

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 25 OCTOBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL



AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	25 October 2012
Time:	4.30pm
Venue	Council Chamber, Hove Town Hall
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Syed Tariq Jung
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	The Town Hall has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However use of the lift is restricted for health and safety reasons please refer to the Access Notice in the agenda.
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p align="center">FIRE / EMERGENCY EVACUATION PROCEDURE</p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> • You should proceed calmly; do not run and do not use the lifts; • Do not stop to collect personal belongings; • Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and • Do not re-enter the building until told that it is safe to do so.

AGENDA

25. DECLARATIONS OF INTEREST

- (a) Disclosable of pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

26. MINUTES

1 - 46

To approve as a correct record the minutes of (a) the last Council meeting held on the 19th July and (b) the Special Council meeting held on the 24th July 2012 (copies attached).

Contact Officer: Mark Wall

Tel: 29-1006

Ward Affected: All Wards

27. MAYOR'S COMMUNICATIONS.

28. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented to the Mayor at the meeting.

29. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 18th October 2012 will be circulated separately as part of an addendum at the meeting.

30. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 18th October 2012 will be circulated separately as part of an addendum at the meeting.

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31. PETITIONS FOR COUNCIL DEBATE

47 - 50

The following petitions are to be debated at the Council meeting. Reports of the Monitoring Officer (copies attached):

(a) **No to Development on Toad's Hole Valley.** Lead petitioners Councillor Bennett and Brown.

(b) **West Pier Market.** Lead petitioner Mr. P. Fijalkowski.

6.30 - 7.00PM REFRESHMENT BREAK

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

32. WRITTEN QUESTIONS FROM COUNCILLORS.

51 - 54

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

Contact Officer: Mark Wall

Tel: 29-1006

Ward Affected: All Wards

33. ORAL QUESTIONS FROM COUNCILLORS

55 - 56

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

Contact Officer: Mark Wall

Tel: 29-1006

Ward Affected: All Wards

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

(a) Call over (items 35 to 41 and 43 to 48) will be read out at the meeting and Members invited to reserve the items for consideration.

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

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

35. APPOINTMENT OF CHIEF EXECUTIVE

57 - 62

Extract from the proceedings of the Policy & Resources Committee meeting held on the 11th October 2012, together with a report of the

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Interim Lead, Chief Executive Services (copies attached).

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

- 36. SCRUTINY REPORT ON INFORMATION SHARING REGARDING VULNERABLE ADULTS** **63 - 136**
- Report of the Monitoring Officer (copy attached).
- Contact Officer:* Tom Hook *Tel:* 29-1110
Ward Affected: All Wards
- 37. STATEMENT OF LICENSING POLICY AMENDMENTS DUE TO REVISED LEGISLATION AND GUIDANCE** **137 - 144**
- Extract from the proceedings of the Licensing Committee (Licensing Act 2003 Functions) meeting held on the 28th June 2012, together with a report of the Head of Law (copies attached).
- Contact Officer:* Rebecca Sidell *Tel:* 29-1511
Ward Affected: All Wards
- 38. OPTIONS FOR PROVIDING ADDITIONAL SCHOOL PLACES BETWEEN SEPTEMBER 2013 AND SEPTEMBER 2016** **145 - 156**
- Extract from the proceedings of the Children & Young People Committee meeting held on the 15th October 2012, (to be circulated), together with a report of the Director of Children's Services (copy attached).
- Contact Officer:* Gil Sweetenham *Tel:* 29-3474
Ward Affected: All Wards
- 39. REVIEW OF ALLOCATION OF SEATS FOR POLITICAL BALANCE** **157 - 162**
- Report of the Acting Chief Executive (copy attached).
- Contact Officer:* Mark Wall *Tel:* 29-1006
Ward Affected: All Wards
- 40. APPOINTMENT OF INDEPENDENT PERSONS TO AUDIT AND STANDARDS COMMITTEE** **163 - 166**
- Report of the Interim Lead, Chief Executive Services (copy attached).
- Contact Officer:* Elizabeth Culbert *Tel:* 29-1515
Ward Affected: All Wards
- 41. APPOINTMENT OF REPRESENTATIVE TO THE COAST TO CAPITAL COMPANY**
- To approve the appointment of Councillor J. Kitcat as the Council's representative to the Coast to Capital Company and Councillor Mac Cafferty as his designated deputy. (A briefing paper from the Interim Lead, Chief Executive Services will be circulated with the addendum papers that are to be circulated on the day of the meeting).

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

42. NOTICES OF MOTION.

167 - 178

The following Notices of Motion have been submitted by Members for consideration (copies attached).

- (a) **Traveller Encampments on Sensitive Sites in Brighton & Hove.** Proposed by Councillor G. Theobald.
- (b) **Impact of parking charges on the local economy.** Proposed by Councillor Cox.
- (c) **Maintain a Democratic Planning System.** Proposed by Councillor Meadows.
- (d) **Delivering Replacement Affordable Homes.** Proposed by Councillor Mitchell.
- (e) **Fuel Poverty.** Proposed by Councillor Sykes.
- (f) **Fracking.** Proposed by Councillor Phillips.

ITEMS REFERRED TO COUNCIL FOR INFORMATION

Items 43 to 46 have been referred to the Council for information from the various committees as listed.

43. LEARNING DISABILITIES ACCOMMODATION

179 - 202

Extract from the proceedings of the Adult Care & Health Committee meeting held on the 24th September 2012, together with a report of the Director of Adult Social Care – Referred to the Council for information (copies herewith).

Contact Officer: Karin Divall *Tel:* 29-4478
Ward Affected: All Wards

44. COMPLAINTS PROCEDURE

203 - 214

Extract from the proceedings of the Audit & Standards Committee meeting held on the 25th September 2012, together with a report of the Monitoring Officer – Referred to the Council for information (copies attached).

Contact Officer: Brian Foley *Tel:* 291229
Ward Affected: All Wards

45. SENIOR OFFICERS STRUCTURE

215 - 230

Extract from the proceedings of the Policy & Resources Committee special meeting held on the 6th September 2012, together with a report of the Acting Chief Executive – Referred to the Council for information (copies attached).

Contact Officer: Charlotte Thomas *Tel:* 29-1290
Ward Affected: All Wards

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46. SUPPORTED BUS ROUTES

231 - 246

Extract from the proceedings of the Policy & Resources Committee special meeting held on the 6th September 2012, together with a report of the Strategic Director; Place – Referred to the Council for information (copies attached).

Contact Officer: Nick Mitchell
Ward Affected: All Wards

Tel: 29-2481

PART TWO

ITEMS REFERRED TO COUNCIL FOR INFORMATION

Item 47 has been referred to the Council for information from the Policy & Resources committee.

47. SUPPORTED BUS ROUTES – EXEMPT CATEGORY 3

247 - 262

Extract from the proceedings of the Policy & Resources Committee special meeting held on the 6th September 2012, together with a report of the Strategic Director; Place – Referred to the Council for information (circulated to Members only).

Contact Officer: Nick Mitchell
Ward Affected: All Wards

Tel: 29-2481

48. MINUTES - EXEMPT CATEGORY 3

263 - 264

To approve as a correct record the part two minutes of the last Council meeting held on the 19th July 2012 (circulated to Members only).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

49. PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and the decisions thereon should remain exempt from disclosure to the press and public.

50. CLOSE OF MEETING

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

Note:

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

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- (a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*
- (b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.

- (c) *Following completion of the outstanding items, the Mayor will then close the meeting.*
2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*
 3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

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

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

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

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

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

WEBCASTING NOTICE

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

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

COUNCIL

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

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

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

ACCESS NOTICE

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

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

We apologise for any inconvenience caused

Date of Publication - Wednesday, 17 October 2012



Acting Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 19 JULY 2012****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

Present: Councillors Randall (Chair), Meadows (Deputy Chair), Barnett, Bennett, Bowden, Brown, Buckley, Carden, Cobb, Cox, Davey, Deane, Duncan, Farrow, Fitch, Gilbey, Hamilton, Hawtree, Hyde, Janio, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Lepper, Littman, Mac Cafferty, Marsh, Mears, Mitchell, Morgan, A Norman, K Norman, Peltzer Dunn, Phillips, Pidgeon, Pissaridou, Powell, Robins, Rufus, Shanks, Simson, Smith, Summers, Sykes, C Theobald, G Theobald, Wakefield, Wealls, Wells and West.

PART ONE**1. DECLARATIONS OF INTEREST**

- 1.1 Councillor Smith declared a personal and non-prejudicial interest in Items 7(c), and 20(b), concerning Bowling Clubs as he was a non-playing member of Woodingdean Bowling Club.
- 1.2 Councillor Wells declared a personal and non-prejudicial interest in Items 7(c) and 20(b), concerning Bowling Clubs as he was a non-playing member of Woodingdean Bowling Club and also noted that reference was made to empty homes on page 174 of the agenda papers and he was Non-Executive Director of Brighton & Hove Seaside Homes.
- 1.3 Councillors Wakefield and Summers declared a personal and non-prejudicial interest as members of the Board of Brighton & Hove Seaside Homes Ltd, in view of the reference to empty homes on page 174 of the agenda papers.
- 1.4 Councillor Hamilton declared a personal and non-prejudicial interest in Items 7(c) and 20(b), concerning Bowling Clubs as he was an active supported of Portslade Bowing Club.
- 1.5 No other declarations of interests in matters appearing on the agenda were made.

2. MINUTES

- 2.1 The minutes of the various meetings listed below were approved as a correct record of the proceedings and signed by the Mayor:
- (a) the Budget Council meeting held on the 23rd February 2012;
 - (b) Special Council Meeting held on the 22nd March 2012;
 - (c) the last Ordinary Council meeting held on the 22nd March 2012;
 - (d) the Special Council Meeting held on the 26th April 2012;
 - (e) the Annual Council Meeting held on the 15th May 2012.

