pre-winter preparation with other agencies was largely successful with the majority of services appearing to make their own arrangements and carrying out action accordingly during the snowfall. Liaison regarding schools was very useful during this time. Where a service was in real need and we had sufficient stock, grit (rather than salt) was donated by Highways.

**Communications**

Pre-winter preparations made a huge difference in how we communicated our winter service plan to the public. There was excellent support from the corporate Communications team as well as from Cityclean communications via Facebook, Twitter, the website and the contact centre.

Communications were joined up, pertinent, regular and consistent. Gillian Marston and Christina Liassides updated councillors, our Comms team and internal managers on a morning and afternoon basis. This was translated onto our website with regular feeds updating residents on the latest actions.

As a result, far more was managed at the front end and residents were kept extremely well informed throughout the snow event.

Because snow came very early this year and because Highways is such a small team reliant on IT support for the GIS mapping, we had not completed all our information tasks for winter such as updating the grit bin map and posting a map of our routes online. IT and Highways staff worked very hard to get these completed whilst snow fell and they are now successfully available on our website.

**Further action points identified**

We have a clear Winter Service Plan and we carried out everything we said we would do in this.

Operationally we need to train more highways staff on the shovel loader and clarify how best to use Cityparks staff and vehicles alongside Cityclean's.

We will refine the operational plans for Cityclean and Cityparks and look at whether it is feasible to extend grit drops with priority given to steep areas.

Time and budget permitting, we may train more gritter drivers so we have a greater pool to utilise in extreme conditions.

Christina Liassides  
Head of Network Management 05.12.10



**Partner Agencies: review of 2010-11 winter**

In May 2011, the Head of Highway Operations contacted various partner agencies and other council sections in order to review the operation of the Highways Winter Service Plan during winter 2010-11, particularly regarding the two snow events which lasted several days each.

Council sections contacted were those represented on the Civil Contingencies' list for Major Incidents, which includes premises management, social care, housing, environmental health, seafront, communications team, etc. The response was that the Transport Cell was the main area of interest and that the highways issues had been previously well discussed. Winter discussions have continued through this forum, with the latest being in July 2011 at time of writing this report.

Partner agencies were those represented on the Sussex Resilience Forum which includes the emergency services, the NHS, the main bus company and certain businesses such as the Marina.

The responses received back are listed below:

**Police**

The police stated that from their perspective, the Highways Winter Service was handled well. Specifically the comments were that:

- \* All of the standard and main critical routes previously identified by the Roads Policing Unit were kept clear.
- \* The gritting of the roads worked well and re-gritting was our priority during the snow/ice event.

Road collision data for the period 30/11/10 to 04/12/10 showed 12 collisions. There was no specific pattern in where the collision took place and data does not show whether they are directly attributable to snow and/or ice.

**NHS**

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**Sent:** 27 April 2011 09:37

[Please see the following comments from Brighton & Sussex Hospitals NHS Trust:](#)

[This Winter's gritting in BHCC was much improved on the previous year .](#)

[The Royal Sussex County Hospital benefited from the Highways team kindly gritting right up the ambulance slope to A&E entrance.](#)

## Agenda item 16 attachment 9

The pavements seemed much safer following the extensive pavement gritting programme the team carried out and we certainly did not see the huge surge in attendances due to slips and falls on ice as we had done the year before.

Most of the key bus routes were kept clear and the buses managed to continue running a reduced service where ever possible which made a big difference to our critical staff, many of whom rely on public transport to get to work

The communication plan was very effective and as the emergency planner at the trust I felt I was kept well informed of the gritting plans before the Winter came and also of issues that arose during the snow.

Thank you

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### Buses

Thank you for your email. It's my belief that your team did really well under very difficult circumstances and this observation was part of my submission to the Scrutiny Panel. I think we just need to keep doing what we do, keep the lines of communication open and make sure we don't lose sight of what we have learned when the going gets tough.

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**From:** Christina Liassides  
**Sent:** 03 May 2011 15:09

Thanks very much for your detailed reply. We will collate all of the information for our winter service plan review and we'll give fuller feedback at a later date, but in the meantime I wanted to let you know that the information that you gave us last year was incorporated into our plan – and gritting work – during this last winter.

Basically we included everything requested bar a couple of the outlying areas. We mapped all of the turn around points apart from one which was on a roundabout which would already be taken care of on a standard and priority route, so there was no need for this as an additional action. The drop off points for grit piles (emergency grit bins) were also identified using your turn around points so hopefully that will work in conjunction with your scheduled turn around points. I've attached the relevant maps for your information. We made sure that we carried out all these grit drops and ran these routes many times during both snowfalls. Perhaps you could let us know whether there were

## Agenda item 16 attachment 9

specifics that prevented the buses turning around in cases where our priorities match up with yours?

Unfortunately as you know, some roads just don't respond well to treatment no matter what we put down, and these are usually the more lightly trafficked, hillier areas but a lot of the main roads were open quite quickly providing we weren't experiencing continuous snow. You can see from the summary I attached originally that we concentrated initially on main routes and then gave extra attention to those outlying areas in an effort to open them up as quickly as possible. I am not sure if there is much more we can do but happy to work further with you during summer on additional turn around points if this will help push your service outwards as we clear more routes.

As promised, we will look at all the points below in detail for our 2011-12 plan.

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**From:** Mike Best

**Sent:** 28 April 2011 11:52

Thank you for your email. All things considered I thought the City Council did very well in keeping the city moving in really tough conditions. The key issues for Brighton & Hove Buses are:

- Keeping North Street and Edward Street open as a top priority when conditions are at their very worst to enable a basic cross-city bus service from Portslade to Kemp Town via the RSCH. As Portland Road, New Church Road and Eastern Road are flat, the hilly North Street and Edward Street become critical for this route.
- Similar comments for Terminus Road as conditions improve because this gives buses access to large parts of the west and north of the city along the flat Cromwell Road and Dyke Road.
- As conditions further improve we can get to more parts of the city, but the key issue is then how to turn buses round at non-scheduled points. For example, we can often get as far as the Downs Hotel but no further, so as long as buses can turn round we can get that far. But unless buses can turn round there we can't get anywhere near Woodingdean. There are many other similar examples across the city.
- We need co-operation with East Sussex, because there are times when we can only serve Rottingdean and Saltdean along the A259 as long as we can turn round at Sutton Avenue roundabout in Peacehaven. If the section of the A259 within East Sussex (from Telscombe Tye to Peacehaven) isn't gritted then we can't serve Rottingdean or Saltdean because again we can't turn round.
- The attached PDF shows a map (over 2 pages) of key routes we can serve depending on the severity of the conditions. It is one I submitted to Andreas Homeyer earlier in the

## Agenda item 16 attachment 9

year. It shows the network we hope to operate and locations of unscheduled turning points. It would be good to have grit available at these points to keep turning points clear.

- Abandoned cars were a problem in some areas, in some cases like Queen's Park Road for some considerable time. I wonder if we can deal with this problem more effectively?
- There was one occasion when all the gritters went back to the depot to re-stock at the same time; as the snow was falling heavily we couldn't keep key roads clear and this made conditions difficult.
- We used snow chains on buses for the first time and this proved really successful. Snow chains are useful for breaking up the solid ice and working the salt into the snow. We hope to expand this next time.
- Communication with the gritting team through the mobile phone number was very good.
- We did receive some feedback from residents of Westdene after the event that it took a long time to get back into that area. It's really hilly but perhaps we could look at clearing Valley Drive more quickly? Most other places found themselves within a reasonable walking distance to a working bus route most of the time.

I hope this information is useful and do let me know if I can be of any further help.

Regards  
*Mike Best*

Operations Director  
Brighton & Hove Bus and Coach Company Ltd

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**Sent:** 26 April 2011 09:33

**Subject:** FW: Highways Winter Service: post-winter summary

Dear all

I am contacting you because although winter is now officially over, BHCC's Highway team carry out a continuous programme of review to our Winter Service Plan. So I'd be grateful for any feedback you may have from this winter. This helps with the review of our Winter Service Plan for 2011-12 as well as giving us general information about the whole city's services and resilience.

It's also an opportunity to feedback to you about our Highways Winter Plan for 2010-11 so below is a brief resume of what we did.

As you know, we worked with all of you last year on various aspects of winter service, including your own resilience plans as well as our Highway one. As a result, we made some additions to our gritter routes, increased the amount of grit bins in the city, mapped out our pavement clearance priorities and agreed



## Agenda item 16 attachment 9

grit drop locations with specific partners, especially the bus company. We supplied and filled some grit bins for non-highway premises on the proviso that future refills would be the responsibility of that agency. This is because Highways has limited storage facilities and needs to ensure its salt stock is managed throughout the winter for public roads and pavements.

In consultation with our partner agencies, we also refined our priority routes which are designed to be used in extreme circumstances when it is necessary to concentrate resources on a reduced network.

- Full Routes cover 254 km or approximately 41% of the total road network in the city including all A & B roads, most C roads, roads to emergency services' premises and all bus routes.
- Priority Routes cover 212 km or approximately 33% of the total road network including all A roads, most B roads, roads to emergency services' premises and key bus routes.

We also worked hard on our communications plan, and made sure that during winter we kept our website and other social media up to date with information about what we were doing and with maps of our routes, grit bins and grit drop locations. Information was distributed to partner services prior to the winter season.

The original budget for the Highways Winter Service is based on 30 gritting runs per year plus a 2 day snow event. This year, we carried out 62 gritting runs in total, and the city experienced 2 snow events both lasting several days. For your information, I have attached a spreadsheet showing the breakdown of gritting runs. As you can see, Highways go out road gritting whenever it is cold enough to give frosty or icy conditions not just in major snowfall so general winter feedback is useful, not just on the snow events.

Our 400+ grit bins were filled 5 or 6 times over the entire winter period and we carried out additional grit drops to over 50 locations.

Pavement gritting was carried out daily throughout the city during and after both snow events although on one day of continuous snow fall, we concentrated on routes around the hospitals, station and main town centre only. The second snowfall left a fair bit of ice on untreated roads and pavements so we continued to carry out road/pavement gritting for several days up to the Christmas break.

## **Agenda item 16 attachment 9**

I have attached a summary of Highway actions during the first snow event which I hope will give you a good flavour of the operation that goes on. In the time between the first December snow and the second, we carried out major logistical operations with regard to gritting materials. Salt supplies were hauled in from holding depots in East and West Sussex as well as receiving some direct from our salt supplier. Sharp sand was delivered to Hollingdean Depot, Stanmer Park and Hove Park so we could run operations out of various locations utilising Cityclean and Cityparks staff.

We used 1585 tonnes of salt and 487 tonnes of sharp sand mostly on road gritting with a further several hundred tonnes of grit on pavements and grit bin refills. Usage was not as high as expected due to very mild weather in October, February and March.

We held 1,500 tonnes of salt prior to the start of the season and received a further 800 tonnes during the winter.

If you have any comments, I'd be grateful if you could reply by 11 May to collate them for discussion at our Highways meeting later in May.

With regards  
Christina

**Agenda Item 16 attachment 10**

All photographs below taken from LGA: Weathering the Storm II July 2010



Bexhill Road, Woodingdean – gritted route



Sandhurst Road, Woodingdean – not on a gritted route but note grit bin provided



Not taken in Brighton & Hove as far as we can ascertain



Bexhill Road, Woodingdean

(Photograph taken from page 2, Local Government Association survey: Winter Preparedness)



# **ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE**

## **Agenda Item 17**

Brighton & Hove City Council

**Subject:** Gypsies and Travellers; requests for Scrutiny  
**Date of Meeting:** 5 September 2011  
**Report of:** Strategic Director Resources  
**Contact Officer:** Name: Tom Hook Tel: 29-1110  
E-mail: Tom.hook@brighton-hove.gov.uk  
**Wards Affected:** All

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report sets out formal requests for scrutiny from Gypsies and Travellers from Councillor Geoffrey Theobald received on 2 June 2011 and Councillor Liz Wakefield, submitted in July as part of the current public consultation on topics for Scrutiny. (Appendices 1 and 2).
- 1.2 Final consultation responses on suggested scrutiny topics are to be reported to Overview and Scrutiny Commission in October; however a number of these are already known to relate to gypsies and travellers.
- 1.3 Each Overview and Scrutiny Committee can determine whether to undertake scrutiny activities on specific issues (such as requesting an officer report, setting up round-table discussions or establishing an in-depth scrutiny panel to undertake short, focused reviews) or whether Members are reassured that the current position and planned actions are suitable.
- 1.4 It is suggested that 'protest encampments' referred to in Cllr Theobald's letter be considered separately from matters that relate more directly to gypsies and travellers.

#### **2. RECOMMENDATIONS:**

- 2.1 That the Environment and Community Safety Overview and Scrutiny Committee consider the requests for scrutiny, and scoping information, and determine what action to take with regard to:
  - (i) Protest Encampments
  - (ii) Gypsies and Travellers

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

- 3.1 Councillor Geoffrey Theobald's letter requesting scrutiny appears as Appendix 1 to this report.

- 3.2 Councillor Liz Wakefield's submission appears as Appendix 2 to this report.
- 3.3 In establishing scrutiny action, Members need to be mindful of:
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
  - Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
  - The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
  - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
  - The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.

### **Gypsies and Travellers**

- 3.4 It is evident that the issue of gypsy and traveller encampments, support services and numbers have a high profile within the city at the present time.
- 3.5 A report to Cabinet in June (appendix 3) set out proposals for a review of the current Gypsy and Traveller Strategy (appendix 4).
- 3.6 There are essentially three options open to Members with regard a scrutiny review into gypsy and traveller issues:
- Decline to undertake any scrutiny work – accept that the agreed Cabinet review of the strategy should provide sufficient reassurance as to council policy and practice
  - Agree to be involved in the Cabinet review at points in the process as set out in appendix 5, as well as undertaking specific pieces of additional research e.g. comparisons with other councils. If Members wish to take this route a decision is required whether to undertake this through the full ECSOSC or have a smaller panel undertake the work. The Cabinet report of the 14 July stated 'It is hoped that the Environment & Community Safety Overview and Scrutiny Committee will be involved in the strategy development.
  - Establish a separate panel review process to undertake an independent review of the gypsy and traveller strategy and current practice.
- 3.7 Any scrutiny review of the gypsy and traveller strategy conducted separately from that agreed by Cabinet would require considerable resource to:
- Consult with all council partners
  - Undertake a review of current legislation



- Evaluate current council policy and practice and compare it to other local authorities
  - Consult with both settled and traveller communities
  - Gain an understanding as to the need and level of resource of available to support the traveller community
  - It could not seek to identify specific areas for future pitch provision
- 3.8 Involvement in the Cabinet review would not prevent scrutiny from making separate recommendations to Cabinet based on targeted pieces of research undertaken through the review process. For example if having evaluated the position statement members wanted to undertake a comparative study on other local authorities and their approach to the topic this would be possible.