3. MAYOR'S COMMUNICATIONS.

- 3.1 The Mayor informed the meeting that he intend to take Items 7(c) Petition for Debate and 20(b) Notice of Motion from the Conservative Group together when Item 7(c) on the agenda was reached, as both the petition and the notice of motion related to Bowling Clubs;
- 3.2 The Mayor then stated that he had agreed to take a late item, concerning the Annual Audit Report which had been referred to the council by the Audit & Standards Committee and was listed as Item 11(A) in the addendum that has been circulated. He also noted that a further Part Two report on the Bus Service Network had been referred to the meeting for information following the Policy & Resources Committee on the 12th July and was listed as Item 22(A) on the addendum and had been circulated to Members only as it was a Part Two item;
- 3.3 The Mayor stated that he wished to convey the Council's condolences to the family of Glenn Mishon who had passed away recently after a long battle with cancer. He noted that Members would be aware Glenn had been a part of the fabric of Brighton and Hove and had been a supporter of many good causes in the city;
- 3.4 The Mayor then welcomed Dr. Mike Wilkinson to the meeting and asked the Council to join him in thanking Dr. Wilkinson for his commitment and service as the Independent Chair of the previous Standards Committee over the last 6 years. He noted that with the provisions of the Localism Act coming into force recently, he had taken the decision to stand down and would not be sitting on the Audit & Standards Committee.
- 3.5 Councillor Littman stated that he had worked with Dr. Wilkinson for the past year and had found him to be very helpful and able to provide an insight into a number of matters that had come forward to the Standards Committee. He wished him well and thanked him for his support at the committee and as part of the working group that had reviewed the new standards regime;
- 3.6 Councillor A. Norman stated that she had been very pleased to work with Dr. Wilkinson and noted that he had always been extremely well prepared for each meeting and had presided over a number of complaints against Members with integrity.
- 3.7 Councillor Lepper stated that she appreciated all the work that Dr. Wilkinson had undertaken over the years and felt that the council had been extremely luck to have him on the Standards Committee as an Independent Member and Chair. She regretted the

changes in legislation which had led to him having to come off the committee and stated that he would be missed and it showed just how important and valuable independent members were for Standards matters;

- 3.8 The Mayor thanked the councillors for their comments and presented Dr. Wilkinson with a certificate and gift as a mark of thanks for his services to the council and the Standards Committee;
- 3.9 The Mayor then noted that it was the last Ordinary Full Council meeting for the current Chief Executive, John Barradell and the Strategic Directors for Resources and Communities. He stated that he wished to thank them on behalf of the council for all their work and support during their time with the authority and to wish them well in their new roles. He was sure that the Chief Executive would find the City of London to be very different from Brighton & Hove and hoped that he found his time with the council had put him in good stead and that he would keep a watchful interest as a resident on how things develop at the authority and in the city.
- 3.10 The Chief Executive thanked the Mayor for his kind words and stated that it had been a privilege to have worked for Brighton & Hove and with a number of talented people across the council and partner organisations, all of whom sought to make Brighton and Hove a better place. He wished to thank the Mayor and his predecessors that he had worked with, as well as the Leaders of the Council all of whom brought their own unique qualities to the role of Leader and shared the aim of serving the city and the council in the best way that they could.
- 3.11 The Mayor stated that he was very happy to inform council that the Overview & Scrutiny Team had won the Innovation Award in this year's Centre for Public Scrutiny Awards, for their work on the Travellers Review. It showed how well regarded the team were and the benefit of having overview & scrutiny in the council structure. He was also pleased to inform the council that the Democratic Services Team had been one of 5 short-listed teams for the Municipal Journal's Team of the Year. Although they were not overall winners, to have been short-listed at national level was a great achievement and he wished to thank them on behalf of council for all their work and support, much of which took place without formal recognition;
- 3.12 The Mayor then stated that he wanted to congratulate all those involved in the Council being named the top local authority in the country for tackling homophobia and homophobic bullying in schools by Stonewall. Stonewall has described as exemplary the work the council did jointly with its good practice schools and local charity the Allsorts Youth Project. Young people from Allsorts have delivered training to council and school staff and provided anti-homophobic bullying sessions in secondary PSHE lessons. He then invited Councillor Mac Cafferty as Deputy Leader, along with Sam Beal from Children's Services and Maria Lamont from Allsorts to come forward to receive the award;
- 3.13 Finally the Mayor noted that he had been to a number of engagements since taking the role, ranging from celebrating Jubilee events, lighting the beacon, attending a Mayor's dinner in Chichester, a Royal Visit, People's Day, Pride events to receiving the Olympic Torch last Monday at the Cricket Ground.

4. TO RECEIVE PETITIONS AND E-PETITIONS.

- 4.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 4.2 Councillor Simson presented a petition signed by 96 residents requesting the reinstatement of the No. 52 bus service from Woodingdean;
- 4.3 Councillor A. Kitcat presented a petition signed by 15 residents from Boyces Street requesting that it be closed to traffic for safety reasons;
- 4.4 Councillor Mitchell presented a petition signed by 88 residents, concerning the level of parking charges in Whitehawk Road.
- 4.5 The Mayor noted that no further petitions were due to be presented.

5. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 5.1 The Mayor reported that 7 written questions had been received from members of the public and invited Mr. Tilley to come forward and address the council.
- 5.2 Mr. Tilley thanked the Mayor and asked the following question; "With the introduction of bus key cards, bus journey information is electronically stored. An analysis of this journey information would greatly aid the understanding of current and future public transport service usage. It is requested that the Council produce a timetable for publishing monthly individual bus journey data as Open Data?"
- 5.3 Councillor Davey replied; "Thank you for your question. Whilst the Council is supportive of Open Data initiatives bus journey information on services operated commercially is the property of bus operators. However, we will pass on your request to the bus companies.

The public transport industry is gradually moving towards more use of smartcards and, as they are introduced by bus operators on supported services, we will endeavour to make use of the additional data supplied by the smartcards. It should be noted that smartcards are not a stipulation of the supported bus services contracts which start in September."

- 5.4 Mr. Tilley asked the following supplementary question; "I note the Government's policy of delivering services digitally by default and providing open data by default, Brighton Council's provisioning of public digital services and open data needs improvement. It's taken some of my colleagues 3 or 4 emails of chasing to get answers to digital access questions. People require information like parking revenues, visitor's numbers, and council attendance. Many cities nationally or internationally have a digital convenor, that person acts a centre point for open strategy, open data, digital inclusion etc... It is requested that the Council please consider restructuring its service to enable such an appointment of a digital convenor."

- 5.5 Councillor Davey replied; "You have taken this well out of the realms of my responsibility but I will pass this on to colleagues who have heard all of that."
- 5.6 The Mayor thanked Mr. Tilley for attending the meeting and putting his questions and invited Mr. Campbell to come forward and address the council.
- 5.7 Mr. Campbell thanked the Mayor and asked the following question "Is the current Green administration anti business or just inept as a result of their lack of practical commercial experience?"
- 5.8 Councillor J. Kitcat replied, "No."
- 5.9 Mr. Campbell asked the following supplementary question of Councillor Mac Cafferty, "Is it appropriate for councillors to use Twitter and other social media to promote themselves and their particular political agenda as councillors but then to block those who don't necessarily share their point of view and so stifling legitimate political debate?"
- 5.10 Councillor Mac Cafferty replied, "Who I follow or who follows me on Twitter is entirely a personal matter."
- 5.11 The Mayor thanked Mr. Campbell for attending the meeting and putting his questions and invited Mr. Kemble to come forward and address the council.
- 5.12 Mr. Kemble thanked the Mayor and asked the following question, "Does the Council recognise the Hackney Carriage Trade as part of the City's integrated transport system?"
- 5.13 Councillor Davey replied, "Yes we do, it features strongly in the local transport plan. The taxi operators now have a taxi forum which sits under Licensing rather than with Transport but also taxi representatives attend the transport partnership meetings, for example we had a workshop on the station gateway project a couple of weeks ago; we were very pleased to have a taxi representative there and also spent a long time talking to taxi representatives at the tourism alliance recently so yes absolutely we do."
- 5.14 Mr. Kemble asked the following supplementary question, "As the Council has publicly stated it does recognise the Hackney Carriage Trade as part of the City's integrated transport system, will the councillor agree to install a taxi rank on land owned by the City Council from Ridgeway, Falmer to provide a service to the Amex stadium?"
- 5.15 Councillor Davey replied, "I think that's been presented in the past, I don't know the history of that, however I would suggest that you put that proposal forward in the usual way so that it can be considered by the officers."
- 5.16 The Mayor thanked Mr. Kemble for attending the meeting and putting his questions and invited Ms. Turner to come forward and address the council.
- 5.17 Ms. Turner thanked the Mayor and asked the following question, "Could the Council please tell us what plans they have in mind for a large separate and augmented public art gallery in Brighton and Hove?"

5.18 Councillor Bowden replied, "Having a large and separate public art gallery in the city is something that is an ambition of this administration. Given the current state of public sector finance, it would not be an easy thing to achieve on our own or in the short term. We do have a number of successful public art galleries in the city already; Fabrica which gets very large attendance figures across the year, the University of Brighton, Phoenix and of course the Brighton Museum and Art Gallery as part of the Royal Pavilion Estate. We also have a number of temporary visual arts festivals and exhibitions throughout the year – the Open Houses was phenomenally successful again this year and had an extra programmed element called HOUSE, Brighton Photobiennial launched earlier this week and will be on in October, the Brighton Digital Festival will be taking place again this Autumn to name but some.

However – the success of these does go to show the incredible appetite for visual arts in particular in the city and we would like to do more. We do have plans for greater use across the Museum and Art Gallery buildings and of course we would like to repeat the success we have had with the contemporary art commissions in the Royal Pavilion itself. Additionally, we do recognise the central importance of digital culture in the city and the role it plays in creating jobs here and adding to the city's reputation.

In summary, there is a lot of very successful visual arts practice in the city, both traditional and more contemporary. We would like to build on this and we do still harbour ambitions for an art gallery, perhaps with a photographic and digital focus delivered in partnership with the leading organisations that we have based here."

- 5.19 Ms. Turner asked the following supplementary question "If a private party were to try and open an art gallery, in what way could the Council assist them?"
- 5.20 Councillor Bowden replied, "If someone came to me with lots of money and wanted to open a gallery I'd be the first to welcome them. It's finding the space; and if they came to us you'd find they may be looking at an open door so if you know someone come and talk to me afterwards."
- 5.21 The Mayor thanked Ms. Turner for attending the meeting and putting her questions and invited Mr. Lowe to come forward and address the council,
- 5.22 Mr. Lowe thanked the Mayor and asked the following question, "With 70% of monitoring sites in Brighton and Hove recording illegal levels of nitrogen dioxide and the likelihood of the EU issuing a multimillion pound fine next year for breaching safety guidelines will the administration get tough on monitoring perpetual road works thereby insuring that they are completed within the shortest time frame in order to negate such build ups of noxious gases from stationery vehicles caught in the queues?"
- 5.23 Councillor West replied, "Throughout every year it is necessary for a considerable number of road works to be carried out within the city. These include highway maintenance, new schemes or developments and utility companies renewing or maintaining their installations. There are also several major events which have to be worked around. Quarterly meetings are held, with representatives from the council, utility companies and developers, in order to plan and co-ordinate future works around the city. A monthly city centre liaison group is also in place. With its own works, the

council delivers co-ordinated packages of maintenance works and transport improvements to minimise disruption and maximise the public benefits when completed.

Utility works are regularly monitored on site by the council. So far this year, the council has raised fines of over £30,000 on the utility companies for overrunning works, with fines of £96,000 raised last year. The council is currently examining the possibility of a permit scheme, which enables a greater level of co-ordination and advance planning. A report on the business case will be presented to the Transport Committee later this year.

The Council records NO₂ levels above the limit value across less than 2 % of the city's area. The majority of monitoring sites are located in 'hotspots' adjacent to busy transport corridors. It would be an unwise use of council resources to spread monitors across areas of the city where there is little traffic. The temporary nature of road works and events mean they are unlikely to have an impact on long-term pollution, but the measures I've mentioned, help ensure road works are carried out efficiently and any pollution, even temporary, is minimised. Two of the council's main transport goals are to reduce carbon emissions and improve public health. In the long term, this will be achieved through a range of different measures and projects designed to increase the range of sustainable transport choices for everybody; and by using innovation and technology to reduce congestion and improve air quality, and therefore residents' health. The Administration's commitment to developing and delivering these measures is demonstrated by the allocation of significant levels of capital investment totalling tens of millions of pounds we are committed to sustainable improvements over the next 3 years."

5.24 Mr. Lowe asked the following supplementary question, "So far Councillor West, with excessive parking charges costing businesses a fortune, attempting to reduce bus services mainly park and rides I could go on. Should the city be hit with an EU fine or these pollution levels continue will you and your partner in bio-crime, Councillor Ian Davey, resign forthwith?"

5.25 Councillor West replied, "One of the key points on parking charges is that we have altered the charges across the city. One of the reasons for this is that we want to reduce the parking pressure in the city centre which is contributing to our pollution so we would actually like people to spread a little bit further along and to use other areas to boost the economy in those other parts of the city and that would be very welcome by those areas.

What my colleague, Councillor Davey, has just reminded me as well is that we have very recently seen a high increase in bus patronage which has gone up 5% so that is a good piece of news. If you wish to correspond with me about any of your further points then that might be the easiest way to tackle them."

5.26 The Mayor thanked Mr. Lowe for attending the meeting and putting his questions and invited Mr. Warmington to come forward and address the council.

5.27 Mr. Warmington thanked the Mayor and asked the following question, "In answer to a public question to this Council meeting a year ago, the Administration undertook to investigate an all-operator Oyster-style travelcard for public transport in Brighton &

Hove. As several developments in the last year have made this all the more desirable, what steps has the Council taken to give this serious consideration?"

- 5.28 Councillor Davey replied, "I'm not sure that I agree that we did undertake, to investigate or operate an oyster toll or travel card but we did say multi operated ticketing. The introduction of a city wide travel card accepted by all public transport operators serving Brighton and Hove is a complex issue that will require co-operation and significant investment by all local transport operators as well as by the City Council. As I'm sure you're probably aware, it isn't in our gift to tell any public transport operator what to do or how to run their business. There's a big difference between London where London's oyster card is similar to what is called the quality contracts model which comes under the 2008 Local Transport Act whereby the local authority, in this case transport for London, tenders every route and no commercial operation is actually allowed.

This makes the use of single oyster cards style much easier to apply however the introduction of quality contracts system in Brighton and Hove would require a full public enquiry and there will be powers of objection from the public and existing public transport operators and as you may well be aware I don't think there's any quality contract system anywhere in the country outside of London at the moment.

I'm aware that the Transport Minister's recent statement supporting the introduction of multi operator smartcards outside London. He made the statement following the competition's commission's findings. I understand the Transport Minister has made a statement and proposes new legislation for transport authorities to mandate such schemes so I look forward to hearing further guidance from the Transport Minister and from central government.

In the meantime what I'm going to do is ask officers to prepare a short briefing paper on multi operated ticketing for the October transport committee, I think it would be a really good opportunity to look and see what else is happening in other places in the country and see what lessons can be learned. So that can be presented at the October transport committee and I think there's a strong possibility that the November transport partnership will look at public transport so we could also bring it to that partnership meeting as well."

- 5.29 The Mayor thanked Mr. Warmington for attending the meeting and putting his question. He noted that Ms. Paynter was not present and therefore the final question could not be put and a written response would be sent to her instead.

6. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

- 6.1 The Mayor reported that three deputations had been received from members of the public and invited Mr. Goss as the spokesperson for the first deputation to come forward and address the council.
- 6.2 Mr. Goss thanked the Mayor and stated that, "On 3 March, the City Sightseeing Bus, operated by the Brighton and Hove Bus and Coach Company, was re-routed down the east side of Sussex Square and Lewes Crescent, from Eastern Road down to Marine Parade. The Company obtained a summer 2012 permit for the re-routing from the Office of the Traffic Commissioner from 3 March. The buses run daily at half hourly

intervals from 10.35am to 6.35pm, that is 17 journeys per day, from 28 April till 16 September, then with reduced frequency until end September. This deputation is from the residents and requests the Council to take the necessary steps to prevent the bus being routed through Sussex Square/Lewes Crescent once the current permit has expired.

Sussex Square and Lewes Crescent, along with Arundel Terrace and Chichester Terrace, form the Kemp Town Estate, which has a Grade 1 listing. The Estate is a beautiful and cherished part of Brighton and we as residents want to share it with our Brighton community. We believe, however, that riding on a double decker bus, of up to 18 tons fully laden, which is travelling at speed through the Estate is not the way to enjoy, preserve and share its beauty and atmosphere. We believe that the bus is endangering the Estate's inhabitants. Many of the buses run empty or nearly empty, which is not good in terms of fuel use and maintenance, climate change and the environment. Scheduled bus services have never before run through the Estate.

We believe the Estate should be kept as a relaxed pedestrian area which all can share. We very much welcome visitors but believe strongly that the Estate can best be enjoyed on foot. For those unable to explore it on foot, the best way to get a good view of the buildings and gardens in their entirety is from the bus on Marine Parade or Eastern Road. The viewer does not gain much in addition from seeing just a few of the houses up close. We are also concerned that the bus will set a precedent in changing the road from being mostly residential to one with broader commercial use which will be very detrimental to the Estate.

This deputation by the residents has the full support of the Kemp Town Society. We will present to the Council at its meeting on 19 July an accompanying petition from local residents. The Brunswick and Adelaide Residents' Group, (covering Adelaide Crescent, Brunswick Square - which is also Grade 1 listed - and Lansdowne Place), also supports this Deputation. Tour buses passed through Brunswick Square at one time but no longer do so.

We understand that the Council's Conservation Advisory Group (CAG), at their 24 April 2012 meeting, discussed the re-routing of the bus through the Estate and that the Group agreed that it should write to the bus company expressing its concern and that the KTS should raise this concern with its members. We understand that CAG's concerns are similar to those raised in this deputation.

We were also heartened to hear of the strong action taken by the Bath Council in 1998 when the safety and environment of the Royal Crescent in Bath (in particular the historical cobbled roadway) was endangered by sightseeing buses. The Council there arranged a public enquiry which resulted in the closure of one end of the Crescent to prevent through traffic. We also understand that the closure has yielded unexpected benefits to the Crescent from enabling visitors and residents to enjoy a peaceful and relaxed primarily pedestrian environment in the Crescent."

6.3 Councillor Davey replied,

6.4 The Mayor thanked Mr. Goss for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be

referred to the Transport Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

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

6.6 Mr. Bojczuk thanked the Mayor and stated that,

“The Older People’s Council, with the support of the city’s major stakeholders working with the elderly – AgeUK Brighton & Hove, Pensioner Action, CSV, CVSF-FED, Carer’s Group and Alzheimer’s Society – are seeking the support and commitment of Brighton & Hove Council in making an application to the WHO for Brighton & Hove to become a member of the WHO Age Friendly City Network. The Age Friendly City Network was launched in June 2010 in Geneva with New York as the inaugural city. Since then, 17 cities worldwide have joined the network, with Manchester the only member, so far, from Britain.

Our application will mark the start of a programme designed to build age friendliness and active ageing into Brighton & Hove city policies and so become a city fit for all ages that promotes active ageing and independent living well into old age.

This requires a commitment to undertake a base line age-friendly status study, then to plan for and commit to improvements over the following 3 years. We feel that Brighton & Hove already fulfil many of the required criteria and working to improve age friendliness will tie in with the council’s existing sustainable community plans and friendly neighbourhood strategies.

We propose that the council vote to accept our motion to apply to join the age friendly city network and to work to include age friendly principles into council policies.”

6.7 Councillor Jarrett stated that he was happy to support the OPC in their application and noted that a number of aspects of the programme would tie in with existing council priorities and others may require budget support and further reports to committee.

6.8 The Mayor thanked Mr. Bojczuk for attending the meeting and speaking on behalf of the deputation. In view of the request for the council’s support he then moved that Council expresses its support for the Older People Council’s application to join the WHO Age Friendly City Network.

6.9 **RESOLVED:** That the Council expresses its support for the Older People Council’s application to join the WHO Age Friendly City Network.

6.10 The Mayor then invited Ms. Hill as the spokesperson for the third deputation to come forward and address the council.

6.11 Ms. Hill thanked the Mayor and noted that since the deputation had been submitted, a number of the points of concern had been addressed by the Policy & Resources Committee meeting on the 12th July, however she felt it was still appropriate to outline the deputation,

“When cuts were announced in early June to twelve subsidised bus services affecting large parts of the city, there was a public outcry. Cuts to the 81 and 52 mean no weekday evening service in Goldstone Valley, and no direct service at all from Ovingdean to the city centre. Sunday evening services will be thinned out from September to May, leaving no bus services at all on Elm Grove or Queens Park Road after 6pm on a Sunday for nine months of the year. Two school buses will cease, the 74 and the 96, serving Patcham, Hove Park and Blatchington Mill schools.

A petition in support of the 52 raised over 300 signatures in just a few days, and was presented at the Policy and Resources committee meeting on June 14th. At the same meeting, schoolchildren argued passionately in support of their school buses and amendments were proposed. However, the decision went ahead.

Since then, word has continued to spread. From Fiveways to the race course, from Woodingdean to Hove Park, over 1,600 signatures on the ongoing petition started by Brighton and Hove Labour demonstrates how much people value the city’s bus service. Many can’t understand why the Green Party controlled Council, so keen to get people out of their cars, would want to see the bus service reduced. People have pointed out that not everyone can cycle, and that many cannot drive or afford taxis. The elderly, those with disabilities, and young people are the most affected.

Targeting low usage services as a cost-saving exercise is short term. Those living far from the city centre with no car need a comprehensive bus service. Who would move to Goldstone Valley now without a car, knowing that there are no buses at all on a weekday evening, or Ovingdean, which is no longer linked directly to the city centre? Reducing the service causes a downward spiral, where rising car ownership drives down bus usage even more, making services ever more expensive to run, and at the same time increasing congestion, damaging air quality and enlarging our carbon footprint.