### **Protests and Protest Encampments**

- 3.9 “There has also been a change of policy locally with regard to encampment protests, for example, on council park land at the Old Steine. I believe that the implications of this change of policy on the local economy and tourism are serious and have not been properly thought through. As such, I believe this would benefit from being part of the proposed scrutiny review.”  
*(Extract from Request for Scrutiny 2<sup>nd</sup> June 2011, Councillor G Theobald)*
- 3.10 This request refers to a protest group pitching tents in May 2011 at the Old Steine acting in solidarity with campaigners in Spain.
- 3.11 Speaking at 6 June Cabinet, the Cabinet Member for Communities and Community Safety, Councillor Ben Duncan pointed out that “in relation to the protester camp at the Old Steine, the Administration were supportive of the right to protest peacefully, however, the presence of the camp contravened city byelaws; action had been taken and the protesters had agreed to vacate the site.”
- 3.12 Councillor Bowden, Cabinet Member for Culture Recreation and Tourism reported to the same meeting “that views on the encampment, including those of local residents, visitors and business, had been equally split between those who supported it and those against it.”
- 3.13 If scrutiny were to look at the issue a suggested approach could be:
- a) a summary of national legislation and local bye-laws relating to protests/protest encampments and the Human Rights law.
  - b) current policy and practice in Brighton & Hove and nationally, of Council and partners. Whether there has been a change to policy?
  - c) the history and experience of protest encampments in Brighton & Hove, on both public and private land as well as the experience of other local authorities for instance the Parliament Square protest.
  - d) the key issues and concerns of local people, businesses and partners regarding protest encampments eg potential for disruption, for affecting tourism and local economy, potential costs of enforcement action and the practical implications of enforcing.

- 3.14 Scrutiny could take account of balancing a support for the democratic right to peaceful protest; with detrimental effects of protest encampments and recommend whether any changes are needed, to the current approach to protest encampments.
- 3.15 A suggested list of witnesses would include:
- Police & Community Safety Officers
  - Local businesses
  - Groups that have sought to protest

#### **4. CONSULTATION**

- 4.1 Full consultation responses on subjects for scrutiny received from residents, Members, officers and partner organisations will be reported to OSC in September. Meanwhile a number of suggestions submitted via the Consultation portal are known to relate to Gypsy and Traveller issues.

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

##### Financial Implications:

- 5.1 Work will be undertaken within the existing resource allocated to scrutiny. In deciding whether to support a scrutiny intervention Members should consider the available scrutiny resource and prioritise accordingly.

##### Legal Implications:

- 5.2 The recommendation at 2.1 is consistent with the statutory framework for overview and scrutiny committees under section 21 of the Local Government Act 2000.

##### Equalities Implications:

- 5.3 Equality implications will be taken into account by any scrutiny activity

##### Sustainability Implications:

- 5.4 Sustainability implications will be taken into account by any scrutiny activity.

##### Crime & Disorder Implications:

- 5.5 None directly in relation to this report

##### Risk & Opportunity Management Implications:

- 5.6 There is an opportunity for scrutiny to influence some of the key issues facing the city.

##### Corporate / Citywide Implications:

- 5.7 The scrutiny function can take an active role on issues that affect the city as a whole.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Request for scrutiny; Letter dated 2 June 2001 from Councillor G Theobald
2. Request for scrutiny from Councillor L Wakefield, July 2011

3. Report Gypsy and Traveller Strategy Review - July 2011 Cabinet
4. Current Brighton and Hove Gypsy and Traveller Strategy
5. Draft timetable for the Gypsy & Traveller Strategy Review

**Documents in Members' Rooms**

None

**Background Documents**

None



## Agenda Item 17 Appendix 1

Mr John Barradell  
Chief Executive – Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove  
BN3 2LS

2<sup>nd</sup> June 2011

Dear John

I am writing formally to request that a scrutiny review be undertaken into the Council's policy on gypsies and travellers and other unauthorised uses of council land and property.

Unlawful encampments are a huge source of tension between the settled community and those involved in the encampment. Given that one of the Council's key strategic priorities is to improve community relations, this is an area which cannot be ignored.

It is also an area of rapid recent change in relation to the national policy agenda with, in particular, the abolishing of South East Plan targets for new pitch numbers and the emergence of new planning and enforcement guidance as part of the new Localism Bill process.

There has also been a change of policy locally with regard to encampment protests, for example, on council park land at the Old Steine. I believe that the implications of this change of policy on the local economy and tourism are serious and have not been properly thought through. As such, I believe this would benefit from being part of the proposed scrutiny review.

The Council's Traveller's Strategy was last updated in 2008 and, given these recent developments, I believe the time is now right to undertake a thorough review.

I believe that such a review should involve, amongst other things, the approach to enforcement, the potential for permanent traveller sites in

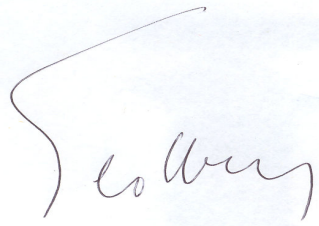
the city, the legal position and use of byelaws, the role and approach of the Police and how health, education and other outcomes can be improved for traveller families.

I believe that this request meets the criteria for scrutiny reviews as set out in Part 6 (section 4.2) of the Council's Constitution. In particular:

- This is clearly an issue which is of huge importance to the City, both to the communities themselves and in relation to the public expenditure incurred and public land involved. It also relates clearly to the Council's strategic priorities and the implementation of its policies.
- There are significant potential benefits of carrying out a scrutiny review in terms of improving community relations and reducing incursions onto public land and associated costs.
- I believe that an independent scrutiny review is the most appropriate avenue available to examine the complex issues this raises. There are other agencies involved in this apart from the Council – Sussex Police being the obvious one – and a scrutiny review would allow them to fully contribute. A letter to a Cabinet Member Meeting, for example, would not allow such a degree of cross-sector collaboration and partnership working.

I trust that you will forward my request to the relevant Scrutiny Committee Chairman and I would be more than happy to address that Committee to expand upon the points I have raised here.

With all good wishes

A handwritten signature in blue ink, appearing to read 'Geoffrey Theobald', is written over a light blue circular stamp. The signature is fluid and cursive.

Cllr. Geoffrey Theobald – Leader of the Opposition

**1. What issue do you think should be investigated by a scrutiny panel?**

Provision for Gypsy Roma and Traveller groups within our city. Health/education/homes etc What outreach work is there and how is it carried out. Do all the various groups/departments within the council work together or in isolation. How can it be improved?

**2. Why do you think that this issue is important?**

Because the GRT community is one of the most marginalised and abused by the rest of society. As Mr Jake Bowers and Lord Avebury- (both well known campaigners for GRT equality) have said- 'the last bastion of accepted racism'. Well not in Brighton and Hove.

**3. How does this issue affect Brighton & Hove?**

There is a large GRT community and they have only one place to stay which is a transit yard at Horsdean. There are rarely positive messages ever published about the GRT groups in Brighton and Hove. Normal newsprint is very negative and stereotypical. We need to build bridges between the settled community and GRT groups.

**4. Do you have any personal or professional experience of this issue?**

Indeed. For the last 6 years I was head of Gypsy Roma and Traveller Education Services for the London Borough of Havering. In my time there I increased the number of GRT children attending mainstream school from 19 to over 270. I was made redundant at the end of April 2011 as part of widespread job cuts.

**5. What is your connection to Brighton & Hove? (please put a X next to all that apply)**

Live in the city and a ward councillor and cabinet member.

Work here

Study here

**6. Do you have any contact details you are happy to provide, if we need any further information about the issue? Please note that all suggestions will be reported anonymously.**

*Liz.wakefield@brighton-hove.gov.uk*



# **CABINET**

## **Agenda Item 43**

## **OSC Agenda Item 17**

### **Appendix 3**

Brighton & Hove City Council

<b>Subject:</b>	<b>Gypsy Roma Traveller Action Plan 2011/12</b>		
<b>Date of Meeting:</b>	<b>14 July 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Lead Member:</b>	<b>Cabinet Member for Environment &amp; Sustainability</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Geoff Raw</b>	<b>Tel:</b> 29-7329
	<b>E-mail:</b>	<b>geoff.raw@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

### **FOR GENERAL RELEASE**

#### **1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report considers Gypsy, Roma and Traveller matters and recommends a review of the current Traveller Strategy, which was approved in 2008.
- 1.2 The report recognises our duty and responsibility to local residents to ensure they are able to enjoy the city's parks and open spaces whilst at the same time we are mindful that Gypsies, Roma and Travellers are an often marginalised group with a way of life that the authority seeks to protect.
- 1.3 The council takes a firm but fair approach to discourage Gypsy, Roma and Traveller groups from setting up unauthorised encampments in sensitive locations and reduces the costly and disruptive cycle where travellers move from site to site.

#### **2. RECOMMENDATIONS:**

- 2.1 That Cabinet approves the following measures that form part of an action plan for this year under the current Traveller Strategy:
  - (a) To commence a review of the 2008 Traveller Strategy to deal with the annual summer increase in unauthorised encampments
  - (b) To prioritise the provision of a permanent Travellers site
  - (c) To continue to offer appropriate support to assist Gypsy, Roma and Travellers with their welfare needs
  - (d) To promote cohesion between settled and travelling communities
  - (e) To focus site protection measures on those areas that are the most unsuitable for toleration

- (f) To take firm enforcement and eviction action in partnership with the Police
  - (g) A commitment to examine new ways of managing the seasonal summer increase in Travellers, including consideration of the appropriate use of limited toleration on lower impact sites
  - (h) To ensure that Gypsy, Roma and Traveller groups, local residents and their representatives are consulted as part of the development of the refreshed strategy
  - (i) To encourage and work with neighbouring authorities to play their part in supporting the Gypsy, Roma and Traveller way of life
- 2.2 That Cabinet approves the outline action plan in Appendix 1 based on these recommendations for 2011-15 and authorises the Strategic Director of Place, Lead Commissioner for Housing and Head of Housing & Social Inclusion to take all steps necessary or incidental to the implementation of the plan.
- 2.3 That Cabinet instructs officers to refer the refreshed Traveller Strategy, once drafted, to Cabinet for approval.

### **3. WHO WE DEFINE AS TRAVELLERS**

- 3.1 'Travellers' is a collective term used to describe different groups who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers, English and Irish Travellers are recognised in law as ethnic groups and are identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.
- 3.2 Gypsy, Roma and Travellers as a group suffer a high level of inequality, particularly around life expectancy, health and education issues, and face discrimination and racial hatred.
- 3.3 The term 'Travellers' also covers some groups not currently recognised as ethnic groups including 'New Travellers' who are non-traditional travellers (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling showpeople.

### **4. CURRENT NUMBERS OF TRAVELLERS IN BRIGHTON & HOVE**

- 4.1 Current experience of Travellers in Brighton & Hove is that we normally have approximately 14 to 16 mainly Irish Traveller families with local connections who remain in or around the city throughout the year.
- 4.2 During the summer there is a large increase in the number of Travellers visiting the city who are coming here for holidays or to obtain work locally. Potentially this can be up to 50 households at any time. The vast majority are not seeking permanent sites merely somewhere to stop whilst they visit.

## **5. THE TRAVELLERS STRATEGY**

5.1 The Brighton & Hove Travellers Strategy was approved in 2008 and is due for review. It is recommended to revise the strategy during 2011/12. This would also allow it to sequence with the upcoming Scrutiny Panel review of the existing strategy. The revised strategy will be presented to Cabinet for approval before the 2012 season starting at Easter.

### **5.2 Permanent Site**

5.2.1 Nationally, there are not enough suitable sites to meet the accommodation needs of Gypsies, Roma and Travellers and the lack of authorised sites has led to an increase in unauthorised encampments.

5.2.2 The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies and Travellers and have a strategy that sets out how any identified needs will be met. The 2007 Gypsy & Traveller Accommodation Assessment identified a need for 16 permanent pitches in the city.

5.2.3 The Council is currently searching for a suitable site and hopes to be able to consult on this in Autumn with work starting early in 2012/13.

### **5.3 Transit Site**

5.3.1 The South East has 43 transit pitches with more than half of these (23) in Brighton & Hove (this is more than Greater London which has only 20).

5.3.2 The city has one authorised site (Horsdean Transit Site, Patcham) which provides accommodation for up to three months. However, the majority are occupied by households in need of permanent pitches. A new permanent site will free up transit pitches for those visiting the city.

### **5.4 Traveller Liaison Service**

5.4.1 The Traveller Liaison Service provides support to those living a nomadic lifestyle and entering the city, manages the Horsdean Traveller transit site, and manages unauthorised encampments within the city. The team consists of a part-time manager, 2 Traveller Liaison Officers and a Technical Support Officer.

### **5.5 Dealing with unauthorised encampments**

5.5.1 Where Travellers park on public land, the Police and Traveller Liaison Service make joint visits to assess the impact of the unauthorised encampment upon the local area and community and carry out welfare checks. Very often welfare needs result in some vehicles staying which encourages other vehicles to congregate on the site.

5.5.2 In some circumstances following a request from the Council over issues such as anti-social behaviour or crime and disorder, the Police can evict travellers relatively quickly using their powers under s.61 and s.62 of the Criminal Justice and Public Order Act. It is important to note that the Police do not make a

decision to use these powers lightly. In order for the police to take such action they require evidence and they will also consider the wider impact of eviction on the community in terms of displacement.

5.5.3 The Council can also apply for a possession order in the County Court in circumstances where it's not appropriate for the Police to use powers under the Criminal Justice and Public Order Act. Possession action can be lengthy, complex and open to legal challenge.

## 5.6 **Managing the seasonal summer increase in Gypsy & Traveller visits**

5.6.1 This report recommends focussing security measures on those locations that have a higher impact upon local residents and the environment. Security measures would vary depending on the nature of the location and could cost several tens of thousands.

5.6.2 As highlighted in both our existing Traveller Strategy and Government Guidance it is good practice to allow some toleration for short periods of time in locations where the encampment does not have any adverse impact on the settled community. This allows the Council to be better able to meet its responsibilities towards Gypsies, Roma and Travellers and take more effective enforcement action. Improved use of toleration on lower impact sites will be considered as part of the review of the strategy.

5.6.3 The Council recognises the importance of balancing the needs of the settled community with the needs of Travellers visiting the city. The Council is working in partnership with the Police on a 'firm but fair' approach to reports of anti-social behaviour, disorder or crime associated with a small minority of travellers.

Examples of recent actions taken in partnership with the Police are:

- Development of a Code of Conduct on Unauthorised Encampments that outlines behaviour which may result in eviction and sets the same standards of behaviour expected of the settled community
- Development of a leaflet to remind people that the anti-social use of motorcycles on public open spaces could result in the vehicle being seized
- The introduction of daily visits by the Police to unauthorised encampments to reassure both residents and travellers

## 5.7 **Good Neighbour Compact**

5.7.1 As part of the development of the revised strategy, the Council wants to explore the development of a Good Neighbour Compact. Traveller communities could be encouraged to agree a Good Neighbour Compact whenever they park on public land which will require them to treat the land they have occupied with respect, and that to respect the rights and freedoms of other people who also wish to use the area.

5.7.2 A Good Neighbour Compact would clearly outline the behaviour that may result in eviction from a site and would follow the same standards of behaviour that are expected of the settled community. The Council is clear that behaviour that is deemed unacceptable within society in general will not be tolerated. The

Compact would also outline the welfare support that is also available as part of a balanced approach.

- 5.7.3 Thought will have to be given about the type of compact and what the consequences of breach will be. If we are to take action for breaches, then there will need to be evidence we face legal challenge as a consequence. Officers may seek Counsels opinion on these matters before finalising any documentation to avoid setting unhelpful precedent.