Following the support demonstrated by the petition and in the pages of the Argus, and after a meeting between Labour councillors and Brighton and Hove Bus Company, it now appears that the operator may be willing to reinstate the Sunday evening services, and we understand that there is a possibility that the Council will continue to fund the two school buses.

We welcome this, and thank the Council for responding to public opinion in this positive way. However, we would also like to ask that the funding of the 52 and 81 services be continued, by reconsidering other transport and sustainability budgets. It is difficult to justify spending on projects which may or may not deliver environmental benefits in the longer term, by cutting existing services which are helping people to live sustainably now.

Some have called Brighton and Hove a protest city, and people certainly have a right to voice a protest when services that they contribute to, and on which they rely, are withdrawn. We hope the Council is prepared to listen to the views of the people about their valued bus service, and to reconsider their decision.”

- 6.12 Councillor J. Kitcat thanked Ms. Hill for the deputation and acknowledged the importance that bus services played in the city's economy and for residents. He stated that there was a need to review the provision of school transport and this had been identified as part of the previous budget process. He also noted that the decision taken at June meeting of the Policy & Resources Committee had resulted in a number of routes being maintained by the bus company without subsidy and had generated a saving of £1m to the council. He also noted that at the recent meeting of the Policy & Resources Committee it had been agreed to provide subsidies for a number of other routes which meant that almost all routes would now continue to operate.
- 6.13 The Mayor thanked Ms. Hill for attending the meeting and stated that in view of the next item on the agenda and the fact that it was intended to open the debate to include Items 21 and 21(A), the issues raised in the deputation were likely to be addressed at that point. He noted that this was the final deputation and therefore concluded the item.

7. PETITIONS FOR COUNCIL DEBATE

7(A). SUBSIDISED BUS SERVICES

- 7.1 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Subsidised Bus Services.
- 7.2 The Mayor invited Ms. Hill to present her petition.
- 7.3 Ms. Hill thanked the Mayor and stated that a total of 1,789 people had signed the combined paper and e-petition which read as follows:
- "We the undersigned petition the council to continue the current funding of subsidised bus services in Brighton and Hove.
- Bus services exist so that people can get around without the need for a car, and reducing subsidies will make it more difficult to reduce car ownership and usage. The proposed cuts will mostly affect those who cannot afford a car, cannot walk far, or cannot pay for a taxi. We urge the council to find the modest sums required to continue bus subsidies from other projects and avoid this backwards step."
- 7.4 Ms. Hill stated that she hoped the council would find a way to ensure that the bus services were maintained and that a solution would be found for the No.52 service that served Woodingdean.
- 7.5 The Mayor noted that there were two amendments to the report's recommendations and stated that he would therefore call on Councillor Robins to move the Labour & Co-operative Group's amendment followed by Councillor G. Theobald to move the Conservative Group's amendment.
- 7.6 Councillor Robins moved the Labour & Co-operative amendment which sought to add further recommendations to the report.
- 7.7 Councillor Mitchell formally seconded the amendment.

- 7.8 Councillor G. Theobald moved the Conservative Group amendment which also sought to add further recommendations to the report.
- 7.9 Councillor A. Norman formally seconded the amendment.
- 7.10 Councillor J. Kitcat noted that all parties had voted for the budget in February which had included revisions to the bus services and noted that had the amendment moved at the June Policy & Resources Committee been carried, the £1m saving achieved since then would not have been made. Having set out the council's position the independent operators had chosen to maintain a number of services on a commercial basis and following the information presented at the last Policy & Resources Committee, it was possible to subsidise a number of the other routes so that they were available. There was a need to look at the school routes and to find a more flexible alternative to simply continuing with the subsidy in view of the falling numbers of pupils.
- 7.11 Councillor Mitchell stated that she believed it was appropriate to lobby for the retention of services and noted that the previous Labour Administration had worked closely with the bus company to improve services and provision such as accessible bus stops and real time bus information.
- 7.12 Councillor Davey stated that he could not support the proposed amendments as elements would require retendering of the contracts and this could not be achieved within the required timescales of the Traffic Commissioner.
- 7.13 Councillor Mears suggested that the current Administration had placed ideological views above the interests of the city. She noted that the owner of the Big Lemon had contacted ward councillors to say that buses would be sourced to meet the requirements of the contract, but she suggested that this should have been done in the first place. She also questioned the process which had resulted in the report to the July P&R Committee which identified an error in the contract award that had resulted in the No.52 service being awarded to the Big Lemon and a saving that was used to subsidise other services. She hoped that an explanation would be forthcoming on how such an error could have been made.
- 7.14 Councillor G. Theobald stated that he would be seeking further discussions to see if the full route for the No.52 service could be supported as it was the only service that enabled residents of Woodingdean to get in to the centre of the city and to the main hospital. He hoped that the Conservative amendment could be supported as there was a need to ensure that contract requirements for low-floor buses and through-ticketing could be met by the provider.
- 7.15 Councillor West referred to the One-Planet Living project and noted that the council and the city needed to reduce their carbon footprint and water-usage and that the funding allocated for the project would enable savings to be generated and then used to support other services such as the bus routes. The decision to adhere to the procurement process had been vindicated as a saving had been achieved and services maintained.
- 7.16 Councillor Brown stated that the retention of the No.81 service had been welcomed by residents of Hove Park Ward as they would have been left with no service at all.

- 7.17 Councillor Simson referred to the No.52 service and queried whether in reviewing the contract the number of students from the Language School using the service had been taken into account, as this was on the increase, but was likely to go down if the restricted route was the only one available. She also noted that it would cost bus users more as they would have to purchase a second ticket once their journey ended at the Marina and therefore it was likely to discourage more people from using the service. She believed that there was a clear need for a full No.52 service that covered Woodingdean and Ovingdean and did not require having to change at the Marina.
- 7.18 Councillor Peltzer Dunn queried why there had been a need to discover an error in the award of the contracts to provide a solution to the situation that had been created and why so many people had been put through a period of worry only to find that there had been no need to do so.
- 7.19 Councillor Smith stated that he believed residents of Woodingdean, Ovingdean and Rottingdean had been treated as second class and denied equal accessibility to a service that enabled them to get to the centre of town or to the hospital. He did not believe that many would be willing to change at the Marina and therefore it was likely that more people would enter by car and thereby increase numbers in the city.
- 7.20 Councillor Jarrett stated that the budget proposals had been voted on by all Groups and it was normal practice for a successful contractor to have the necessary equipment in place at the time the contract came into operation and not before.
- 7.21 Councillor Kitcat stated that he was pleased to see that two new operators would be providing services within the city and that they would meet the contract requirements in regard to their fleet. He believed that the procurement process had shown that a number of routes could be maintained on a commercial basis and this would not have been the case had the decision in June been to retain all the subsidies as they were.
- 7.22 The Mayor noted the comments and thanked Ms. Hill for attending the meeting and presenting the petition. He then put the Labour & Co-operative amendment to the report's recommendations to the vote which was carried. He then put the Conservative amendment to the report's recommendations to the vote which were carried.
- 7.23 The Mayor then put the recommendations as amended to the vote which was carried.
- 7.24 **RESOLVED:**
- (1) That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;
 - (2) That the Council welcomes moves from Brighton & Hove City Council and Brighton & Hove Bus Company that enable the 21B, 22, 24, 26, 27, 81A, 81, 74 and 96 bus services to continue running be welcomed;
 - (3) That officers be requested to report to the Policy & Resources Committee at its next meeting confirming the completion of contracts to run the 81, 81A, 21B, 96 and 74 services;

- (4) That, in addition to (2) and (3) above, officers be recommended to seek to identify the necessary funding and continue discussions with the bus companies with a view to running a direct service, with through ticketing, connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee with an Urgency meeting taking place if necessary due to the short timescales;
- (5) That officers be requested to seek to ensure that any new contract approved for the service 52 contains a requirement (if it doesn't already do so and subject to legal and procurement advice) for wheelchair accessible buses to be used on this route and that it is integrated into the 'Real Time' bus information system or a suitable alternative system and to report back to the Policy & Resources Committee on the outcome of the contract negotiations.

7.25 The Mayor then moved that the reports listed at Item 21 in the agenda and 21(A) in the addendum should be noted.

7.26 **RESOLVED:**

- (1) That the report (Item 21) be noted.
- (2) That the report (Item 21(a)) be noted.

Note:

7.27 The Mayor then adjourned the meeting for a refreshment break at 6.30pm for a period of 45 minutes.

7.28 The Mayor reconvened the meeting at 7.15pm.

7(B). TRAVELLERS, HORSDEAN SITE

7.29 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Travellers and the proposed Horsdean site.

7.30 The Mayor invited Councillor G. Theobald to present the petition.

7.31 Councillor Theobald thanked the Mayor and stated that a total of 1,611 people had signed the combined paper and e-petition which read as follows:

"We the undersigned, object to Brighton & Hove City Council's plans for a static Traveller site at Horsdean on the South Downs National Park in Patcham."

7.32 Councillor G. Theobald stated that the petition was growing by the day and it emphasised the point that residents of Brighton and Hove objected to the proposed static Traveller site at Horsdean, which was also in the National Park. He noted that a transient site already existed and the addition of a permanent site adjacent to this was not appropriate or conducive to social cohesion. He therefore wished to move an

amendment to the recommendation which would prevent the establishment of a permanent site within the National Park.

- 7.33 Councillor Peltzer Dunn formally seconded the amendment.
- 7.34 Councillor West stated that there were 23 pitches provided on the transient site and the creation of an adjacent permanent site would lead to an economy of scale. He noted that it was difficult to manage the unauthorised encampments that emerged in the city and having a permanent site should help to reduce the number of occurrences. He also noted that the previous Conservative Administration had recognised the need for a permanent site and secured funding for the provision of a site. He also noted that the recent cross-party scrutiny review on Travellers had recommended the provision of a permanent site. The proposed site would have to meet the relevant planning authority's requirements and a consultation process was taking place and he believed that it was the best option for all concerned.
- 7.35 Councillor C. Theobald stated that she did not feel it was appropriate to have everyone based on site and expressed concern over the possible contamination of the water table. She did not believe that a proper consultation exercise had taken place and was concerned that the existing transient site remained under-occupied even with groups setting up elsewhere as they did not want to pay for the use of the site.
- 7.36 Councillor Jarrett suggested that the best way of managing the unauthorised encampments was to have people on the permanent site and thereby enable better use of the transient site.
- 7.37 Councillor Wakefield welcomed the proposed creation of the permanent site and suggested that it would be regarded as treating Travellers with common decency and respectful of their human rights.
- 7.38 Councillor Jones suggested that the permanent site would enable its own community to be established and for those on the site to then be able to access services etc...
- 7.39 Councillor J. Kitcat stated that he was disappointed to see the petition given that the strategy to provide a permanent site had come from the cross-party scrutiny review. The previous Conservative Administration had left the situation unresolved for four years and the proposed site would meet national standards.
- 7.40 Councillor Hyde stated that the matter was an important issue and noted that there were currently twenty vans parked at Saltdean which was causing residents concern.
- 7.41 Councillor Mitchell stated that the council had a policy to provide a permanent site and the Labour & Co-operative Group had supported Horsdean subject to public consultation. She also noted that the Conservative Administration had secured funding and this was something that the current Government had chosen not to reduce and therefore she wondered where the Conservative Group would suggest for a permanent site.