## **6. CONSULTATION**

- 6.1 Engagement with Gypsies, Roma and Travellers, partner agencies and support groups (such as Friends, Families and Travellers), and the settled community is essential to ensure that the Travellers Strategy meets needs in an effective way.
- 6.2 As part of the development of a new Travellers Strategy, the Council will seek to enhance existing consultation and dialogue mechanisms with stakeholders, the local settled community and locally based Gypsy, Roma and Travellers. It is hoped that the Environment & Community Safety Overview and Scrutiny Committee will be involved in the strategy development.
- 6.3 In addition the Council will work proactively with partners and stakeholders to promote good race relations and community cohesion between Gypsies, Roma, Travellers and the settled community. This will involve the development of initiatives to raise awareness of issues relating to Travellers and address some of the 'myths' that still surround the travelling community.

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

### Financial Implications:

- 7.1 The Traveller Liaison budget for 2011/12 is £0.310 million. Whilst budget efficiencies have been planned for, the budget is likely to overspend this financial year (as it has done in previous financial years). The costs of site protection measures will be assessed and any future service pressures will be included in the Targeted Budget Management reports for 2011/12 and also in the Budget Strategy for 2012/13.
- 7.2 Any financial implications associated with implementing the other measures in the action plan will be reviewed and included in future reports back to Cabinet as per the action plan timetable.

*Finance Officer Consulted: Susie Allen*

*Date: 01/07/11*

### Legal Implications

- 7.3 In relation to recommendation 2.1(a), formulating and adopting a revised gypsy and traveller strategy must be accompanied by appropriate consultation, and comply with the Human Rights Act.
- 7.4 Recommendations 2.1(b) and (c) reflect statutory requirements.

- 7.5 The setting up of a permanent site will be subject to the grant of planning permission for the same. The Town and Country Planning Act 1990 (“the 1990 Act”) defines development, for which planning permission will normally be required, as including a material change in the use of land and building operations, both of which are likely to be involved in establishing the site.
- 7.6 Section 70(2) of the 1990 Act requires that the local planning authority, in determining any planning application, shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. Moreover section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination must be in accordance with the development plan unless material considerations indicate otherwise.
- 7.7 Relevant policies in the Brighton and Hove Local Plan 2005 will therefore have primacy in the determination of a planning application for a permanent site although other material planning considerations, for example the guidance contained in Circular 01/2006: “Planning for Gypsy and Traveller Caravan Sites”, should also be taken into account.
- 7.8 Recommendation 2.1(d) reflects equalities and other local government legislation.
- 7.9 Further consideration will need to be given to the use of compacts to ensure they do not open up the question of licences, by suggesting a managed toleration. Further advice from Counsel will be sought on this area.
- 7.10 In relation to recommendation 2.1(e), there is no inherent problem with site protection where it is targeted at all, and not solely at ethnically defined travellers, which may fall foul of equalities legislation. A policy of site protection would require an Equality Impact Assessment.
- 7.11 In relation to recommendation 2.1(f), robust enforcement and eviction action in partnership with the police on unsuitable sites or where anti-social behaviour, disorder or other criminal behaviour is a concern, is current policy, and is likely to continue to be challenged.
- 7.12 In relation to recommendation 2.1(g), examining new ways of managing the seasonal summer increase in Travellers will need to take account of many of the factors raised above, including our land rights and the rights under the law of those who trespass on the land.
- 7.13 In relation to recommendations 2.1(h) and (i), appropriate consultation with all concerned is strongly advised. Close liaison with neighbouring authorities to encourage them to play their part in supporting the Gypsy & Traveller way of life is also advisable.
- 7.14 At each stage of strategy development, further legal advice may need to be sought – some of this will be specialist advice which will have to be sourced outside the Council legal teams.

<i>Lawyers Consulted:</i>	<i>Hilary Woodward</i>	<i>Date: 01/07/11</i>
	<i>Simon Court</i>	<i>Date: 01/07/11</i>
	<i>Abraham Ghebre-Ghiorghis</i>	<i>Date: 04/07/11</i>

#### Equalities Implications:

- 7.15 Gypsies, Roma and Travellers are an often marginalised group with a way of life that the authority seeks to protect whilst at the same time considering the needs of local residents. Gypsies, Roma and Travellers as a group suffer a high level of inequality, particularly around life expectancy, health and education issues, and suffer from discrimination and racial hatred.
- 7.16 The Gypsy & Traveller Accommodation Assessment 2007 identified a shortage of traveller pitches in the South East and Brighton & Hove. This report and its recommendations are in order to help address this need.
- 7.17 An Equality Impact Assessment was carried out as part of the development of the existing Traveller Strategy and a fresh assessment will be carried out as part of the upcoming review of the Traveller Strategy.
- 7.18 As swift action is required and these recommendations fall within existing Government guidance and our strategy, it is not felt that the recommendations in this report require a separate Equality Impact Assessment at this stage.

#### Sustainability Implications:

- 7.19 The repeated evictions of travelling groups from the city's parks, historic and otherwise important sites only to see them again camp on a similar site is causing distress to travelling groups, local people and the environment. In focussing protection measures on locations most unsuitable for encampments the report seek to minimise the impact on residents and travellers and also prevent further damage to the city's important open spaces.

#### Crime & Disorder Implications:

- 7.20 Joint work with the Police is strengthening our approach to dealing with anti-social behaviour, crime and disorder associated with a small number of the travelling community.

#### Risk & Opportunity Management Implications:

- 7.21 Separate advice will need to be sought from the insurance team as to insurance implications. This refers to liability to the travellers and in addition to those working and living around them, for example, a vehicle running over a member of the public. It is possible that some travellers will not have adequate insurance.

#### Corporate / Citywide Implications:

- 7.22 Effective management of unauthorised encampments is essential to support local residents, the Gypsy, Roma and Traveller community and to protect the city's open spaces. In addition, an ineffective approach is likely to exacerbate the

number of unauthorised encampments with additional associated community tensions and costs.

7.23 The subject matter is open to legal challenge from a number of angles that has the potential to cost the authority significant sums.

**8. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

8.1 The current approach is visibly resulting in a cycle where travellers are moving from high profile site to high profile site as their preferred locations have been blocked. This is resulting in increased costs that would be more effectively used in securing the city's more important sites.

8.2 The other alternative would be to increase enforcement and eviction action however this is likely to only speed up the cycle rather than halt it with welfare needs likely causing delays to eviction and further loss of amenity space for local residents. This will increase community tension to the detriment of both the settled and travelling communities.

**9. REASONS FOR REPORT RECOMMENDATIONS**

9.1 The current approach to dealing with unauthorised Gypsy, Roma and Traveller encampments has resulted in a number of high profile encampments on prominent locations throughout the city such as parks and open spaces. Historically these encampments would have been on lower impact sites however these have been secured to prevent access.

9.2 As the current approach has not been as effective as envisaged, there is a desire to consider the alternative measures available under the existing strategy which can be implemented at short notice for this summer pending a full review of the strategy. It is expected that in doing this, subject to an understanding of the risks associated with this course of action, there may be fewer encampments in high profile locations.

**SUPPORTING DOCUMENTATION**

**Appendices**

1. Action Plan 2011/12-2014/15

**Documents in Members' Rooms**

None

**Background Documents**

1. Traveller Strategy, Brighton & Hove City Council, 2008  
[www.brighton-hove.gov.uk/travellers](http://www.brighton-hove.gov.uk/travellers)

2. Accommodation Needs of Gypsies and Travellers, Brighton & Hove City Council, 2007  
[www.brighton-hove.gov.uk/index.cfm?request=c1172974](http://www.brighton-hove.gov.uk/index.cfm?request=c1172974)



**Gypsy & Travellers Action Plan  
Initial action plan 2011-2015**

Recommendation	2011/12		
	July-Sept 2011	Oct-Dec 2011	Jan-Mar 2012
(1) To commence a review of the 2008 Traveller Strategy to deal with the annual summer increase in unauthorised encampments	Revise Traveller Strategy Work with the Scrutiny Review to support development of a revised strategy	Ensure draft strategy incorporates relevant scrutiny findings Consult on revised Traveller Strategy	Revised strategy to Cabinet
(2) To prioritise the provision of a permanent Travellers site	Site search and evaluation	Preferred site to Cabinet Consult on preferred site	Planning Application submitted Planning Permission granted
(3) To continue to offer appropriate support to assist Gypsy, Roma and Travellers with their welfare needs	Review role of welfare support as part of Strategy review	Consult as part of strategy development	Revise relevant Performance Compact(s)
(4) To promote cohesion between settled and travelling communities	Scope potential for: • Traveller Awareness Sessions • Good Neighbour Agreements	Consult as part of strategy development	Finalise ready for Easter increase in Traveller visits
(5) To focus site protection measures on those areas that are the most unsuitable for toleration	Agree protection criteria Develop and cost list of sites by protection priority	Identify funding Priority list and 3 year works programme to Cabinet	Works Priority 1 sites prior to Easter increase in Traveller visits
(6) To take firm enforcement and eviction action in partnership with the Police	The Police are working with the Council and have: • Agreed to make daily visits to unauthorised encampments • Developed a Code of Conduct	Review effectiveness	Subject to review

Recommendation	2011/12		
	July-Sept 2011	Oct-Dec 2011	Jan-Mar 2012
	<ul style="list-style-type: none"> <li>on Unauthorised Encampments</li> <li>Developed notices clamping down on anti-social use of motorcycles on public spaces</li> </ul>		
(7) A commitment to examine new ways of managing the seasonal summer increase in Travellers, including consideration of the appropriate use of limited toleration on lower impact sites	<ul style="list-style-type: none"> <li>Seek expert legal advice</li> <li>Develop summer policy</li> </ul>	Consult as part of strategy development	Finalise ready for Easter increase in Traveller visits
(8) To ensure that Gypsy, Roma and Traveller groups, local residents and representatives are consulted as part of the development of the refreshed strategy	<ul style="list-style-type: none"> <li>Identify relevant stakeholders for example: <ul style="list-style-type: none"> <li>Friends, Families and Travellers</li> <li>Police</li> <li>Local Residents</li> <li>Local Action Teams</li> <li>Others</li> </ul> </li> </ul>	Consult on revised Traveller Strategy and associated provisions	Regular consultation and engagement
(9) To encourage and work with neighbouring authorities to play their part in supporting the Gypsy, Roma and Traveller way of life	<ul style="list-style-type: none"> <li>Scope potential for regional summit for local authority Leaders, Chief Executives, the Police, Health and Gypsy &amp; Traveller representatives</li> </ul>	Subject to scoping	Subject to scoping

Recommendation	2012-2015		
	2012/13	2013/14	2014/15
(1) To commence a review of the 2008 Traveller Strategy to deal with the annual summer increase in unauthorised encampments	Implement revised Traveller Strategy	Implement, monitor, scrutinise	Review
(2) To prioritise the provision of a permanent Travellers site	Site development Develop Allocations Policy Site open late 2012/13?	Monitor and evaluate effectiveness	Review
(3) To continue to offer appropriate support to assist Gypsy, Roma and Travellers with their welfare needs	Monitor implementation of review	Monitor and evaluate effectiveness	Review
(4) To promote cohesion between settled and travelling communities	Monitor and evaluate effectiveness	Monitor and evaluate effectiveness	Review
(5) To focus site protection measures on those areas that are the most unsuitable for toleration	Works Priority 2 sites Monitor	Works Priority 3 sites Monitor	Review
(6) To take firm enforcement and eviction action in partnership with the Police	Regular review	Regular review	Regular review
(7) A commitment to examine new	Monitor and evaluate	Review need based on impact of	Review

Recommendation	2012-2015		
	2012/13	2013/14	2014/15
ways of managing the seasonal summer increase in Travellers, including consideration of the appropriate use of limited toleration on lower impact sites	effectiveness	new permanent site	
(8) To ensure that Gypsy, Roma and Traveller groups, local residents and representatives are consulted as part of the development of the refreshed strategy	Regular consultation and engagement	Regular consultation and engagement	Ensure groups involved in reviews
(9) To encourage and work with neighbouring authorities to play their part in supporting the Gypsy, Roma and Traveller way of life	Subject to scoping	Subject to scoping	Subject to scoping



# Brighton & Hove City Council

## TRAVELLER STRATEGY

June 2008

# Brighton & Hove Traveller Strategy

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## Section 1 - Introduction

Brighton & Hove City Council has developed this strategy in partnership with key service providers. It aims to provide a strategic framework for addressing the needs of travelling and settled communities. The strategy will focus on delivering and developing services, accommodation and dealing with unauthorised encampments. It outlines how we will work in partnership with service providers and stakeholders to ensure an effective and consistent approach to Gypsy and Traveller Community issues.

This strategy aims to:

- Set out a clear and consistent approach to any issues relating to Gypsies and Travellers that balances enforcement with service and accommodation provision.
- Ensure an integrated, multi-agency approach and establish a strategy that is clearly linked with other Council and partnership strategic priorities.
- To set out priorities and key actions to take work forward and improve services.
- Set out how we will meet our statutory duties towards Gypsies, Travellers and the settled (non-travelling) community and apply Government guidance where relevant.
- Promote community cohesion and the well-being of all residents (including Gypsies and Travellers)

The Council recognises the cross-border nature of Gypsy and Traveller issues and the need for a regional and national approach to addressing them. All local authorities need to meet their responsibilities in order for national and regional policies to be successfully implemented. The Brighton & Hove City Council will continue to work closely with neighbouring local authorities and to lobby for a national approach to the issues outlined in this strategy, for continued central Government funding and effective sanctions against local authorities that do not contribute appropriately.

The Council will ensure it fulfils its duties and responsibilities to all members of the community, including the settled and travelling community. All members of the community, whether Travellers or settled, also have a responsibility to show understanding and toleration of others and respect for the law.

The Foundations of Brighton & Hove's Sustainable Community Strategy form the guiding principles that we will use to deliver the Travellers Strategy for the city. The guiding principles of this strategy are:

- Equality – ensuring that the rights and needs of both settled and travelling communities are recognised and upheld and that everyone is able to access the opportunities and services on offer in Brighton & Hove.
- Community engagement – involving settled and traveller communities in meaningful dialogue regarding Gypsy and Traveller issues.
- Rights and responsibilities – everyone has a right to equal access to services such as education, health and accommodation, and the right to protection under the law from discrimination and harassment. Everyone also has a responsibility to respect the rights of others and to live within the law.
- Sustainability – promoting the environmental, social and economic sustainability of the city.

## **Section 2 – Background**

'Travellers' is a collective term used to describe different groups of people who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers and Irish Travellers are recognised in law as ethnic groups under the Race Relations Act (1976) and identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.

Whilst all Gypsies and Irish Travellers have a nomadic heritage, the extent to which they travel varies. Most Gypsy and Traveller families are now settled on authorised residential caravan sites or in conventional housing and may still travel for part of the year for work or for family occasions. A number of travellers live on unauthorised developments where they own the land but do not have planning permission to live there. Some groups are highly mobile and move on regularly, often against their will, as they have no permanent base.

Gypsies and Travellers as a group suffer from a high level of inequality, particularly around health and education issues, and suffer from discrimination and racial hatred.

The term 'Travellers' also covers groups that are not currently recognised as ethnic groups. These include 'New Travellers,' who are non-traditional travellers, (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling Showpeople.

There is no definitive data for the number of Gypsies and Travellers in the UK however the Commission for Racial Equality (CRE) estimates that there are between 200,000 and 300,000 living in the country. The



majority of these live in caravans on authorised public or privately owned sites and many Gypsies and Travellers also live in bricks and mortar housing.

Local authorities carry out a bi-annual count of Gypsy and Traveller caravans in January and July and this information is submitted to the department for Communities and Local Government (CLG). The latest figures from the January 2007 count suggest that there are over 16,500 caravans in England. Of these approximately 78.5% were on authorised sites, including socially rented sites and privately owned sites), 13.5% were on sites where Gypsies and Travellers owned the land but did not have planning permission (unauthorised developments) and 8% were on unauthorised encampments on land not owned by them and not designated as an authorised site.