- 7.42 Councillor West noted that three sites had been short-listed and that Horsdean had come out as the preferred site and therefore he could not accept the proposed amendment.
- 7.43 The Mayor noted that an amendment had been moved by Councillor G. Theobald and put it to the vote which was lost.
- 7.44 The Mayor then put the recommendation as listed in the report to the vote which was carried.
- 7.45 **RESOLVED:** That the petition be referred to the Environment & Sustainability Committee meeting on the 17th October, 2012 for consideration.

7(C). BOWLING CLUBS

- 7.46 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of a petition concerning funding provisions for Bowling Clubs in the city. He also reminded the council that he would be taking Item 20(b), Notice of Motion as part of the debate, along with the two amendments to the report and an amendment to the Notice of Motion.
- 7.47 The Mayor invited Councillor Farrow to present the petition.
- 7.48 Councillor Farrow thanked the Mayor and stated that a total of 1,627 people had signed the petition which read as follows:

"We the undersigned call on Brighton & Hove City Council presently governed by the Green Party, to debate their intention to reduce by £100,000 the subsidy to City Parks/Bowling Clubs throughout the City.

We call on the Council to debate this issue at their Council Meeting in July 2012.

City Parks are in discussion with each Bowling Club, individually, in Brighton and Hove over how each club can operate with reduced subsidy. If the proposed reduction is implemented it could mean Clubs would have to increase their charges by 200% or face possible closure."

- 7.49 Councillor Farrow stated the size of the petition showed the strength of feeling in regard to the proposed loss of subsidies to the various Bowling Clubs. He stated that the clubs provided their members and others with the ability to enjoy a sport, socialise and exercise, all benefits that should not be discouraged. The proposed reductions could see fees increasing by as much as 200% and it was very likely that a number of clubs would simply fold.
- 7.50 Councillor Farrow then moved an amendment to the report's recommendation on behalf of the Labour & Co-operative Group to refer the petition to the Economic Development & Culture Committee and to request a report on the options to support the clubs and to invite a representative from the clubs to address that meeting.

- 7.51 Councillor Fitch formally seconded the amendment and stated that he believed the bowling clubs were being badly treated with no account in the proposed reductions being made of the size or the finances of each individual club. He suggested that the matter needed to be considered by the committee with clear options being presented and all clubs informed of the proposals beforehand.
- 7.52 Councillor Brown moved the Conservative Group's amendment which also sought to refer the petition for consideration by the Economic Development & Culture Committee.
- 7.53 Councillor Mears formally seconded the amendment.
- 7.54 Councillor Brown moved the Notice of Motion on behalf of the Conservative Group and stated that she had serious concerns about the scale of costs that the clubs would be faced with. She accepted that there was a need for savings to be made but felt that the current proposals should be withdrawn and discussions held with the clubs to find a solution that could be achieved over a longer period. The clubs were already suffering because of the increased parking charges and having the increased level of fees imposed would see a number of them fold.
- 7.55 Councillor Mears formally seconded the motion and stated that the clubs were the only outlet for a number of elderly people who wished to remain active and to be able to socialise. She believed the situation went against the Sports Development Team's publicity which aimed to encourage more people to participate in sport across the city. The increase of over 200% in fees for many of the clubs was too much and meant that they would not be able to cover their costs even with increases to membership fees. She noted that past Mayors had supported bowls in the city and that previously there had been a Mayor's tournament and hoped that such support would continue.
- 7.56 Councillor West moved an amendment to the notice of motion on behalf of the Green Group and stated that he wished to thank Councillor Farrow for bringing the matter to debate. He stated that the council was facing unprecedented costs which needed to be tackled and this had not been helped by the decision to freeze council tax. He recognised the health and wellbeing benefits from playing bowls, but noted that across the city membership was falling and some degree of rationalisation may be beneficial. The council maintained twenty greens in the city not all of which were used on a regular basis.
- 7.57 Councillor Phillips formally seconded the amendment.
- 7.58 Councillor West stated that the proposals had been raised with the clubs who had had time to adjust to the situation and there had been constructive discussions with officers with a variety of options being considered. He wished to thank the clubs for their co-operation and stated that there was no intention to prevent people from playing bowls, however there was a need to make use of the available facilities and to encourage people to take the sport up so as to increase memberships. He stated that discussions with the clubs would continue with proposals then being brought to committee for consideration.
- 7.59 Following a point of order, the Monitoring Officer confirmed that the Economic Development & Culture Committee held the delegated responsibility for the bowling

greens and therefore should the council decide to refer the issue, it would be to that committee. However, he also noted that dependant upon the budgetary considerations resulting from any decision by the committee; it may then require the matter to be referred to the Environment & Sustainability Committee or Policy & Resources Committee.

- 7.60 Councillor Smith stated that the council had supported bowls in the city for as long as he could recall and did not understand how the clubs were being singled out in regard to subsidies. He noted that people were able to use the swimming pools, beaches and other such facilities without reference being made to these being subsidised. He therefore did not understand why bowls was being referred to in this way and hoped that a solution could be found whereby the clubs could continue to function.
- 7.61 Councillor Hamilton stated that he believed there were a large number of people involved in playing or supporting the clubs and that a solution needed to be found that enabled them to continue to enjoy their sport. He noted that the Corporate Plan for 2012/13 included an objective to increase sport and sporting activity in the city and yet it appeared to be the opposite with the current proposals. He therefore believed that the current proposals should be reviewed.
- 7.62 Councillor Barnett noted that the Olympics were due to begin shortly which would heighten interest in sport, and yet the council was seeking to reduce a sporting facility. She stated that the Hangleton & Knoll Bowling Club had expressed their concern over its future if the proposals were implemented and asked that further consideration be given to the matter.
- 7.63 Councillor Phillips stated that she had met with representatives from St Anne's Wells who understood the need for the review of fees and were looking at how to manage the club so that it could continue. It was a great example of being involved in the process and she hoped would see a positive outcome. However, the council was in a difficult position because of the level of Government cuts that were being imposed and the need to maintain front-line services and she hoped that the amendment would be supported.
- 7.64 Councillor Jarrett stated that St. Anne's Wells club was a good example of a club that had recognised the pressures faced by the council and were willing to look at how they could continue with a lower level of support from the council.
- 7.65 Councillor Peltzer Dunn stated that a large number of people enjoyed the game and queried whether provision would remain for members of the public to simply choose to play on the public lawns. He accepted that aspects of the amendment could be supported but overall it did not achieve the aims of the actual notice of motion and therefore he would oppose it.
- 7.66 Councillor J. Kitcat noted the comments and stated that there was a need to take account of level of use of the greens which was limited to a period of 4-5 months and therefore a way forward needed to be found that was fair across all sporting facilities. The figures that had been referred to were approximations and no decision had been taken as yet, the intention had been to consult and to then bring forward proposals for consideration.

- 7.67 Councillor Brown stated that the proposals had caused the clubs concern about their futures and it appeared that the council was not listening which was why the notice of motion had been presented.
- 7.68 Councillor West stated that there was a need for a balanced approach and to seek to find a viable solution that would provide a better future for the clubs, which was why the amendment had been put forward.
- 7.69 The Mayor stated that he would put each amendment to the petition report first and then the amendment to the notice of motion and the notice of motion itself. He therefore put the Labour & Co-operative Group's amendment to the vote which was carried. The amendment having been carried, the Mayor noted that the Conservative Group's amendment became obsolete and therefore put the report's recommendations as amended to the vote which was carried.

7.70 **RESOLVED:**

- (1) That the petition be referred to the Economic Development & Culture Committee Meeting on the 20th September, 2012 for consideration;
- (2) That a report be requested for presentation to the Economic Development & Culture Committee at its meeting on 20th September setting out options for the future support to Bowls Clubs for consideration in advance of council budget setting; and
- (3) That the Chief Executive be requested to ensure a representative of the city's Bowls Clubs is invited to attend and address the Economic Development & Culture Committee at the meeting on the 20th September to set out their key concerns.

7.71 The Mayor then put the Green Group amendment to the notice of motion to the vote which was lost.

7.72 The Mayor then put the following notice of motion as listed in the agenda to the vote:

"This Council recognises that the sport of bowls is enjoyed by many residents of Brighton & Hove, particularly older residents for whom it is an important way of keeping physically and mentally fit and of maintaining social interaction in later life.

Therefore, this Council notes with concern proposals by the Administration to reduce the budget for the maintenance of bowling greens and other costs associated with running the city's 14 bowls clubs by 60%, or £94,000, in 2013/14. A reduction in funding on this scale will make it virtually impossible for many clubs to survive. Furthermore, putting up membership fees to cover the increased costs would simply make bowls unaffordable for many older residents who are already struggling financially due to, amongst other things, the prolonged low interest rates on savings.

Therefore, this Council urges the appropriate Committee to:

- (i) Withdraw its proposals for drastic across the board cuts in support for the city's bowling clubs;

- (ii) Seek a compromise solution that enables all clubs that wish to do so to continue operating, whilst exploring ways in which they can become more autonomous and less reliant on Council funding in the future;

And

- (iii) Requests officers to bring forward a report to the Economic Development & Culture / Policy & Resources Committee(s) later in the year with concrete proposals about how this can be achieved.”

7.73 **The motion was carried.**

8. WRITTEN QUESTIONS FROM COUNCILLORS.

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

(a) Councillor Pissaridou

8.2 “Can the lead Member for transport confirm the position regarding parking on Bolsover Road Hove?”

Although five years ago the residents opted to stay out of CPZ R, they have de facto been included in it. They have, and are, able to buy parking permits, and visitor permits, and until very recently all maps showed that Zone R included Bolsover Road. Thus the residents have parked on the very wide pavements (3.15m and 2.9m) with the tacit agreement of the Council. Now that the engineer has reported on the construction of the pavement, showing I believe that the foundations do in fact differ from the norm in that the top layer is tarmac, the second layer some sort of thick concrete, and finally the hard core base. (I understand that all this is of car park quality). As the residents have parked their cars on the pavements for some considerable time (15 years at least) without damage to the pavements or their vehicles then it would seem that the underlying construction is sound. Can you therefore now have white lines painted on the pavements to formalize this arrangement? Officers have agreed that because of the width of the pavements there are no obstruction problems.

The alternative proposed would be parking on one side of the road only which would drastically reduce the number of spaces to approx 37. (Residents calculate that a minimum of 60 spaces are needed).

Residents also agree with officers that Bolsover Road should be limited to one-way traffic only and ask that this be put into operation as soon as possible. Bolsover Road residents have now got an active and focused Residents Association and are working together to provide a better community for their children and families and the above changes will go a long way to achieving this aim.”

Reply from Councillor Davey, Chair of the Transport Committee

- 8.3 “Bolsover Road is not in the Area R Controlled Parking Zone Traffic Order or included on the list of eligible streets, which is the basis for permit issue, so any permits will have been issued in error.

Neither are there any designated parking bays or signs indicating that Bolsover Road is within the Area R CPZ.

I do not agree with your interpretation of the engineer survey results; the position is that the widened footway is not suitable for parking. The conclusion was that, with the exception of one small area next to a former vehicle access, the footway is not designed for vehicle overrun.

It is true that tarmac footways do stand up to vehicles driving and parking on them much better than concrete slab ones, but this does not mean they were built for that purpose. Tarmac is just more flexible and withstands a heavy load better.

The key issue is whether the council officially regulates parking on the footway. If we marked out a white line the footways would have to be upgraded and the existing utilities under the footway entrenched further. The cost of this work could be about £80,000 which cannot be justified on a single residential road in the current financial climate.

I see the best solution as re-consulting Bolsover Road on residents parking control and this is being considered as part of the Citywide Parking Review. The request to make Bolsover Road one way can be considered as part of the scheme and, if approved, would be funded as part of its implementation.”

(b) Councillor G. Theobald

- 8.4 “As he will be aware, at the Budget Council meeting in February it was agreed to bring forward additional savings of £228k in the Human Resources budget for this financial year. Could the Leader of the Council, therefore, update me on how these savings are progressing and on any wider plans to either share the HR function with other councils/public sector bodies or to commission the service externally?”

Reply from Councillor J. Kitcat, Leader of the Council.

- 8.5 “Human Resources are using two approaches to identify additional savings from the service. The first is to continue to improve the performance of the iTrent HR and payroll system and to deliver further areas of transactional activity through manager and staff self-service. The system performance has just been improved by 25% because of migration to a new server.

The second approach is a ‘system thinking’ review, which seeks to streamline processes and procedures to improve efficiency and reduce costs.

Additional savings of £57k are required for this financial year and a further £171K for 2013/14. Work is progressing to allow us to achieve these savings and meet the action plan jointly agreed between the Chair of the Audit Committee and myself.

There are no wider plans at this time to either share the HR function with other councils/public sector bodies or to commission the service externally.”

(c) Councillor Wells

- 8.6 “Will the Chair of the Housing Committee please confirm what the average council house rent currently is for each size of property (i.e. number of bedrooms) in the city and the corresponding average private sector rents?”

Reply from Councillor Wakefield, Chair of the Housing Committee.

- 8.7 “The following table shows the average weekly Council (HRA) rents for 2012/13 for different sizes of property and compares these to the average market rents – the source for the market rent data is given below.”

No Bedrooms	Average 2012/13 Council Housing Rent per week £	Market Rents (*) (per week) £
0	59.11	128.34
1	67.74	177.04
2	76.55	252.25
3	89.02	313.28
4	95.37	380.88
5	110.39	data not collected
6	116.29	data not collected

(*) Source: Housing Strategy Team sample monitoring of Latest Homes magazine 2012 Q2 Apr-Jun)

(d) Councillor A. Norman

- 8.8 “What plans do the administration have to support residents who would like to follow the example set in Bristol where temporary street play closures are set up at the request of residents so that children can play safely together in a closed residential road for a specified time.”

Reply from Councillor Davey, Chair of the Transport Committee

- 8.9 “Thank you for your question.

I have also received questions about this from interested residents. Our Highway team have looked at the trial and Bristol, and believe that we can do something here.

The play streets closures would be similar to resident street parties where we ask for agreement from the people living and working in the street. There are other requirements that residents must observe, for safety and access reasons. So we could not allow this on main thoroughfares or bus routes. Access for residents and businesses would also have to be maintained, and residents would need to have adequate signage to warn drivers of the closure.

There are some more details we need to work out but we should be able to do this quite quickly. We will also be presenting a policy to Transport Committee in November on all our different types of events that take place on the highway and can include Play Streets in this.

The team would need to assess and advise on each request. Please bear in mind that it is a very tiny team, and so it will take time to look at each application.”

(e) Councillor Brown

- 8.10 “Will the Chair of the Economic Development & Culture Committee please inform me when the cross-party working group to look at the future of the King Alfred Leisure Centre site will start meeting?”

Reply from Councillor Bowden, Chair of the Economic Development & Culture Committee.

- 8.11 “A proposal will be brought to the September Economic Development & Culture Committee meeting to establish this important working party as soon after that as possible. I have discussed the membership make up with leaders of the Conservative and Labour & Cooperative parties and agreed with them their representatives which will be made public in the September meeting.”

(f) Councillor Morgan

- 8.12 “Can the Chair of the Transport Committee give figures comparing revenue from pay and display parking on Madeira Drive and King’s Road between the start of April and the start of July 2012 with the equivalent period in 2011?”

Reply from Councillor Davey, Chair of the Transport Committee.

- 8.13 “In 2011, during the months of April, May and June, revenue from Pay & Display parking on Madeira Drive and Kings Road totalled £200,905.

During the same months in 2012, revenue from Pay & Display parking in the same areas totalled £309,823.

It is also worth noting that despite the fact that it rained on 47 days during the same period in 2011 compared to 27 days of rain in 2012, visitor numbers to attractions such as the Royal Pavilion, Preston Manor and the city’s museums are up by more than 5% compared to last year.”

9. ORAL QUESTIONS FROM COUNCILLORS

- 9.1 The Mayor noted that notification of 7 oral questions had been received and invited Councillor Geoffrey Theobald to put his question to Councillor Bowden.
- 9.2 Councillor Theobald thanked the Mayor and asked, "As a business man yourself, Councillor Bowden, and the Chair of the Economic Development and Culture Committee you will, I am sure, sympathise, with the plight of local traders in the city who are suffering this year as a result of the parking charge increases imposed by your administration in April. I'm wondering therefore, what input you had in to the debate that must have taken place amongst your administration colleagues prior to the decision made to increase the charges?"
- 9.3 Councillor Bowden replied, "First of all I'd like to widen it because if we just stick on parking it's a one trick pony and this city is far more about other things than parking and the recent figures released by the council on their own estate, the museums and the royal pavilion where in the period we're talking since the parking charges came in, have gone up by 10,000. Now that's through smart marketing and that's what we are working with the Chamber of Commerce on Right the Way, the initiative that we've work funded and helped them to promote.

We're going to work with businesses to show them how to ride the economic plights brought on us by this government and we've heard a lot about that and a lot of shaking of heads that it's nothing to do with us and we can't also de-contextualise this entire debate without thinking about what's happened to the Euro and what's been happening to our bankers. So businesses that can't get money from the banks may have something to do with it, if you want to put it all down to parking charges, well that's a very narrow view. This city was identified by the centre for Cities as one of the super cities most likely to lead the way out of the recession and figures published only this morning in the Argus, no friend of this administration on times, they described the fact that there's 11% reduction in the unemployed in this city, if you like that's an example that the Green Administration policies work.

So there are many other positives, we can't divorce ourselves entirely from what is going on outside and nor would we wish to but I think we have demonstrated that we are a pragmatic party willing to work with government, willing to work and grasp initiatives and put in bids for money to bring jobs and prosperity to the system and this city. Here are some examples, coast to capital local enterprise partnership which has agreed with our proposal to fund the I360 something which was cross party support when it came recently to council and that will bring jobs and re-development to a part of the seafront which is in much need of improvement.

We have heard today from the earlier public questioner about the potential fines to be brought on to this city by the European commission for not meeting air quality standards and one of the main reasons for that is that we are bounded by the park in the north and the sea in the south so where are all these cars going to go?

We need to manage our transport and the good news from Roger French who's been mentioned in dispatches today is that use of buses has increased by 5% in the last 3 months now that's to be welcomed. All those people who want to see bus routes saved should welcome that because the more people who use it the better and more

financially viable they are. So we have listened to what people have said about parking, we have amended the charges, people are putting in FOI requests about how much revenue has been generated. Parking charges are one thing, the city has also been suffering from the worst weather ever, we are a city that is working with local business, we are a city taking advantage of government initiatives and we are working with universities and the Chamber of Commerce to encourage business.”

- 9.4 Councillor Theobald asked the following supplementary question, “Would he please comment on the comments that Ellie Trimmingham said and she says, “I have been told by customers with children that they will not come down to the area anymore because they simply cannot afford to park here. Elliott Reggio, boss of maintenance On Tap, “It is the Green’s who will not listen, they have failed to take on board the concerns of businesses. We’re still angry with the council over the parking hikes coming our way.” Councillor Bowden, do you agree with all these businesses, and I’ve got lists of them who are actually saying that it’s from a business perspective, your administration is wrecking their chances?”
- 9.5 Councillor Bowden replied, “No I don’t agree with them, the fact is that the portfolio of attractions that we actually control, we’ve had an increase in numbers in the last 3 months, we’ve had a record number of tickets sales at the recent Brighton Festival with 40% of the people coming from outside the city, you can’t deny these things. I just urge businesses, and I take advantages of these initiatives to get in touch with the Chamber of Commerce, take advantage of the initiative that we are helping to fund and learn how to market their way out of this recession. You cannot keep blaming everything on parking charges, it’s just not credible.”
- 9.6 The Mayor then invited Councillor Marsh to put her question to Councillor Davey.
- 9.7 Councillor Marsh thanked the Mayor and asked, “The results of the consultation on the Lewes Road traffic plans, Councillor Davey, I believe there were 4000 responses, what I would like to know from you please is how they are going to be analysed and how you are going to act as an administration on the results that you received on that consultation because I want to be assured that the residents and community groups and my constituents who all responded will have their views taken very seriously into account when you roll out the proposed plans whatever they are?”
- 9.8 Councillor Davey replied, “Well it was a very extensive consultation as you know, 30000 documents were sent out and I think there were about 30 exhibitions all along that Lewes Road corridor. I would say unprecedented engagements with the local community. It is actually 4500 responses which has taken some time to count to analyse and that’s what’s going on at the moment. So over the summer period they will get analysed and a report will be coming forward to the Transport Committee at the start of October, so in mid-September the results will be available for public viewing.”
- 9.9 The Mayor noted that there was no supplementary question and then invited Councillor Wealls to put his question to Councillor Shanks.
- 9.10 Councillor Wealls thanked the Mayor and asked, “Councillor Shanks will remember the Children & Young People’s Committee meeting on June 11 where we discussed the performance gap between children on free school meals and those not on free school

meals and the commentary on the report that was presented stated that this gap has stayed the same in 2012/11 since 2006 so there's been no sustained improvement since then. For the record and for everyone's information, children on free school meals in this city, only 26% of them, achieve 5 A's to C's GCSE that compares to 57% of children who are not on free school meals so we have a pretty disgraceful performance gap in this city between the most disadvantaged children and the rest of society.