The bi-annual caravan counts only provide a snapshot of the caravans in Brighton & Hove on a particular day and the January and July counts reflect the seasonal nature of travelling in the local area. In January 2007 there were 20 caravans on unauthorised encampments, none on unauthorised developments and none on authorised sites (as Horsdean Transit Site was closed for refurbishment at this time). In July 2007 there was a total of 65 caravans in Brighton & Hove all on unauthorised encampments. The CLG caravan counts do not include 'van dwellers' as individuals living in their vehicles are not recognised as Travellers in any national or regional policy. (See further information in Section 5 – Lived in vehicles parked on the highway).

### **Outcomes for Gypsies and Travellers**

The Commission for Racial Equality has highlighted concerns over tensions between Gypsies and Travellers and the settled community and inequalities in terms of access to services and outcomes such as health and education. Gypsies and Travellers remain excluded and socially disadvantaged, they often lead separate parallel lives, not helped by sometimes hostile media reports that can fuel tensions.

Gypsies and Irish Travellers fare worse than any ethnic group in terms of health and education. Levels of prenatal mortality, stillbirths and infant mortality are significantly higher than the national average. Life expectancy for women is 12 years and for men 10 years less than the general population. Gypsy and Irish Traveller children have lower levels of school attendance than other groups, particularly those of secondary age. In 2006 10% of Roma Gypsy pupils and 19% of Irish Traveller pupils achieved five or more A\*-C GCSE passes compared with 57% of the general population, these were the lowest levels of any ethnic group.

### **Links with other strategies and plans**

It is important that the priorities and actions set out in the Traveller Strategy complement and link with other relevant local strategies and plans in order to ensure that the specific needs of Gypsies and Travellers can be incorporated into the development of mainstream services as well as within specific initiatives and services. This section outlines some of the strategies and initiatives that are most relevant to Gypsies and Travellers.

### **The Council's Corporate plan**

Brighton & Hove City Council's top priorities and strategic goals are set out in the Corporate Plan. For 2006-07 the corporate priorities are:

- o Develop a prosperous and sustainable economy
- o Develop a safe city that values our unique environment
- o Develop a healthy city that cares for vulnerable people and tackles deprivation and injustice
- o Ensure all our children and young people have the best possible start in life

### **Sustainable Community strategy**

Brighton & Hove's Sustainable Community Strategy sets out a long term plan to improve the social, economic and environmental well-being of the city, now and in the future. The partners involved with the 2020 Community Partnership, Brighton & Hove's Local Strategic Partnership are responsible for the delivery and

implementation of the strategy. Membership of the 2020 Community Partnership includes Council, Public, Private, Community and Voluntary sector representation.

### **Inclusive Council Policy**

The Inclusive Council Policy is a strategy and programme of action to guide the City Council's approaches to equality, diversity, social cohesion and inclusivity. It aims to take a holistic approach to equality and diversity that sets out fundamental principles for an inclusive Council. This is an over-arching policy that sits above other documents related to the equality and diversity agenda such as the Race Equality Scheme, Gender Equality Scheme and Disability Equality Scheme.

### **Local Development Framework**

The Planning and Compulsory Purchase Act 2004 introduced a new system for preparing development plans. The Local Development Framework is a set of planning documents that together will form the new development plan for Brighton and Hove and must conform to the Regional Spatial Strategy/South East Plan. The Development Plan Documents, which make up the Local Development Framework are gradually replacing the Brighton & Hove Local Plan.

### **Housing Strategy**

The vision of the housing strategy is to ensure that all the people of Brighton & Hove have access to decent affordable housing that enables a good quality of life. This includes appropriate accommodation for Gypsies and Travellers. The Council is currently developing a new Housing Strategy for the City that will cover the housing market, housing needs and support issues, and is seeking the views of local people, services users and service providers.

### **Crime and Disorder Reduction Partnership**

The partnership audits crime and safety and works to deliver reductions in crimes and incidents in priority crime areas of the Community Safety, Crime Reduction and Drugs Strategy. This includes reducing hate crimes, domestic violence, crimes related to the misuse of drugs and alcohol including violent crimes and anti-social behaviour.

### **Children & Young People's Plan**

The Children and Young People's Plan is a single, strategic overarching plan for all local services for children and young people aged up to 19 years. The plan defines clear priorities that aim to secure improvements in outcomes for all children and young people in Brighton & Hove and is built around the government's five Every Child Matters Outcomes: Being Healthy, Staying Safe, Enjoying and Achieving, Achieving Economic Well-being, and Making a Positive Contribution.

### **City Employment and Skills Plan**

This plan provides support and advice to adults wishing to improve their skills and/or qualifications, or re/enter the labour market.

### **Healthy City Partnership**

The healthy City Partnership aims to improve health for everyone in the City with particular emphasis on communities experiencing greatest inequality of health and improving the provision of services to vulnerable groups through housing, health and social care partnerships.

### **Legal and Policy Context**

The Caravan Sites and Control of Development Act 1960 gave local authorities discretionary powers to provide sites for Gypsies. The Caravan sites Act 1968 made this a statutory duty and from 1980 the Government gave financial support to local authorities that provided sites. However the duty to provide sites was repealed by the Criminal Justice and Public Order Act 1994 and the financial support for site

provision was also withdrawn. The Act also gave greater enforcement powers against traveller encampments. As a result of this and of changes in the use of land there are now too few sites to accommodate all Gypsies and Travellers leaving many with no authorised place to live.

The issue has been reassessed and further guidance through the Government's Gypsy and Traveller Accommodation Policy has sought to meet the accommodation needs of Gypsies and Travellers. The Housing Act 2004 and Circular 01/06: Planning for Gypsy and Traveller Caravan Sites set the context for this. There is also a Gypsy and Traveller Caravan Sites Grant available from the Government. Accommodation for Gypsies and Travellers is explained in more detail in section 4 of this strategy.

The Race Relations Act 1976 makes it unlawful for employers and service providers to discriminate against any group on the grounds of race. This includes Gypsies and Irish Travellers who are recognised as ethnic groups. The Race Relations Amendment Act 2000 placed a general duty on public authorities to eliminate unlawful discrimination, and promote equality of opportunity and good race relations in carrying out their functions. In common with other local authorities, the Council has published a Race Equality Scheme that sets out how it will meet this duty.

The Human Rights Act 1998 incorporates the European Convention on Human Rights into British law. Several convention rights are relevant to dealing with unauthorised camping especially; the right to respect for private and family life, the right to protection of property, the right to education, and the prohibition of discrimination. When considering an eviction from an unauthorised site the Human Rights Act requires authorities to have regard to whether the action is necessary and proportionate under the circumstances.

### **Section 3 – Service provision**

The Council and its partners aim to ensure equal access to services and an equal standard of service provision for all sectors of the community including Gypsies and Travellers, and recognises the specific needs of this community. Therefore there are some specialised services for Gypsies and Travellers as well as mainstream services that are relevant to meeting their needs.

This strategy aims to facilitate access to mainstream services, and to ensure that the future planning and development of services considers how better to meet the needs of Gypsies and Travellers, especially when a permanent site is provided in the City.

## **Specialist service provision for Gypsies and Travellers**

### **Traveller Liaison Team**

The service provided by the Council's Traveller Liaison Team includes:

- The management<sup>1</sup> of unauthorised encampments
- Provision of advice and support to landowners and the public
- Management of the Horsdean Transit Site
- Support in helping Gypsies and Travellers access services such as education and health

The team develops and maintains partnerships with other service providers in order effectively to manage authorised and respond to unauthorised encampments and encourage and facilitate access to services by the travelling community. This involves taking legal action as well as allowing for periods of toleration when required, for example because of health or welfare needs (see section 5). The service liaises with and provides information to settled and travelling communities. The Traveller Liaison Team aims to promote good race relations and equality of opportunity between the travelling and settled community.

### **Traveller Education Service**

The 1944 Education Act – statutory duty on local authorities to make education available to all children residing in the area (whether permanently or temporarily)

Parents have a duty to ensure their child's attendance at school or make suitable alternative arrangements

Local authorities obligations to Traveller children met through the Traveller Education Service that works with schools to ensure that children receive their full educational entitlement

The service works to:

- support the access and admission of Traveller children residing in or resorting to Brighton and Hove;
- provide guidance and advice to schools on relevant legislation and strategies for successful inclusion;
- provide targeted teaching support for new arrivals;
- provide early years outreach provision

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<sup>1</sup> 'Managing' an unauthorised encampment involves responding appropriately, in partnership with other agencies to the incidence of an encampment and to any issue or cause for concern that may be associated with it. This includes taking action to end the encampment, provision of services to the campers where required, keeping stakeholders informed of the situation, and managing the impact of the encampment until the site is vacated.

- collaborate with other services to provide multi agency outreach support;
- support the ongoing achievement of Traveller pupils;
- provide culturally relevant curriculum materials;
- provide home-school liaison;
- ensure good attendance;
- promote knowledge and understanding of Traveller communities in all schools and the wider community;
- support the Council's Race Equality Action Planning and delivery

### **Health Services**

Brighton & Hove City Primary Care Trust provides targeted outreach services in order to ensure the Gypsy and Traveller community has access to mainstream healthcare provision. These services include the following –

#### for women and children

- midwifery and health visiting support (including immunisation and child health checks covering developmental milestones); welfare and educational support.

There is a midwife providing a service to Travellers in Brighton & Hove and other areas.

#### for the working age population

- screening for cardiovascular problems and participation in routine cancer screening programmes
- advice and screening for alcohol and substance misuse problems
- timely access to accurate medical histories

#### for young people

- sexual health screen and contraceptive provision, including emergency hormonal contraception
- access to the specialist young people's drug and alcohol service (ru-OK?)

#### for older people

- winter warmth
- flu vaccination
- mental health screening

Friends, Families and Travellers, a small national charity based in Brighton, employs a part-time Gypsy and Traveller Health Adviser (funded by Brighton & Hove Primary Care Trust) to assist in bridging members of the travelling communities into the mainstream health services they need.

A walk-in clinic is available daily at Morley Street Surgery in Brighton to those who are not registered with a GP including Gypsies and Travellers.

A dental service is available by appointment for those who find it extremely difficult to register for NHS dental care, including Gypsies and Travellers.

### **Employment Services**

There are opportunities available in the city for training and learning post 16 and to access employment or for in-work progression.

### **Multi-agency Traveller Team**

A new multi-agency team aimed at effectively managing unauthorised encampments was formed in spring 2007. The team includes officers from the Traveller Liaison Team, police officers, trading standards and waste enforcement officers. The multi-agency team has proved to be an effective means of partnership working through regular meetings to share information and joint visits to Traveller encampments.

### **Waste Collection**

The Council uses a contractor to provide a waste collection service for Travellers. The service collects domestic waste from Horsdean Traveller Site and usually from unauthorised encampments, in order to help Travellers to keep the area as clean and tidy as possible. The contractors also clean the communal toilet and shower block at Horsdean and where necessary clear sites after unauthorised encampments on public land have been vacated. This contract meets the requirements of the Council's Race Equalities scheme.

### **Community and Voluntary Sector Services**

Friends, Families and Travellers (FFT) is a national organisation, based in Brighton that seeks to address the problems facing the Gypsy and Traveller community. FFT carries out research and policy development but also provide a service to all members of the travelling community through advice and information as well as legal advice and advocacy. The advice and information unit is available to drop in or by appointment.

There are also other local community groups, such as Sussex Traveller Action Group that represent Gypsies and Travellers that contribute to dialogue around issues affecting them.

### **Mainstream services relevant to the needs of Gypsies and Travellers**

#### **Youth and Connexions**

The Youth and Connexions area teams work to ensure that young people make a successful transition into adult life and provide an important point of contact for information, advice and guidance.

### **Supporting People/ housing related support services**

Supporting people is a Government programme that aims to help people get housing related support services that enable them to live more independent lives. The Gypsy and Traveller Accommodation Assessment highlighted important needs around disability and adaptations. As part of the development of the new Housing Strategy the Council is consulting on how best to deliver housing related support services to the travelling community including the option of specific services for Gypsies and Travellers.

### **Community safety**

The Community Safety team leads the work to reduce crime, fear of crime and anti-social behaviour across the City and it leads and manages the Crime and Disorder Reduction Partnership. Priority areas include reducing race and hate crime, domestic violence, drug and alcohol related crime and anti-social behaviour.

In order to tackle harassment and racist incidents directed at Gypsies and Travellers Traveller Liaison Officers (TLOs) and other officers who work with Gypsies and Travellers will be trained to report racist incidents and will use the Pan-Sussex racist incident reporting form. TLOs will work with Hate Crime Caseworkers towards identifying perpetrators and carrying out prevention work or restorative justice work to reduce the incidence of harassment experienced by Gypsies and Travellers.

Funding has also been gained from the Victims Fund for a short term project aimed at increasing the reporting of racist incidents to be carried out by Friends, Families and Travellers, a third sector organisation.

### **Children's social services**

The Children & Young People's Trust is responsible for the safeguarding of all children in Brighton & Hove, in line with the Staying Safe outcome of Every Child Matters.

### **Priorities/Actions:**

- Expand the Multi-Agency Traveller Team in order to join up support services, to enable Travellers to access the services they need and to signpost them to the support that is available
- Set up recycling facilities at Horsdean and explore methods of encouraging recycling on other occupied sites
- Facilitate successful transfer to a new waste contract and monitor to ensure effectiveness and efficiency
- Make engagement with the Traveller Education Service an expectation for Travellers on Horsdean Transit Site and for any encampments that are tolerated for a period of time



- Develop a multi-agency information leaflet for distribution to Travellers during the initial visit to a site
- Increase the reporting of racist incidents involving Gypsies and Travellers

## **Section 4 - Accommodation**

The Government recognises that there are not enough suitable sites to meet the accommodation needs of Gypsies and Travellers. The lack of authorised sites has led to an increase in unauthorised encampments. Therefore more sites are required in order to meet the need for accommodation for Gypsies and Travellers and to reduce the level of unauthorised encampments. This section sets out how Brighton & Hove will play its part in achieving this.

### **Current provision**

In Brighton & Hove there is one authorised site, called Horsdean Transit Site, located at Braypool Lane, Patcham, which is managed by the local authority and has 23 pitches. This is a transit site, which means it provides temporary accommodation for up to three months.

Horsdean has recently been refurbished after the Council was successful in securing a 75% percent grant. This included installing an electrical substation and providing water and electric points on each pitch. The Council will consider any further improvements, subject to availability of funding, that may be required in order to ensure the site's facilities comply with Government Guidance.

Policies and procedures for the management of the site have recently been reviewed in order to ensure the site is used in an efficient and effective way and in line with Government guidance. Gypsies and Travellers who are granted a license on the site pay rent and a utilities charge for water and electricity, which off-sets the costs of running the site. The site is to be used as a facility for travellers who are in transit and need/want to stop in the city for a short period. It is also intended to be a useful tool in the effective management of unauthorised encampments.

### **Future provision**

The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies & Travellers and have a strategy that sets out how any identified needs will be met. Brighton & Hove City Council took part in a sub-regional Gypsy and Traveller Accommodation Assessment (GTAA) in 2005 as part of the Housing Needs Survey. The GTAA study looked at the accommodation needs and aspirations of Gypsies and Travellers in East Sussex and Brighton & Hove.

*Circular 01/06: Planning for Gypsy and Traveller Caravan Sites* establishes a new planning framework to help increase site provision to meet the accommodation needs of Gypsies and Travellers, reduce the number of unauthorised sites and promote good relations with the settled community. Regional Spatial Strategies, including the South East Plan, will identify the number of pitches required in each local authority area in light of local assessments of Gypsy and Traveller accommodation need.

The South East England Regional Assembly (SEERA) is undertaking a partial review of the South East Plan specifically to consider Gypsy and Traveller pitch requirements for the South East region. Brighton & Hove City Council has worked closely with its GTAA partners; district and borough councils in East Sussex and East Sussex County Council, and has submitted advice to SEERA regarding additional provision of permanent pitches for Gypsies and Travellers in the GTAA area.<sup>2</sup> SEERA will develop their Preferred Option(s) for pitch numbers and distributions across the region and a formal consultation period is planned for May-August 2008.

The partial review of the South East Plan focuses on the permanent provision of accommodation for Gypsies and Travellers and only qualitative information regarding temporary (transit) provision has been requested by SEERA. A more comprehensive assessment of the need for Transit pitches is expected at a later date, when the impact of the additional permanent provision across the region on travelling patterns is clear. The Council's transit site at Horsdean is expected adequately to meet the, mainly seasonal, current need for transit provision in the City. This will be subject to monitoring and review.

Circular 1/2006 requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their Development Plan Documents to meet the pitch requirements for their area as set out in Regional Spatial Strategies. As with all forms of housing/accommodation requirements set out in the Regional Spatial Strategy and Local Development Framework, the Council must ensure this is 'deliverable' (as stated in Planning Policy Document 3). The Local Development Framework (LDF) Core Strategy includes a Preferred Option regarding planning for Gypsy and Traveller sites, which states that provision will be made in accordance with targets in the South East Plan. The document also sets out planning criteria to be

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<sup>2</sup> Advice submitted in October 2007 states that there is a need for 47 additional permanent pitches in Brighton & Hove and East Sussex. The advice includes two different options for the distribution of these pitches with either 11 or 14 permanent pitches in Brighton & Hove. The final pitch requirements to be included in the South East Plan may be different to the figures provided in the advice.

used to guide the process of site selection and site location to meet these requirements. This will include an assessment of the social, environmental and economic impact of site options for both Gypsies and Travellers and the settled community.

Circular 1/2006 also states that local authorities should bring forward site provision ahead of the strategic planning process where there is unmet need. The Department for Communities and Local Government has a Gypsy and Traveller Sites Grant, which local authorities can bid for to refurbish or build new sites although the continuation of this funding has not been confirmed. The Council is currently looking into the possibility of bringing forward proposals for a permanent site in advance of the above process, which has a lengthy timetable.

This is to take full advantage of the opportunity currently available to bid for 100% of the funding required to develop a new site. Local knowledge shows that there are some Gypsies and Travellers who travel in and around Brighton & Hove for all or the majority of the year. As they have no authorised permanent place to live they often go on to unauthorised encampments. Some of the residents on Horsdean Transit Site also need permanent accommodation, as they have no authorised place to live once their temporary licence comes to an end. Providing a permanent site would therefore meet the pressing accommodation needs of some locally based Gypsies and Travellers, reduce the number of unauthorised encampments and free up spaces on Horsdean Transit Site. It is expected that Horsdean will cater for current seasonal transit needs in the city.

The Government has produced draft guidance for the design and the management of Gypsy and Traveller sites. The Council will ensure that any new site developed in the City will conform with Government guidance, being of an appropriate standard with good facilities and services.

Sites identified in Development Plan Documents do not have to be developed by the local authority; Gypsy and Traveller accommodation needs can be met through private provision as well as Registered Social Landlords (RSLs). In August 2006, an Order came into force allowing RSLs to set up and manage Gypsy and Travellers Sites and receive a grant to do so. RSLs will be able to bid for funding from the Gypsy and Traveller Sites Grant and the Housing Corporation will make these payments.

**Priorities/actions:**

- Reviewing the new management procedures in place at Horsdean and ensuring its continued successful operation

- Participating in the partial review of the South East Plan and identifying suitable locations for Gypsy and Traveller Sites within the Local Development Framework
- Exploring the possibility of developing a permanent site with Government funding ahead of the timescale for the strategic planning process
- In the longer term, preparing for the next GTAA and ensuring any additional need is met

## **Section 5 – Enforcement action**

This section aims to set out a clear and consistent strategy for taking enforcement action against Traveller encampments. This is based on multi-agency working to ensure the rights of both Travellers and the settled community are protected. The aim is to be tolerant of the way of life of Gypsies and Travellers wherever possible but to take swift action and not to tolerate any anti-social behaviour, illegal activity, or occupation of sensitive sites associated with an encampment (or directed at a Traveller encampment). The Council also recognises that a key element of tackling the issue of unauthorised encampments is adequate site provision. Section 4 covers accommodation provision in more detail.

### **Unauthorised encampments**

There are a range of enforcement powers that can be used to deal with unauthorised encampments. Each encampment will be assessed individually in order to determine the best course of action to take. These powers are outlined briefly in Appendix A - more detail can be found in Government guidance document *Guide to effective use of enforcement powers* produced by the Gypsy & Traveller Unit.

The Multi-Agency Traveller Team will deal with unauthorised encampments by following the operational protocol agreed between Sussex Police and Local Authorities (N.B. This protocol is currently being revised by the Police and will be attached when the final version is available). Initial action will be to carry out a joint visit between local authority and police officers, usually within 24 hours of becoming aware of the encampment. During this visit the situation is assessed in order to decide on the most appropriate course of action.

The information taken into account will include the number of families and vehicles involved, the location of the encampment and its impact on the community, the state of the encampment including any damage and rubbish. An assessment of health, welfare and educational needs is carried out during the initial visit and the findings of this are documented and used to inform the decision to be taken. This is to ensure that any action taken to deal with an unauthorised

encampment is proportionate and compatible with the Human Rights Act.

There are several options that can then be pursued:

As stated in Government Guidance it is important to consider whether enforcement action is necessary. In certain circumstances, for example if Horsdean is full, where Gypsies and Travellers only wish to stay for a very short time, are cooperative, and are in an unobtrusive location it may be preferable and more cost effective to agree a departure date with them.

In deciding which enforcement powers should be used to carry out an eviction consideration will be given to whether immediate action to remove the unauthorised campers should be taken. If immediate action is required Police powers under Section 61 or Section 62 of the Criminal Justice and Public Order Act 1994, which do not require the involvement of the Courts, may be used. If their removal from the land is not deemed to be an immediate requirement, action will usually be taken through Part 55 Civil Procedures or through the use of Section 77-78 (of the Criminal Justice and Public Order Act 1994). These powers do require the involvement of the Courts in order for an eviction to be carried out and the processes take longer than a Section 61 or 62.

For the police to use Section 61 there must be a need for immediate action such as:

- The location of the encampment presents a risk to those on the site (for example it is very close to a busy highway)
- The land is of a particularly sensitive nature (for example, a Site of Special Scientific Interest)
- The presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their businesses (for example school grounds during the term time, urban parks, retail, leisure or business parks)
- There must be two or more persons trespassing on the land
- Any one of the three following conditions have also been met –
  - the unauthorised campers have caused damage to the land or property on the land;
  - they have used threatening, abusive or insulting words or behaviour to the occupier, a member of his family, or his employee or agent;
  - there are six or more vehicles on the land.

Decisions on what action will be taken will also take into account health and welfare needs, the size of the encampment and whether any anti-social behaviour has been associated with it. Decisions that are taken must be lawful, reasonable, balanced and proportionate.

Where the welfare assessments carried out identify acute need(s) for particular services the relevant departments or agencies will be contacted in order to meet those needs. It may be necessary to delay the eviction of an encampment in order to address these needs or to relocate the unauthorised campers to another, more appropriate location within the area while those needs are addressed. In making such decisions the advice of relevant professionals will be sought.

The use of Section 62A is also an option that will be considered for dealing with unauthorised encampments. This will depend on the size of the encampment and whether there are enough available pitches at Horsdean Transit Site to accommodate the Travellers. The effective management of Horsdean and its policy for allocating pitches is therefore a vital part of the strategy for dealing with unauthorised encampments. Where the encampment is very large or has been associated with anti-social behaviour or illegal activity, such as fly-tipping, it is likely that a Section 61 will be more appropriate.

In addition to authorised permanent or transit sites Government Guidance states that it is good practice to allow some toleration for short periods in locations where the encampment does not have any adverse impact on the settled community. This is because through having different types of accommodation provision including toleration in some locations, the Council will be better able to meet its responsibilities towards Gypsies and Travellers and will be able to take more effective enforcement action. The quickest and most effective enforcement action requires the provision of appropriate authorised accommodation elsewhere in the area. Encampments will therefore be tolerated on certain sites especially during busy periods (for example in the summer season) when Horsdean may be full and Travellers with health or welfare needs require accommodation for short periods of time.

### **Managing the impact of unauthorised encampments**

The Council recognises that reducing the incidence and impact of unauthorised encampments, for example through avoiding encampments on sensitive sites, will benefit both the settled and travelling community by reducing tensions between them. The Council therefore aims to work with partners to control the impact of unauthorised encampments through:

- Reducing the frequency of unauthorised encampments by working towards adequate site provision
- Using Horsdean Transit Site to help better manage unauthorised encampments including through the use of section 62A
- Provision of an authorised permanent Gypsy and Traveller site

- Working with the police to take swift action where the need to use police powers in order to evict Travellers immediately is identified
- Considering whether the protection of sensitive sites would be appropriate

The use of measures to prevent access to land, such as bunding or height barriers will be considered in locations of a particularly sensitive nature. It may sometimes be appropriate temporarily to make use of site protection measures, for example to allow the land to recover where a location has had repeated unauthorised encampments. Site protection will be carefully considered and due regard will be given to its impact on the travelling community and their lifestyle. The Council will also consider whether the location can be easily secured and whether this is the most effective use of resources.

These actions will also help reduce the costs of dealing with unauthorised encampments including legal and clearance costs. Local authorities in other areas have found that site provision has been an effective way of reducing unauthorised encampments and the costs associated with them.

### **Unauthorised encampments on private land**

Landowners are able to take such action as is reasonably necessary to remove Travellers from their land using the Common Law. They may also go to the County Court under Part 55 Civil Procedure Rules to regain possession of their land. Where Travellers are camped on private land it is the responsibility of the landowner to take enforcement action. The Council will not normally intervene unless the nature of the encampment or the behaviour of the Travellers is causing substantive problems to the settled community, although the Traveller Liaison Team will monitor the situation and may advise the landowner

### **Unauthorised developments**

The Government recognises that many Gypsies and Travellers wish to buy and live on their own land. Some areas have a number of unauthorised developments where Gypsies and Travellers live on land, which they own but do not have planning permission for. The Council is not aware of any such unauthorised developments in Brighton & Hove but should this situation occur it will be dealt with according to Government guidance.

### **Lived-in vehicles parked on the highway**

It is illegal to live in a vehicle, which is parked on the highway, therefore the Council does not support this as an appropriate lifestyle choice. Those living in vehicles generally do not meet the current legal

definition of a Traveller and are not recognised as such in national and regional policy.

Lived-in vehicles are recognised as an issue for the city and a separate protocol for van dwellers is under consideration.

Section 77-78 of the Criminal Justice and Public Order Act can be used to take enforcement action and require the vehicles to move.

However, taking this action is costly and often not effective as it moves the problem elsewhere in the City. The Council will therefore explore a more joined-up approach to dealing with the issue of lived-in vehicles involving a range of Council departments and the police. The Council will also ensure that it investigates the needs of individuals living in vehicles on the highway and ensure it meets its obligations to them in terms of service provision and access to services, as it will for the rest of the population.

### **Priorities/actions**

- Work towards achieving adequate accommodation provision in the City and ensuring effective management of Horsdean Transit Site (see section 4)
- Multi-agency enforcement team continues to share information about unauthorised encampments and starts proceedings quickly once the course of action has been agreed
- To prepare site profiles regarding locations that have frequent unauthorised encampments so that information is available to make a quick decision if a new encampment occurs
- Investigate reports of anti-social or illegal behaviour where it is associated with unauthorised encampments and take action against this wherever possible
- Continue to provide up to date information on the status of unauthorised encampments to stakeholders and those who enquire
- Consider alternative approaches to deal effectively with lived-in vehicles parked on the highway through a separate protocol for van dwellers

## **Section 6 – Communication and Consultation**

### **Joint working and sharing information**

A key element of successful working arrangements to deal with Gypsy and Traveller issues is the sharing of information so that informed decisions can be made. The Council will look closely at the information and data available concerning the Gypsy and Traveller community, in order to make good use of relevant information for the development of services and to identify any gaps in data. The Council will also work



to establish mechanisms for sharing information across the Council, with partner agencies and other local authorities. One aspect of this is to encourage the inclusion of Gypsies and Travellers as categories within standard ethnic monitoring by the Council and its partners in order to provide more accurate and reliable information about the Gypsy and Traveller population.

The Council will continue to meet with neighbouring local authorities and work together in order to share information about the pattern of Traveller movements within the area so as to be able to make a reasoned assessment of local need, as well as to discuss and develop best practice.

In addition to working with neighbouring authorities the Council will build on the joint working arrangements in place with partner agencies within the City, through further expanding and developing the Multi-Agency Traveller Team. The aim will be to have in place a network of officers who are well informed and well connected in order to respond quickly and appropriately to the needs of the travelling and settled community and adapt and develop services to meet needs.

### **Community engagement**

Engagement with Gypsies and Travellers and the settled community is essential to ensure that the services meet needs in an effective way. The Council will review existing mechanisms for consultation and dialogue with relevant stakeholders, especially locally based Gypsies and Travellers. It will consider how these can be developed or how new mechanisms can be established in order to develop further good relations with stakeholders and ensure ongoing and meaningful engagement.

Consultation will also be carried out in order to seek stakeholders' views on specific issues relating to Gypsies and Travellers. For example, the Council and its partners will assist SEERA locally for its consultation in 2008 on pitch requirements for Gypsies and Travellers in the partial review of the South East Plan.

### **Promoting good race relations and community cohesion**

The council will work with partners and stakeholders to promote good race relations between Gypsies and Travellers and the settled community and to increase community cohesion to the benefit of all members of the community. This involves taking positive action to raise awareness of issues relating to Gypsies and Travellers and to combat some of the 'myths' that still surround the travelling community. This will be done through education and information, for example by helping schools develop educational programmes for children and through Holocaust memorial events. The Traveller Liaison Team will continue to

respond to queries and complaints by providing accurate information and helping people fully understand the issues involved. The Council has provided training for some members of staff to raise awareness of Gypsy and Traveller issues. It aims to make this training available to more members of staff as well as to provide training and/or information for Councillors. Positive action is also being taken to challenge discrimination and increase the reporting of racist incidents.

The Council will work to ensure that it encourages responsible and balanced reporting of Gypsy and Traveller issues in local and national media.

The Council will also work with representatives from Communities and Local Government to explore new approaches to reducing tensions and conflict between communities especially in developing a permanent Traveller site in Brighton & Hove.