I want to ask councillor Shanks if she will do everything in her power to help this city reduce this gap and help young disadvantaged people achieve the best possible results please?"

- 9.11 Councillor Shanks replied, "Yes I agree with you that that's an appalling gap, it's happening throughout the country, that the poorest children in our communities do least well academically for a variety of reasons mainly because they are the poorest children in our communities. Our school's are working hard on this and that's one thing we're monitoring, often some of our schools do very well with those children and I know that Councillor Wealls has been instrumental in getting us to look very hard at the value added that our schools bring and that is something that's going to go into our admissions because a lot of children; although the gap is wide, some schools do better than others particularly at primary schools level, some of our primary schools do a lot better than other primary schools with children who have free school meals. It isn't just; that there are children in a particular school like Westdene doing better than Moulsecoomb, some of our schools within similar circumstances and catchment areas, there's quite a disparity between them.

So there is an issue about quality of teaching in some of our schools which a lot of our heads are addressing. Our schools are improving I think we will see an increase in our GCSE results across the city, not enough because there is no way we should be below the national average in our secondary schools. We've got the highest education population in the country, 42% of our population are educated at graduate level so it is really shameful and it is something that I want to see, by the time my term of office finishes, that that has fundamentally changed and I know councillor Wealls will be helping me in that."

- 9.12 Councillor Wealls asked the following supplementary question, "In that case you will also remember that I went to see the Chief Executive of Absolute Return for Kids which is a non profit academy sponsor and remember our kids on free school meals, 26% of them get 5 A's to C's including English Maths; our schools which are in some of the most deprived parts of our country, 60% of their children are on free school meals get 5 A's to C's including English and Maths. 60% that's better than our non-free school meals, at the time I did ask you to meet with the Chief Executive to just chat through ideas with them.

I would like you to share with the Council reasons why you didn't want to meet them, just to share ideas with them or to please change your mind?"

- 9.13 Councillor Shanks replied, "I understand that ARK has mainly taken over failing schools and although a lot of our schools don't do as well as we would want them to we don't actually have failing secondary schools in the city. We're hoping that we can keep our schools as part of our family in the local authority, we don't have schools that have any

appetite for becoming an academy in our secondary schools the unions and staff are against this and the parents against it also.

The unions are but so are many parents, teachers, educationalists; I agree with you that ARK may have a good record there are plenty of academy chains that aren't doing so well, Boundstone academy in Lancing has gone back into special measures after becoming an academy. There's plenty of secondary schools that have managed to improve themselves particularly in inner London without becoming academies so I think we can do that within the local authority family and the reason we're able to fund the healthy schools program is because we have still got money in the local authority to share that expertise around the schools which we wouldn't have if all our schools were becoming privatised and becoming academies.

As you know I'm not in favour of the academies program I don't think this will be a benefit to Brighton and Hove and I don't think parents and teachers in the city support academies."

9.14 The Mayor then invited Councillor Robins to put his question to Councillor Davey.

9.15 Councillor Robins thanked the Mayor and asked, "On page 18 of the Local Transport Plan there's a paragraph which says, Tourism brings real benefits to local people providing nearly 16,000 jobs to the city's thriving culture industries. The city faces competition from home and abroad as a tourist destination in both the leisure and business tourism market. It also faces competition from developments and improvements to the tourism and retail offer from nearby towns, such as Crawley, Eastbourne, Lewes and Worthing.

Can you tell us how much it costs to park on the seafront in Eastbourne and Worthing or how much town centre parking is in Crawley and Lewes and how do they compare with Brighton?"

9.16 Councillor Davey replied, "I'm not sure why you're asking me; the price of parking in Worthing, Eastbourne and Crawley I'm sure you could have found it out for yourself. What I've been provided with is on the seafront in Eastbourne it costs 80p per hour, Worthing £1.20 per hour, town centre in Crawley it costs 80p per hour and Lewes it costs £2.00 per hour.

There are many different prices in Brighton and Hove including city centre car parks which are £1 for the first hour during the week and at the eastern, southern and western ends of the seafront it is £1 for the first hour and then less for subsequent hours so there's a broad range of prices there. Independent research shows that people base their choice of destinations on a whole range of factors, the cost of parking is not a primary consideration and I would say that this city has never been known for cheap parking, not under the previous administration or the administration before that.

What is more important is to attract visitors and I think this city has long learned this, is for quality of the attraction and the destination much rather than the cost of parking. People come here because of the culture, because of our fantastic restaurants, for the shops on the seafront, for lots and lots of reasons. Evidence for the research clearly indicates the proper parking policy measures support the economy rather than hamper

it. The introduction of paid parking results in a higher turnover creating space for more customers. Reduced long term parking charges, the use of parking bays releases the use of parking bays for visitors etc.

Visitor numbers, as we've heard already, to attractions such as the Royal Pavilion, Preston Manor and the city's museums are up by more than 5% compared with last year and even the aquarium on Madeira Drive has reported record attendances this year. We have serious air pollution problems in some areas which affect people's health and serious traffic congestion with cars queuing miles out of town on summer weekends."

9.17 Councillor Robins asked the following supplementary question, "I think that you did know the cost of certain parking, let's take 3 hours on Eastbourne seafront which is £2.60. 3 hours on Worthing seafront is £3.60, 3 hours on Brighton seafront £10. 3 hours on in Crawley county mall, £3.50 unless you go on a Sunday when it's £2 full day, Lewes needle makers is £2.20 for 3 hours Brighton Laines is £12 for 3 hours. 3 hours on weekends in the Laines is £15, if you accept, as you must do, that parking charges are at least one of the factors determining whether people visit Brighton and spend money then you must see that we're not competing with the local competitors, Lewes, Worthing, Eastbourne and Crawley and you must agree that this puts some of the 16000 jobs in jeopardy?"

9.18 Councillor Davey replied, "I don't agree."

Note:

9.19 Councillor Fitch moved a motion in accordance with procedural 17.2 to terminate the meeting at 22.15 in view of the fact that the meeting had been in progress for 4 hours.

9.20 Councillor Marsh formally seconded the motion.

9.21 The Mayor noted that a motion to terminate the meeting at 22.15 had been moved and put it to the vote which was carried. He therefore stated that unless the business before the meeting was conducted by such time, he would look for a motion to be moved to close the meeting at 22.15hrs.

9.22 The Mayor then invited Councillor Barnett to put her question to Councillor Wakefield.

9.23 Councillor Barnett thanked the Mayor and asked, "Is the Chair of Housing Committee aware that the council tenants in this city who are convicted of serious criminal offences such as drug dealing are sent to prison for a period of years in some cases; are arranging for friends or family members to live in that social housing whilst they are behind bars? Does she agree with me that this is completely unfair for those law abiding citizens who are stuck on the waiting list with little prospect of being housed?"

9.24 Councillor Wakefield replied, "Indeed the council housing is held for people whilst they are in prison. If they are paying their rent on time, that's usually something the court actually says. If there is unlawful subletting going on, it's referred under the council's counter fraud strategy to the audit and business risk team who investigates. Members of the public can also report suspected unlawful subletting via the council's confidential counter-fraud telephone line and email address. I do agree that we have a very long

waiting list and if people are in a house that do not have the right to be in that house then I'm very happy to ask officers to act on that."

9.25 Councillor Barnett asked the following supplementary question, "I have it in my own ward, where they have friends and family living there and the benefits are paying for their rent. Will you please assure me that you will look in to this issue as part of the forthcoming review of the council housing allocation and will you also join me in signing a letter to the Minister Grant Schapps asking him to put a stop to this practice?"

9.26 Councillor Wakefield replied, "I think the best thing to do is, if you have information on this, is to let me and the officers have it then I am really pleased to ask them to act on it for you."

9.27 The Mayor then invited Councillor Hyde to put her question to Councillor J. Kitcat.

9.28 Councillor Hyde thanked the Mayor and asked, "The Leader of the Council will be aware that a year ago almost to the day, full council passed a notice of motion instructing the administration to prepare and sign up to an Armed Forces Community covenant in time for remembrance day 2011. He will also be aware that this received the full backing of the local Royal British Legion, will he therefore please explain to me why it has taken him and his colleagues to so long even start discussing the covenant let alone signing it?"

9.29 Councillor J. Kitcat replied, "There has been a lot of work done in the year in fact meeting representatives from the MOD and others and the draft covenant has been prepared. We're working to find other partners in the city and I know that Mr Mayor has been having conversations as well with potential partners to sign up to the covenant so it's a broader set of people engaged with that and a report will be coming to the first meeting of Policy & Resources in Autumn so that we can have an official signing ceremony ahead of the remembrance day commemorations in November 2012.

So we are progressing on that, it was a very complicated piece of work and we've also been awaiting some of the detail from the government about how this will actually work so it will progress and you have our word on that councillor."

9.30 Councillor Hyde asked the following supplementary question, "At the Cabinet meeting last October, the Green administration agreed to submit a bid for funding by March this year to the Ministry of Defence to support the work on an Armed Forces Community Covenant in Brighton and Hove, my understanding is that this bid has yet to be submitted. So I ask the Leader of the Council, could he give his personal commitment to the Armed Forces community in the city that this and the signing of the covenant will be done now as a matter of urgency? I'm particularly interested to see if the bid has been submitted."

9.31 Councillor J. Kitcat replied, "The work is ongoing on that and we won't be able to submit it until we actually have the partners signed up to the covenant but as soon as that signing happens then we will be able to progress. It's a rolling program so there's not a deadline which you miss it's when there's the agreement across partners that you can apply for it. So that will happen, I look forward to your support for the partners and us signing to it in the autumn."

- 9.32 The Mayor then invited Councillor Mears to put her question to Councillor Wakefield.
- 9.33 Councillor Mears thanked the Mayor and asked, "Following on from how the Housing Minister's Grant Schapps new statutory guidance on Social Housing Allocations Central Local Authorities can the Chair of Housing tell me, following from the Park Review which took place earlier in the year, she will be undertaking a full policy review of the allocation policy?"
- 9.34 Councillor Wakefield replied, "It will be in the autumn that we will be looking at the allocations policy."
- 9.35 Councillor Mears asked the following supplementary question, "In the Green's budget for Adult Social Care set in February 1.6million of savings was identified mainly by taking 30 sheltered housing units for extra care. Can the chair of Housing say how she proposes to deal with this within the allocation policy bearing in mind there are already 500 plus tenants on the waiting list who have applied for sheltered housing and with our ageing population will in all probability increase?"
- 9.36 Councillor Wakefield replied, "It may be best if you have a more full response jointly from myself and Councillor Jarrett because it does come in his portfolio area, but what I want to reassure you is that I am aware of that but it's not necessarily HRA houses that will be used for those people so it will not necessarily affect those other people on the waiting list."
- 9.37 The Mayor noted that there were no more questions and therefore the item had been concluded.