**Priorities/actions:**

- Review the information and data available regarding Gypsies and Travellers to identify any gaps and consider how to use information to develop services
- Further expand the Multi-Agency Traveller Team to build on good joint working arrangements with partner agencies (see section 3)
- Review and consider how best to consult and engage with stakeholders including Gypsies and Travellers on an ongoing basis and in relation to specific issues
- Take positive action to promote community cohesion and good race relations through education and awareness raising of the lifestyles of the Gypsy and Traveller community. The Council, through its Inclusive Council Policy, positively promotes equality.

## **Section 7 – Delivering the Strategy**

This strategy sets out the strategic direction for issues relating to Gypsies and Travellers and their impact on both travelling and settled communities for the next three years. The strategy will be reviewed annually and after three years the situation will be comprehensively reassessed in order to set priorities looking further ahead. The Travellers Members Steering Group will review the progress of the strategy and ensure that the actions it sets out are carried out.

Taking the strategy forward:

Gaining cross party agreement on the strategic direction set out in this strategy

Consulting with stakeholders on the strategy

## Glossary

Settled community – generally this refers to non travelling residents in the city

Pitch – plot of land on a site on which a single Gypsy or Traveller household would reside

Permanent site/pitch – site/pitch that provides long term accommodation

Transit site/pitch – site/pitch that provides temporary short term accommodation for Travellers in transit across the area

Unauthorised developments – sites/pitches normally purchased by Travellers,

occupied and/or developed without planning

permission

Unauthorised encampments – land occupied for camping without land owners

permission

SEERA- South East England Regional Assembly

SEP - South East Plan

RSS - Regional Spatial Strategy

LDF - Local Development Framework

DPD - Development Plan Documents

## References

- o Home Office & ODPM. 2006. *Guide to effective use of enforcement powers*
- o Department for Communities and Local Government. 2007. *Local Authorities and Gypsies and Travellers: A guide to responsibilities and powers* DCLG
- o Department Communities and Local Government. Bi-annual caravan count:
- o <http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/biannualcount/>
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- o Commission for Racial Equality. 2006. *Common Ground: Equality, Good Race Relations and sites for Gypsies and Irish Travellers,*
- o Department for Communities and Local Government. 2007. *Race equality in Public Services, Statistical Annex to Improving Opportunity, Strengthening Society: Two years on – A progress Report*

Appendices:

Appendix A – Summary of Enforcement Powers

## Appendix A

### **Enforcement powers for dealing with unauthorised encampments**

Part 55 Civil Procedure Rules – allows any landowner (or where the land is leased this may be the lessee) to gain possession of his/her land. This is done through a County Court hearing and a Bailiffs Warrant is sought, a date to carry out the eviction will then be set.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 77-78 Criminal Justice and Public Order Act 1994 – can be used on any land within the local authority area including the highway and gives the local authority the power to direct individuals to leave the land and remove their vehicles and belongings. If the individuals fail to move the case can be taken to a Magistrates' Court to obtain an Order for the Removal of Persons and Vehicles.

Section 61 Criminal Justice and Public Order Act 1994 – the Police can use this power to direct unauthorised campers to leave the land, if they fail to leave having been requested by the landowner to do so by a particular time and date. The landowner initially makes a formal request to the Police to evict the Travellers and a senior police officer considers whether it is appropriate to use the power based on various factors and conditions being met.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 62A-E Criminal Justice and Public Order Act 1994 – allows the Police to direct unauthorised campers to leave the land where a suitable pitch on a relevant caravan site is available within the same local authority area. The Local Authority needs to confirm that an appropriate alternative pitch is available. The use of this power means that the individuals cannot return to anywhere within the local authority area (other than the site they have been directed to) for a period of three months and there are criminal sanctions for doing so.

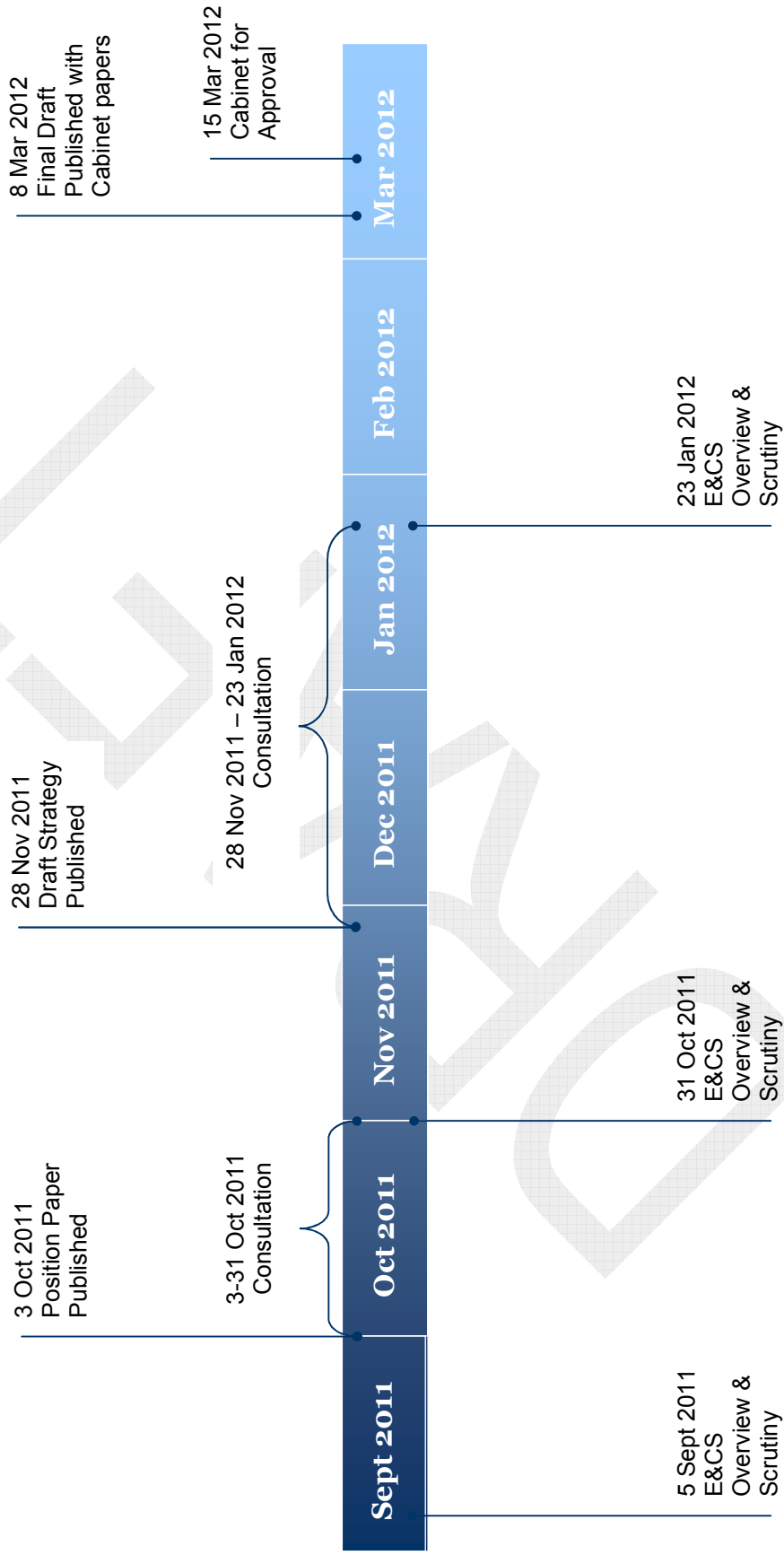
### Injunctions and Anti-Social Behaviour Orders

Where particular individuals or groups repeatedly return to an area and have been associated with anti-social behaviour public disorder or so on it may be appropriate to consider further options such as injunctions or Anti-social Behaviour Orders.

### Common Law Powers

Private landowners can use their Common Law rights to regain possession of their land and evict trespassers. This does not require the involvement of the Courts and can be enforced by the landowner or private bailiffs. Case law has established that a trespasser who enters land peaceably is entitled to a request to leave before being forcibly removed and the landowner may use no more force than is reasonably necessary to evict the trespasser(s).

## Traveller Strategy 2012 Strategy Development Publication Timeline (DRAFT)







# ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

## Agenda Item 18

Brighton & Hove City Council

<b>Subject:</b>	<b>Response to the recommendations of the Overview and Scrutiny Commission's Panel on Renewable Energy Potential</b>		
<b>Date of Meeting:</b>	<b>Cabinet 14 July 2011 (Item 41) ECSOSC 5 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Thurstan Crockett</b>	<b>Tel:</b> 29-2503
	<b>E-mail:</b>	<b>thurstan.crockett@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

*This response to the scrutiny review is being presented to 5 September ECSOSC for information at the request of 4 April ECSOSC during endorsement of the scrutiny report.*

- 1.1 A cross-party scrutiny panel on renewable energy potential for the city was established to investigate how best the council and its partners could develop renewable and sustainable energy resources, taking best advantages of the incentives on offer and working to grow emerging renewable energy business in the city.
- 1.2 It's report was agreed by Environment & Community Safety Overview & Scrutiny Commission on April 4, 2011. This report sets out the Council's initial response to the findings of the Commission and the scope of further work.

#### 2. RECOMMENDATIONS:

- 2.1 That Cabinet approves the responses in Appendix 1 and the timetable, subject to further reports identifying the business cases and funding etc., as set out in paragraph 3.3.1 below.

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

- 3.1 The Renewables Scrutiny Panel was chaired by Dr Adrian Smith, of the Science and Technology Policy Research Unit, University of Sussex. Other panel members were Councillors West, Morgan, and Watkins.

3.2 The Panel held four public meetings, hearing from 26 expert witnesses, including council officers, representatives of city partner organisations, experts on renewable energy, sustainable energy businesses and local residents.

3.3 The Commission made far reaching and challenging recommendations. Progress in implementing these to date is set out in Appendix 1. The findings and recommendations have Council, public sector and City-wide implications relating to the administration's stated priorities for this work:

- Create an ambitious programme to insulate every home in the city and install renewable energy technologies - To cut fuel poverty and energy bills, make homes healthier and slash carbon emissions.
- Help older people access grants and loans to make their homes more energy efficient and reduce excess winter deaths
- Ensure that at least 30% of energy consumption in public buildings is generated through renewable sources by 2015.
- Use the feed-in-tariff for renewable energy generation to fund core services.
- Create a council-owned Energy Services Company to retrofit public and private sector homes.
- Employ the Energy Services Company to develop low and zero carbon heat and electricity networks, supply council buildings and businesses in the city.
- Push for ambitious targets for energy efficiency, sustainable energy and sustainable building design and materials.
- Ensure new buildings in the city are zero-carbon by 2014 ahead of the national target of 2016.
- Adopt local carbon budgets, reported alongside the financial budget.

3.3.1 The degree of potential investment and technical complexity should not be underestimated. Hence, in taking the initiative forward, the Cabinet Member for Environment & Sustainability has asked officers to undertake a review of how the recommendations may be implemented in the context of:

- The 'One Planet Living' framework;
- Setting a 'Return On Investment' methodology;
- The Council's Medium Terms Financial Strategy (MTFS);
- Identifying co-investment opportunities with other key agencies, businesses and funding streams;
- Establishing a governance framework to drive a delivery programme; to allocate resources (to be agreed in relation to the Council's MTFS) and to assemble the necessary technical expertise.

3.3.2 These considerations (not least investment resources) are critical in establishing the capacity of the Council, the public sector and the City as a whole to deliver on the bold objectives and desired outcomes of the Scrutiny Panel report. In this context, the role and membership of the City Sustainability Partnership could be important in forging a strong investment plan which secures commitment from a range of stakeholders and investors and managing expectations of the pace and degree of change realistically possible.

3.3.3 There has been good progress in other key areas; in summary

- In 2010-11 the Private Sector Housing Renewal programme in Brighton & Hove invested nearly £1m and delivered the following key outputs in relation to energy efficiency: 737 energy efficiency measures installed; including 25 renewable energy solar thermal hot water systems; 392 tonnes of CO2 saved.
- The council has moved quickly to assess the benefits of the Feed in Tariff scheme. In addition to FIT Housing is exploring other options to increase investment in home energy efficiency across the city. These are summarised in Appendix 1
- The council's substantial PV programmes planned for deployment by April 2012
- Property and Design work on renewables in new builds and refurbishments
- the setting up of a city Sustainable Energy Working Group of practitioners keen to progress the recommendations with the council
- background studies on solar and wind resource
- planning policy changes prepared to boost renewables through Core Strategy changes and wider work
- an improved monitoring system through planning for renewables in new builds
- mapping of council buildings with ageing oil-fired boilers in areas of the city with energy and heat demand - lending themselves to potential combined heat and power networks
- advice to Shoreham Port and help to get Brighton Energy Co-op close to contract signing on a large PV scheme for the roof of a business centre; and on managing a wider PV programme
- exploration of council investment in a Finance South East community energy fund which finances hard-to-fund feasibility and start up for community energy projects
- Property services work to explore Brighton Energy Co-op developing a large scale PV project and in the potential for wind energy projects.

3.3.4 The Private Sector Housing Team is also launching a GP and Health Professional referral pathway that will identify patients, whose housing conditions put them at greater risk of poorer health outcomes, including the effects of fuel poverty. This will allow GPs & Health Professionals to directly refer patients onto available and appropriate support such as grants and a range of other support and advice options

3.3.5 The city's current £12.5m government funded Private Sector Housing Renewal Programme is coming to an end. To date £4m of this has been invested in home energy efficiency in the city. Local businesses and contractors have been utilised significantly in carrying out assistance works. As delivery of the renewal assistance programme is subject to availability of resources, it is now proposed to review our private sector Housing Renewal Policy based on likely future funding.

3.3.6 Key Housing Commissioning goals include: reducing fuel poverty; minimising CO2 emissions; improving private sector & social housing tenants' and eligible owner occupied homes. Housing has a strong background in investment &

delivery of home energy efficiency improvements across both the council housing stock and the private sector:

- The £1m invested in 2010-11 the Private Sector Housing Renewal.
- The use of local businesses and contractors for both decent homes and energy efficiency measures in the private sector.
- Across the council housing stock we have invested significantly in insulation & heating. The current SAP Energy Rating of 76.4 puts us in the top quartile of performance in this indicator. We are investing £3.5 million in boiler & heating replacements and upgrades, installing high efficiency condensing boilers.

3.3.7 Housing continues to aim to maximise home energy efficiency investment to meet our strategic Housing Commissioning goals, identifying funding and investment opportunities to maintain the current programme and opportunities for Brighton & Hove residents.

#### **4. CONSULTATION**

4.1 Consultation has taken place with the Energy Team, Carbon Management Board, Property Services, Planning, Housing, the City Sustainability Partnership chairs, the partnership's working group on revising the city's Climate change Action Plan, and with the emerging city Sustainable Energy Working Group.

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

##### Financial Implications:

5.1 The Council and partners will need to examine the funding options available to support the development of the recommendations within the Executive Response and consider financial investment in the context of the Medium Term Financial Strategy. Opportunities will be explored alongside the City Sustainability Partnership. The PV solar panel procurement process is underway and funding options available for non housing buildings were considered by Cabinet on 9 July 2011.

5.2 Initiatives will be reported back at which stage detailed financial implications alongside investment strategies and included within considerations for budget strategies.

*Finance Officer Consulted: Anne Silley / Rob Allen*

*Date: 28/06/11*

##### Legal Implications:

5.3 It is a constitutional requirement that Cabinet consider the Commission Panel's recommendations, and respond to the Environment and Community Safety Overview & Scrutiny Committee (ECSOSC), indicating what, if any action it proposes to take.

5.4 If ECSOSC has published the Panel recommendations, Cabinet must likewise publish its response.

5.5 Cabinet's response must be reported to full Council for information.

*Lawyer Consulted:*

*Oliver Dixon*

*Date: 27/06/11*

Equalities Implications:

- 5.6 Recommendations in this report are in line with the Council's approaches to equalities and inclusion. Tackling fuel poverty and fuel bills to help reduce inequality should be a core aim of any renewables programme, especially for the city's housing, and is the approach being adopted.

Sustainability Implications:

- 5.7 Sustainable energy development in the council and the city meets sustainability objectives environmentally, socially and potentially economically, if well designed and implemented.

5.8 Crime & Disorder Implications:

None

Risk & Opportunity Management Implications:

- 5.9 The biggest strategic risk is that the city misses the opportunity to make the most of the renewable energy resource and the financial incentives available.
- 5.10 The key short term risk is that delays in implementation will mean the council and others across the city missing out on the highest level FIT payment rate which has a deadline of April 2012; this is still very demanding and will need mobilisation across procurement, property and design, housing and planning to meet this.
- 5.11 FIT rates are partly designed to decrease as the capital costs of systems reduces and there has been a significant reduction in costs over recent years, bearing this out. So FITs and Renewable Heat Incentive (RHI) do present an ongoing opportunity, provided government doesn't change them again.
- 5.12 There is a risk relating to this uncertainty created by the government through the FIT review process, which has made it hard to publicise the FIT to the public with confidence – as evidenced by the government's failure itself to do so.
- 5.13 The big opportunity is to derive a programme which takes account not just of the FIT and RHI, but also of the likelihood that energy prices will rise rapidly: analysts suggest anything between 25 and 40% over the next 18 months to 2 years; this itself is a big incentive to deploy renewable energy more quickly.
- 5.14 There is a risk that the council has not geared up for this, may not have the skills sets required in depth and breadth, and has a big challenge to catch up with good practice in this area by other local authorities and organisations and to work effectively in partnership with new and established energy companies, households, landlords and commercial property owners.

- 5.15 There is also a risk that with limited resources, the panel recommendations place too much emphasis on renewables when demand reduction – energy efficiency – is the first priority: the two need to sit side by side in any strategy and implementation.
- 5.16 A focus on renewables alone may also work against carbon reducing transitional technologies like gas-fired combined heat and power, which offer the opportunity of deep carbon reductions through more efficient systems while the cost of renewables comes down.

Corporate / Citywide Implications:

- 5.17 Stronger co-ordinating leadership is required to enable a step change in implementation of these actions and to ensure the administration priorities for renewable energy are addressed. People with the skills, finance, spaces, technologies and plans need to be brought together more effectively. The focus to date has been largely on council property and support for much better partnership working on a wider city programme of renewable energy development is required. The city commissioning programme is an opportunity to address this, following the process set out at 3.3.1.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 No alternative options have been explored at this stage that are not set out in this report and the appendix.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The scrutiny panel reported more than six months ago and this is the first practical opportunity to bring this report forward.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Table of Recommendations with responses
2. Report of the Environment and Community Safety Overview and Scrutiny Panel  
*(not included with this report to 5 September ECSOSC)*

**Documents in Members' Rooms:**

None

**Background Documents:**

None

Executive response to the Renewable Energy Scrutiny Review

Rec Number	Scrutiny Recommendation	Executive Response to recommendation Decision-making body, date	Action taken or likely date of action
1	<p><b>Council plans to invest in sustainable energy:</b> The Strategic Director, Place, to publish in 3 months time a public document setting out the council's plans to invest in sustainable and renewable energy.</p>	<p>The corporate buildings solar PV programme was approved in outline at Cabinet on 9 June 2011. The report covers 23 sites with a strong business case and a further 17 sites, which have the potential but will need clarification from survey work. The sites within the scheme are made up from corporate and school buildings. The procurement process for this project is currently looking at the most advantageous (time and cost) route for procuring the panels and a decision will hopefully be made imminently.</p> <p>Housing has moved quickly to assess the benefits of the Feed in Tariff scheme. In addition to FIT, Housing are exploring other options to increase investment in home energy efficiency across the city:</p> <ul style="list-style-type: none"> <li>• Sub regional procurement of solar PV underway. Framework agreement to be in place June 2011 available for the Council to call-off after business modelling completed and further approval sought/given</li> <li>• Exploring the role the council will play in the delivery of the 'Green Deal' and are working towards a 'go early' scheme to replicate Green Deal benefits for city residents and to promote home energy efficiency and sustainable energy</li> <li>• Renewable Heat Incentive – as more details emerge we will be able to explore options to benefit both council tenants and other residents in the city</li> </ul>	<p>PV programme for operational sites including procurement – Energy &amp; Water Team/Procurement (by March 2012)</p> <p>Housing Cabinet member report September 2011.</p> <p>Installation programme - Architecture &amp; Design Manager, by April 2012</p>

		<ul style="list-style-type: none"> <li>• Exploring use of Energy Service Companies as a potential delivery vehicle for significant home energy efficiency and sustainable energy projects in the city</li> </ul> <p>The Council has also undertaken a range of renewables projects, through works carried out by the Architectural team, that have incorporated various no and low carbon technologies alongside other sustainable design components. These have included:</p> <ul style="list-style-type: none"> <li>• Balfour School: Ground Source Heat Pump, Solar Thermal and Passive Stack</li> <li>• Davigdor School: Solar Thermal</li> <li>• Somerhill Junior: Air source heat pump, solar thermal</li> </ul> <p>Other projects currently underway include:</p> <ul style="list-style-type: none"> <li>• Whitehawk Co-Location (Public building) Air Source heat pump, passive stack ventilation, rainwater harvesting</li> <li>• Whitehawk Co-Location (School) Air Source heat pump, passive stack, rainwater harvesting</li> <li>• Westdene Primary Air Source heat pump, passive stack, rainwater harvesting</li> <li>• Goldstone Primary Air Source heat pump, passive stack, rainwater harvesting, solar thermal</li> <li>• Queens Park Primary Air source Heat pump, passive stack ventilation</li> <li>• Falmer Academy, Biomass boiler, rainwater harvesting, solar thermal.</li> </ul>	
2	<p><b>Encouraging the city to invest in sustainable energy</b> The Strategic Director, Place, to approach major</p>	<p>The council has worked with the Development Director of Shoreham Port to advise on renewables development and helped facilitate a connection with Brighton Energy Co-op which is working on securing a deal. This could be to put a solar PV array on the Hove Enterprise Centre within the</p>	<p>SPD08 to undergo review late 2011. Current 'recession busting' measures will be subject to review with a view to the introduction of carbon</p>



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	<p>local land-owners and developers (including Shoreham Harbour) to explore as a matter of urgency how they can incorporate sustainable energy in their developments. The Strategic Director, Place, to report back on progress in 3 months time.</p>	<p>port; advice has also been given about appointing a project manager for the renewables work and about the impact of the FIT review. Also re work connected with the offshore windfarm development.</p> <p>Local Plan Policy SU2 and SPD08 Sustainable Building Design Supplementary Planning Document seek to deliver high levels of energy performance including installation of renewable technologies through the planning system.</p> <p>SPD08 includes a policy for carbon neutral development which has the potential to push this further. The policy has been temporarily waived as part of 'recession busting' measures.</p> <p>The submission Core Strategy promotes the growth of environmental industries in the city in policy CP16 Planning for Sustainable Economic Development. Shoreham Harbour (DA7) is identified as a specific location for environmental industries. Policy CP1 addresses Sustainable Building Design targets for new build. Policy SA6 Sustainable Neighbourhoods seeks to promote environmental sustainability improvements to new and existing buildings.</p> <p>Major local landowners have not been contacted due to the continued uncertainties in the renewables regime nationally.</p>	<p>offset payments towards grants for renewables.</p> <p>Update employment and area based priorities providing an opportunity to update and amend policies.</p> <p>Subject to members agreeing to withdraw the Core Strategy, policies will be updated and amended for October 2011 Cabinet. This will include CP1 which will be updated during the 'refresh' and public consultation undertaken.</p> <p>– City Planning</p>
<p>3</p>	<p><b>A sustainable energy programme for the city</b> The council to feed into a city wide energy planning process. This programme could be developed by the City Sustainability Partnership, if sufficiently</p>	<p>The CSP does not feel well enough resourced at present to develop this programme, but has invited the emerging Sustainable Energy Working Group to its July 18 meeting to hear how this might be developed. The group is made up of experienced renewables practitioners and has a practical focus on helping the council implement these recommendations. This would also involve an early mapping exercise of energy projects in the city leading</p>	<p>CSP meeting to explore formalising link with and role of working group – July 18 2011.</p>

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	<p>resourced, to produce a city-wide sustainable energy programme, to ensure that sustainable energy is integrated into all appropriate projects.</p>	<p>potentially to an on-line directory of low carbon projects and providers here.</p> <p>A city-wide programme should be developed as part of the Zero Carbon commission which is in the council's draft commissioning plan to begin in 2012/13. This conforms with the preparatory work being done for the CSP to revise the city's Climate Change Action Plan, with key strands on Housing, Transport, Industry &amp; Commerce, Sustainable Energy and Adaptation.</p>	<p>CCAP draft due September 2011</p> <p>Commissioning Plan due to be considered in September 2011</p>
4	<p><b>A council policy on sustainable energy</b> The Strategic Director, Place, to develop a corporate policy on sustainable energy which would bring together the work being undertaken across the authority.</p>	<p>A policy has been drafted but needs to be improved to reflect the new administration's ambitions and also to have a more city-wide approach.</p>	<p>Resources Unit, by September 2011</p>
5	<p><b>A sustainable energy team</b> The council to explore how to establish a dedicated team – for example, a Sustainable Energy Agency - to take forward sustainable energy initiatives in the city.</p>	<p>The Council's corporate Energy &amp; Water Team are reviewing renewables potential in the city linked to council land and buildings and as a catalyst for wider impact and deployment. Additional resources – two FTE posts - are being allocated to the team to improve the capacity to do this and existing work on energy efficiency more quickly and effectively.</p> <p>There could also be the potential for the energy working group to consider how an agency might be set up and this could form part of the commissioning process. The options need to be explored in more detail before any commitment is made to this.</p>	<p>Renewables investigation - Energy &amp; Water Team</p> <p>Zero Carbon Commission 2012/13</p>
6	<p><b>Long term strategic planning</b> The council to undertake, or</p>	<p>The level of solar availability or rather the strength and clearness of the light levels in Brighton is known to be good</p>	<p>Site suitability study and wind mapping complete - Energy &amp;</p>

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<p>enable, a study on renewable energy potential in the city over the next 10 years.</p>	<p>and is only bettered by areas in the far South West. It is for that reason that initial studies have been carried out by the Council's corporate Energy &amp; Water Team (EWT) to determine suitability of a number of Council properties.</p> <p>For other renewable technologies a wind mapping exercise was also carried out by the EWT, which used topographical data made available from DECC. This information was plotted onto our GIS system and sites that lent themselves to having wind turbines installed were highlighted. This information has been shared with City Planning.</p> <p>Identifying sites for renewables in city should be done through Part 2 of a citywide plan/Site Allocations document. National planning policy guidance on climate change in Planning Policy Statement 1 requires Local Planning Authorities to develop an evidence base to support policies including significant energy infrastructure. Early indications are that this approach will continue in the proposed National Planning Policy Framework (that will replace PPSs). A study on site specific opportunities for energy infrastructure should be undertaken to support future site allocations and ensure the future plan is sound.</p> <p>Assumptions were made during the scoping of the panel's work about the viability of tidal and wave energy here, but the University of Brighton has a team patenting a new system which they would like to test locally if sufficient research and development funds can be sourced to develop a prototype first.</p>	<p>Water Team</p> <p>To form part of the evidence base for commissioning for a local carbon city, a study would need to be drawn together from existing information and new information required. It is not clear yet who would lead this work.</p> <p>Progressing work on site allocations should be done through an energy infrastructure feasibility study.</p> <p>In terms of preparing this study there is a current resource gap in terms of in-house expertise and funding.</p>
<p><b>7</b>  <b>A heat mapping exercise</b>          The Strategic Director, Place, to ensure that a heat mapping exercise is undertaken.</p>	<p>Initial work has been undertaken by the council's energy manager, which has looked at the studies carried out by the London Development Agency in London to develop their heat mapping programme. This work has been supported by Planning, as the information would benefit</p>	<p>Energy Manager – 2012/13</p>

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	<p><b>A priority for Intelligent Commissioning</b> The Strategic Director, Place, to consider the suitability of sustainable energy as a priority for Intelligent Commissioning and identify how both sustainable and renewable energy could be embedded in the council's planning process.</p>	<p>development strategies within the city.</p> <p>Zero Carbon is one of the potential priorities for a draft City Commissioning Plan and Sustainable Energy is a key strand of this.</p>	<p>2012/13 provisionally. Plan due for consideration by Cabinet in September.</p>
<p>9</p>	<p><b>Monitoring sustainable energy</b> The Head of Planning and Public Protection to identify a resource to monitor renewable energy projects in the city and establish a monitoring system which enables learning from these projects to inform future policy.</p>	<p>The revised online Sustainability Checklist for Planning facilitates close monitoring of energy technologies proposed as part of development through the planning process.</p> <p>Data on low and zero carbon technologies will be subject to regular monitoring. Findings will inform policy development and implementation.</p>	<p>The checklist launched on July 6<sup>th</sup> 2011 became a validation requirement from July 13<sup>th</sup> 2011 for planning applications for new residential and non residential development and conversions.</p> <p>Annual Monitoring Report (AMR) will report back from the new checklist from 2012.</p> <p>The AMR will measure the implementation of policies in the Core Strategy once adopted including policies set out in section 2 of the table.</p>
<p>10</p>	<p><b>Training and employment - opportunities and gaps</b> The Strategic Director, Place, to ask the Economic Development team to review</p>	<p>The council's local employment scheme co-ordinator has started discussions with City College and South Downs college regarding the courses they are providing, following training promoted to local trades and business people on FIT and PV opportunities at events in Eastbourne and</p>	

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	<p>and identify the training and employment suppliers for this sector; including the opportunities and gaps – e.g. apprenticeships, helping job seekers, City Employment Skills Plan and potential links to the city's Economic Partnership and the 'Coast to Capital' Local Enterprise Partnership.</p>	<p>Lewes. Economic Development is working with Shoreham Harbour Partnership, West Sussex CC, City College Brighton &amp; Hove, Northbrook College and partners in Plymouth, Southampton, Rotterdam and Antwerp to bid for EU funds to promote Port related employment for young unemployed people. The bid focuses on the development of Shoreham Harbour and the jobs, career and apprenticeship opportunities they provide e.g. the wind farm and bio fuel operations. If successful the bid will represent an investment of around £1million toward new curriculum, closer links between business and schools and work to promote supply chains for the sector.</p>	<p>The bid deadline is 8 July approved bids announced January 2012</p>
<p>11</p>	<p><b>Raising the profile of renewables</b> The Strategic Director, Place, to establish a campaign to raise the profile of renewable energy.</p>	<p>A communications strategy is developing in relation to the new administration's priorities, not least for making Brighton &amp; Hove the UK's Greenest City and this will contain a core component on renewables; to date the uncertainties in government policy on FITs have made it difficult to communicate.</p> <p>The City Council has sponsored Fotodocument to commission an international photographer Markel Redondo to document world leading Spanish solar power projects as part of a major exhibition of positive environmental images to be staged at Brighton Station and other SE stations in 2012. <a href="http://www.fotodocument.org/shortlist.htm">http://www.fotodocument.org/shortlist.htm</a></p>	<p>September 2011 alongside corporate plan</p>
<p>12</p>	<p><b>A statement of ambition</b> The City Sustainability Partnership to be resourced to link up with universities, developers and installers in the city, community groups, as well as energy utility companies and developers</p>	<p>The CSP has limited resources still but can explore this as part of the unallocated LPSA reward funds made to the Brighton &amp; Hove Strategic Partnership.</p> <p>Some good links on this work exist currently – especially with the University of Brighton – but this could be developed and expanded. Again the working group may have a key role in this as it also contains a number of</p>	<p>Funds re-allocated Autumn 2011 – Public Service Board</p>

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	<p>experienced in city-scale renewables in other cities to produce a statement of ambition on sustainable energy for Brighton &amp; Hove.</p> <p><b>Helping community energy</b> The Strategic Director, Place, to ensure that the Citywide Sustainable Energy programme would have as a key aim to use the growth of this sector to assist the community.</p>	<p>installers. The Greens manifesto contains a number of statements of ambition reflected in para. 3.3 of the report accompanying this Appendix.</p>	
13		<p>Talks are underway with Finance South East to explore the potential of the city council investing in a community energy fund which would finance feasibility and start-up stages of community energy funds.</p> <p>Discussions have also been held with Brighton Energy Co-op to explore possible sites for investment.</p>	Meeting held on July 8, 2011

### Update on ECSOSC Informal Workshop: Preliminary Flood Risk Assessment

After the 22 July ECSOSC Scrutiny workshop and some further comments from the Environment Agency and Southern Water, the draft Preliminary Flood Risk Assessment (PFRA) was amended and re-submitted to the Environment Agency before their deadline of 19 August.

The amendments and an updated CD containing the complete final PFRA (to replace the one within the draft document) will be issued in due course for every draft copy released, including the scrutiny members' draft copies.

Additional information (minuted below) has been provided; the EA Figure 5.5 now includes a brief narrative and the Brighton Marina Estate Company has been asked to provide information on their action plan and construction. A visit to the Marina has been offered. Key officers from other Council services will be invited to any future flooding scrutiny.

The workshop recommended that the Scrutiny Chair write to DEFRA regarding the lack of response from Network Rail.

### PFRA Workshop: 2pm Friday 22 July 2011. Hove Town Hall Committee Room 1

#### Minutes

**Present:** Councillors Ollie Sykes (Acting Chair), Leo Littman, Denise Cobb, Tony Janio, Penny Gilbey and Mike Jones.

- a) Councillor Ollie Sykes ECSOSC Deputy Chair, chaired the workshop as Councillor Warren Morgan ECSOSC Chair had given his apologies. He welcomed everyone to the meeting, particularly specialists from partner organisations who had travelled here specially for this workshop. These were: Peter Amies (Technical Specialist) of the Environment Agency; Barry Luck (Sewerage Strategy Manager) and John Challoner (County Sewerage Engineer covering Brighton and Hove) from Southern Water Services and Paul Jenkin, partner at Peter Brett Associates LLP, who have prepared the Preliminary Flood Risk Assessment for BHCC.
- b) Councillor Sykes explained that the aim was to complete the proceedings within an hour, in view of an OSC call-in meeting arranged for 3pm at short notice that involved at least three of the ECSOSC Members present, including himself. He asked councillors to be concise and focus on priority issues as far as possible. He referred to the Introduction to the Workshop, Policy Update and the Preliminary Flood Risk Assessment that had been circulated in advance, taking these self-explanatory documents as read.
- c) There was no quorum for this informal workshop so if they wished Councillors could remain in discussion after 3pm up to 4pm. In addition, further comments or questions could be sent individually to the officers via the scrutiny team up till Friday 29<sup>th</sup> July 2011. This would still allow time for the point to be considered before the 19 (check) August deadline for submission of the PFRA document to the Environment Agency.

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- d) Scrutiny did not have powers formally to approve the document but comments and questions from this meeting would inform the final document and notes would be taken forward to the next ECSOSC, 5 September.
- e) The Lead Commissioner, City Regulation and Infrastructure, Mark Prior pointed out that flooding was a big issue for the City. There had been many incidents including significant flooding in different parts of the City in 2000-2001. Flooding was a growing concern across the EU and nationally, and new EU Directives and UK legislation, as detailed in the papers, brought new responsibilities for the Council as the Lead Local Flood Authority (LLFA) and others.
- f) The Environment Agency had responsibility for risk of flooding from the sea, rivers and reservoirs while BHCC as the LLFA was responsible for all other forms of flooding. Brighton & Hove had been designed as the 8<sup>th</sup> authority most at risk in the UK and funding was allocated to address this.
- g) An initial draft version of the PFRA had been submitted to the Environment Agency in June; this scrutiny workshop had an opportunity to recommend any additional issues for inclusion in time for the submission of any revised version before 19 August.
- h) Regarding the decision-making process; the report would be taken to the Environment, Transport and Sustainability Cabinet Member Meeting in the Autumn for retrospective approval
- i) Paul Jenkin of Peter Brett Associates LLP gave a presentation on the PFRA that set out the aims of the new legislation and responsibilities of the Lead Local Flood Authorities (LLFA). The PFRA is a high level, National screening exercise that is an initial stage of collecting information on past significant flooding and potential future areas of flood risk. The next key parts would be production of flood risk and hazard maps followed by a flood risk management plan.
- j) Brighton & Hove City Council as the LLFA, like all Unitary and County Councils, was responsible for investigating all local flooding, except from the sea, main rivers and reservoirs. It had authority to investigate and designate third party assets; for example a reservoir landowner had duties such as suitable maintenance and repair of certain assets.
- k) A SuDS approval body, (SAB) similar to and working alongside usual development control processes, was to be set up by April 2012. A DEFRA consultation exercise and guidance on this was expected this autumn.
- l) Paul Jenkin referred to the 'Wheel of Fortune' partnership approach to the four-phase development of Surface Water Management Plans (SWMPs), for which the 'Preparation' stage had already been completed. This included the formation of a partnership between Southern Water and the Environment Agency. Work on risk assessment for the SWMP had also started.
- m) There was some overlap between the PFRA and SWMP; these would be developed in tandem.



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- n) Paul Jenkin outlined why Brighton & Hove had been designated by DEFRA as one of the country's top ten hotspots. Surface water vulnerability and key assets had been screened and the resulting grid indicated contiguous clusters that affected relatively high numbers of assets. This was partially due to City's steep-sided valleys combined with relatively high population densities and large numbers of properties with basements.
- o) Asked if this was a robust estimate, Peter Amies said that the initial modelling was 'coarse' assuming extra-ordinary amounts of rain in a very short timespan; around 200mm rain in 6 hours. This compared with 160mm rain in 4 days during the autumn 2000 rainy period.
- p) Members welcomed the report and the close working between partners.
- q) Asking questions, some members were surprised that there seemed to be relatively little detailed historical data in the report and suggested there had been other flooding events that were not included. They questioned how historical records could be compared validly, and recalled significant flooding events from the sea that they felt could also usefully inform this PFRA process. Members asked whether all the localised springs around the South Downs had as yet been identified – such as at Patcham and Mile Oak.
- r) Members asked about the involvement of the Emergency Planning team and whether any of this work was being duplicated elsewhere.
- s) The Lead Commissioner pointed out that the content of the PFRA was specified in the Flood and Water Management Act 2010. There was a separate coastal strategy and Brighton & Hove were undertaking a separate study in coastal flooding.
- t) The findings of this PFRA process would feed into Emergency Planning processes and be included in the Emergency Response Plan. A more detailed map would be produced based on evidence received in due course.
- u) There was a query about the 'shy river' Winterbourne that flowed intermittently, that did not appear to be recognised or formally classified as a river. The workshop heard that it was in fact included on the map but the nature of this feature did warrant further discussion.
- v) Members who had further information to contribute to this stage of the process were asked to contact the officers via the scrutiny team, by the end of Friday 29 July.
- w) Asked about the next stages and the purpose of the plan, the Head of Highway Engineering and Projects said there would be a detailed investigation of all the data. There would be consultation and a probable questionnaire to gather information on significant rainwater and groundwater events. Lesser effects, eg broken water pipes, were to be excluded. Having assessed the risks and hazards, partners would determine if there is a solution and prioritise the available resources.
- x) This all provided background data for Stages 3 and 4 leading to a published Action Plan.
- y) Members questioned why the Environment Agency Flood Map (Figure 5.5) included

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only 2 limited coastal areas denoted at risk of flooding and felt it would be helpful if the list of Appendices (page vi) included a narrative.

- z) Replying to a query about the height of the Marina sea walls, officers noted that sea levels were known to be rising and the owners, the Brighton Marina Estate Company had an action plan. Members asked for more information to be provided and on the type of construction of the Marina.
  
- aa) Members asked if storm drains were needed – for instance at London Road in Patcham. Barry Luck replied that even the 150,000 cubic metre tunnel between Hove Street and Black Rock installed as part of Southern Water’s work to stop overflow into the sea, had been close to full capacity during heavy rain in 2001. (Southern Water deals with foul water flows, and runoff from roofs, gardens and highways.)
  
- bb) As much as 1,000 litres per second was flowing across the A23 at Patcham in autumn 2000. The City was ‘inundated’ and was lucky not to have had more rain, he said. But works to alleviate those problems were estimated at £20million in 2001 and so it was difficult to demonstrate the costs and benefits for an event that may happen once in 40 years.
  
- cc) The Chair asked how climate change was represented in the available data and heard that this would be dealt with at the next phase.
  
- dd) Some Members were concerned that if not spent on engineering solutions, the funding available to the Partners might be lost. Peter Amies reassured Members of the considerable expertise available within the Partnership. There were great benefits of working together on multi-agency flooding, to enable either solutions or mitigation of the problems.
  
- ee) He said the Flood Risk Register was a legal requirement. Hotspots would be identified, that would feed into the SWMP and lead to practical action. However the aim was to avoid heavy engineering where possible and try to manage flood risk via small changes – such as through the planning processes and from April 2012, through the SAB system.
  
- ff) The Workshop discussed the implications of floods for buildings insurance premiums. At present insurance cannot be refused to a current inhabitant, (as opposed to someone moving to another home) on grounds of flood risk. Effects on properties would depend on how the flood risk maps were to be published; it was not intended to identify individual properties, only groups of properties. Currently the Government has a Statement of Principles Agreement with the Insurance Industry until 2013 that ensures flood risk insurance is widely available. Follow this link for a post meeting update from Government  
<http://www.defra.gov.uk/news/2011/07/20/flood-insurance/>
  
- gg) Councillor Janio and others would send further details by e-mail of known flooding locations before 29 July.
  
- hh) The Chair referred to the Environment Agency questions that the officers would be aware of. (attached)

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- ii) Summarising, the Chair said Members were pleased at the solid progress on the 'Wheel of Fortune.'
  - jj) However they remarked on the lack of information from Network Rail, who had been described as 'silent' in response to requests for data, and argued this knowledge would be very important for the PFRA in view of the location of known flooding events on Rail land.
  - kk) Members queried the risk to telecommunications assets which would be key for emergency services during flooding incidents and were dismayed to hear that telecoms firms too, had not engaged well in emergency planning processes. This was a national issue. *It was later clarified that telecoms companies are not involved in this stage of the LLFA's PFRA but they are supposed to work with related Environment Agency processes}*
- ll) The workshop thanked all those involved.

**mm) RESOLVED;** The workshop (i) requested that additional information be provided as minuted above at y) and z), (ii) asked that key officers from other Council service areas also be invited for future scrutiny of the flood risk management.and (iii) resolved to recommend that representation be made to national Government on the inadequate response thus far of Network Rail ~~and telecommunications organisations.~~

### **Suggested (Environment Agency) questions to consider in reviewing PFRA:**

Are appropriate governance arrangements in place to understand and manage local flood risk?

Have the relevant internal and external partners been involved in the PFRA process?

Has all readily available information been gathered from within the LLFA and other partners?

Does the assessment of flood risk identify the receptors and the consequences in terms of human health, economic activity and the environment (including cultural heritage)?

Has the evidence been interpreted appropriately in reviewing indicative Flood Risk Areas?

Has adequate justification been provided for changes to indicative Flood Risk Areas?

Is there sufficient evidence to support Flood Risk Areas?

Are the conclusions and recommendations clear and based on suitable evidence?

Have the preliminary assessment report and associated spreadsheets been prepared in line with the templates in the guidance?

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### Environment and Community Safety Overview and Scrutiny Committee Draft Work Plan 2011- 2012

Issue	Overview & Scrutiny Activity	Outcome & Monitoring/Dates
<b>6 June 2011</b>		
Introductions		Welcome joint working and investigation of coordination between the Community Safety Forum and ECSOSC
Community Safety, Crime Reduction and Drugs Strategy 2011–14	Scrutiny of Policy Framework Plans and Strategies	ECSOSC asks for additional information in the Strategy including contacts, data, trends
Procurement of Vehicles and Plant	Scrutiny of reports included on the Forward Plan	ECSOSC makes 6 recommendations regarding records and costs, monitoring of carbon and environmental impact of vehicles and further investigations eg new technology and reducing the need for vehicles
Scrutiny of Preliminary Flood Risk Assessment	Workshop/session date to be arranged	Informal one-hour ECSOSC workshop is held on 22 July. Suggest representation to DEFRA re Network Rail. Invitation to Brighton Marina re long term flood defence

<b>5 September 2011</b>	
Timeline on review of parking policy	Chairs Communications – for information
Policies on Gypsies and Travellers Dealing with protesters (Request for Scrutiny, Cllr Theobald and from Cllr Wakefield)	Determine whether scrutiny action is needed
Disabled Taxis (Request for Scrutiny, Geraldine Des Moulins)	Determine whether scrutiny action is needed
Monitoring Scrutiny Review; Winter Service Plan	Tracking action on completed scrutiny reviews; determine whether a further monitoring report is needed
Feedback from Preliminary Flood Risk Assessment workshop	ECOSOC is asked to make representations to Government re information from Network Rail and invited to the Brighton Marina
Response to Renewable Energy Scrutiny recommendations from 14 July Cabinet	For information
Community Safety and Planning Policy	Scrutiny of Strategic Plans and Community Safety; rolling programme of Plans and Strategies

<b>31 October 2011</b>		
Monitoring Scrutiny review: 20mph Speed Limits/zones		
Council-supported bus services consultation		
Short report on Citywide Parking Review		
Monitoring Scrutiny review Support Services for Victims of Sexual Violence	Tracking action on completed scrutiny reviews; determine whether a further monitoring report is needed	
Community Safety and Planning/Highways Policy	Scrutiny of Strategic Plans and Community Safety; rolling programme of Plans and Strategies	
<b>23 January 2012</b>		
Scrutiny of Budget Proposals (potential)		
Community Safety and Housing Policy	Scrutiny of Strategic Plans and Community Safety; rolling programme of Plans and Strategies	
Report on Citywide Parking Review		

<b>26 March 2012</b>		
Street lighting		
Community Safety and Children and Families and Learning	Scrutiny of Strategic Plans and Community Safety; rolling programme of Plans and Strategies	

Potential items to add to ESCSOC Work Programme:

- Updates from Cabinet Members
- Monitoring outcomes of scrutiny reviews
- Items from Council's Forward Plan
- Open Spaces