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

10.1 (a) Callover

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

- Item 11 - Annual Report of Overview & Scrutiny
- Item 11(A) - Audit Annual Report
- Item 12 - Treasury Management Policy Statement (Incorporating the Annual Investment Strategy) 2011/12 – End of Year Review
- Item 14 - Annual Performance Update of the Council's Corporate Plan 2011/12
- Item 15 - City Performance Plan 2011/12 Report
- Item 16 - Changing the Age Range of Three Primary Schools in Portslade – Final Decision
- Item 17 - Proposed Options for the Provision of 3 Junior Forms of Entry in Portslade – result of Consultation.

10.3 (b) Receipt and/or Approval of Reports

10.4 The Head of Democratic Services confirmed that Items 11, 11(A), 12, 14, 15, 16 and 17 had been reserved for discussion; and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 13 - Corporate Plan Update 2012/13
- Item 19 - Appointment of Acting Chief Executive
- Item 21 - Supported Bus Service Network – Exempt Category 3
- Item 21(A) - Supported Bus Service Network – Update – Exempt Category 3

10.5 (c) Oral Questions from Members

- 10.6 The Mayor noted that there were no oral questions on items that had not been reserved for discussion.

11. ANNUAL REPORT OF OVERVIEW AND SCRUTINY

- 11.1 Councillor Mitchell introduced the report and stated that it had been an excellent year for the overview & scrutiny process with some notable reviews being undertaken and recommendations taken forward. She wished to thank all the witnesses, partner agencies and the scrutiny team for their work and support during the last year. The challenge ahead was to work within the committee system and to ensure that overview & scrutiny remained a key part of that decision-making process.

- 11.2 The Mayor noted that the report had been moved and proposed that it be noted.

- 11.3 **RESOLVED:** That the Annual Report of the Overview & Scrutiny Committee be noted.

11.A AUDIT COMMITTEE ANNUAL REPORT 2011/12

- 11.4 **RESOLVED:** That the report be noted.

12. TREASURY MANAGEMENT POLICY STATEMENT (INCORPORATING THE ANNUAL INVESTMENT STRATEGY) 2011/12 - END OF YEAR REVIEW

- 12.1 Councillor Littman introduced the report and stated that he wished to thank all the officers involved in putting the report together and their extraordinary work in managing the council's financial affairs.

- 12.2 Councillor A. Norman stated that the officers worked within extremely challenging circumstances and she wished to pay tribute to their management and noted that the council's finances were in good order.

- 12.3 Councillor J. Kitcat noted that the government required the council to ensure its investments were made at a minimal risk and that the number of institutions available for investment had reduced. However, he was confident that officers were doing the best they could for the benefit of the council and he hoped that there would be an opportunity to expand the level of investments in the future.

- 12.4 The Mayor noted that the report had been moved and proposed that it be noted and the annual investment strategy approved.

- 12.5 **RESOLVED:** That the Annual Investment Strategy 2012-13 as set out in paragraph 4.11 of the report be approved.

13. CORPORATE PLAN UPDATE 2012/13**13.1 RESOLVED:**

- (1) That the progress made on the Corporate Plan 2011/12 commitments as detailed in appendix 1 to the report be noted;
- (2) That the new Corporate Plan commitments for 2012/13 as detailed in appendix 2 to the report and their adoption be approved;
- (3) That the Chief Executive be authorised to amend the Corporate Plan to incorporate the changes in (2) above and other presentational changes.

14. ANNUAL PERFORMANCE UPDATE OF THE COUNCIL'S CORPORATE PLAN 2011/12

- 14.1 Councillor J. Kitcat introduced the report and stated that good progress had been made against the objectives set out in the Corporate Plan and he recommended it to the council.
- 14.2 Councillor Wealls welcomed the report and referred to the issue of educational achievement for which the country as a whole was falling down the league table and Brighton & Hove was below the national average. He also noted that the target for those eligible for school meals was not ambitious enough and suggested that consideration should be given to talking to other providers to find out how they were able to meet higher targets.
- 14.3 Councillor Jarrett stated that it was important to recognise targets could be unrealistic and suggested that whilst ambitious targets could be set, it was not worthwhile setting them if they were beyond achievement.
- 14.4 Councillor Shanks stated that she felt the targets set were fair and that the council would be working with the schools to improve on areas.
- 14.5 Councillor J. Kitcat stated that he shared the view that targets should be ambitious but felt that the data did not back up the Government's approach and that more creativity was required if progress was going to be made.
- 14.6 The Mayor noted that the report had been moved and proposed that the recommendations be agreed.
- 14.7 **RESOLVED:**
 - (1) That the progress made against the performance measures ('Measures of Success') in the Corporate Plan, set out in appendix 1 to the report be noted; and
 - (2) That the annual performance report be approved.

15. CITY PERFORMANCE PLAN 2011/12 REPORT

- 15.1 Councillor J. Kitcat introduced the report and stated that the indicators were moving in the right direction especially given the challenging economic climate.
- 15.2 Councillor Mears referred to page 202 and figures for alcohol related hospital admissions and suggested that more needed to be done to address the problem. She also noted that since 2004 the number of affordable homes made available had declined and that the release of Ainsworth House remained stalled which was a shame as it would be beneficial if it could be made available.
- 15.3 Councillor Wealls stated that he wished to pay tribute to the work that was being done in the maintained schools but asked if discussions could be held with other providers to see if improvements could be made.
- 15.4 Councillor Duncan stated that he shared the concerns expressed over the number of alcohol related admissions and noted that the Licensing Committee was working with partners to look at ways of addressing the issue.
- 15.5 Councillor Peltzer Dunn referred to page 204 and CPP5.4 and asked for clarification in relation to how the target was affected.
- 15.6 Councillor Wakefield stated that she was disappointed that it was listed as red, but was hopeful that this would change over a period of time as measures that were being put in place had an affect.
- 15.7 Councillor Cobb noted that the number of local bus paying journeys was under target and queried how many paying passengers were using the services.
- 15.8 Councillor J. Kitcat stated that if the information on bus passengers was available from the bus company then it would be provided. In regard to the housing mater, the target had been set by the Housing Partnership and there a good number of properties coming forward that would help to improve matters.
- 15.9 The Mayor noted that the report had been moved and proposed that the City Performance Plan be approved.
- 15.10 **RESOLVED:** That the City Performance Plan 2011/12 be approved.

16. CHANGING THE AGE RANGE OF THREE PRIMARY PHASE SCHOOLS IN PORTSLADE – FINAL DECISION

- 16.1 The Mayor stated that he intended to hold one debate for Items 16 and 17 on the agenda as they were closely related, although he would then take each in turn should there be a need to vote on either matter.
- 16.2 Councillor Shanks introduced both reports and stated that they were both very positive in terms of changes and improvements to the provision of school places in Portslade. She stated the events had progressed and she was pleased to confirm that a site had

been acquired that would enable the extension of St. Peter's School and she wished to thank the officers involved in bringing the matter to fruition.

16.3 Councillor Hamilton welcomed both reports and the outcomes for the schools in Portslade which he knew was also welcomed by the schools, governors and parents.

16.4 Councillor Robins stated that he was pleased to see the outcome and knew that the benefits for St. Peter's School would see a vast improvement for everyone concerned and could not wait for September 2013.

16.5 Councillor Jarrett welcomed the reports and stated that the results showed that with time and planning such achievements could be reached and wished to thank Councillor Shanks for her work in taking the matters forward.

16.6 The Mayor noted that the reports had been moved and put each to the vote.

16.7 **RESOLVED:**

(1) That the decision to proceed with each of the three proposals detailed in the report be endorsed; and

(2) That the statutory notices be confirmed and changes to the age range to allow for an additional junior form entry and expansion of the premises of St. Peter's Community Infant School, Portslade Infant School and St. Nicholas Voluntary Aided Church of England Junior School from September 2013 be agreed.

17. **PROPOSED OPTIONS FOR THE PROVISION OF 3 JUNIOR FORMS OF ENTRY IN PORTSLADE - RESULT OF CONSULTATION**

17.1 **RESOLVED:**

(1) That the preferred option of making St. Peter's Community Infant School, Portslade Infant School and St. Nicholas Church of England Junior School into all through primary schools from September 2013 be endorsed; and

(2) That the publication of the required Statutory Notices to progress the proposal in (1) above be agreed.

18. **STANDARDS UPDATE**

18.1 Councillor Lepper introduced the report and stated that changes to the code of practice had been required by the Localism Act and a cross-party working group had been looking at the various proposals before bringing forward the recommended changes. She believed that Members would need to take a more active role in ensuring that they complied with the requirements and wanted to put on record her appreciation of the role and work undertaken by the independent members of the old Standards Committee. They had played an important part in the committee's success and she was disappointed that it was no longer a stand alone committee and that the Standards Board for England had also been removed.

- 18.2 Councillor A. Norman supported the comments and noted that the changes resulting in councillors having to declare disclosable pecuniary interests were a fundamental change and Members should be mindful that failure to disclose was now a criminal offence. She also wished to place on record her thanks to Dr. Wilkinson and the other independent members of the Standards Committee for their contributions over the years.
- 18.3 Councillor Littman stated that he fully supported the comments and had enjoyed his time on the Standards Committee. He also felt that every Member should ensure they were familiar with the code of conduct and wished to thank the officers, especially the Monitoring Officer for their support and guidance on the changes that have come into effect.
- 18.4 Councillor J. Kitcat stated that he had previously had an issue with the Standards Committee and had felt that the old scheme had been flawed and therefore welcomed the reforms. He wanted to thank the Working Group and officers for their work and asked that consideration be given to how the scheme could be made clear for members of the public so that they understood why Members declared an interest and the implications of such declarations.
- 18.5 The Mayor noted the report had been moved and proposed that the recommendations be agreed.
- 18.6 **RESOLVED:**
- (1) That the adoption of the new Code of Conduct for Members as set out at Appendix One to the report with effect from the 20th July 2012 be agreed;
 - (2) That the adoption of a simplified Complaints Procedure as set out at Appendix Three to the report with effect from the 20th July 2012 be agreed;
 - (3) That the Monitoring Officer be instructed to advertise a vacancy for the appointment of two Independent Persons in accordance with statutory requirements and to convene an appointment Panel of Members in accordance with the proposals in paragraphs 3.20 and 3.21 of the report;
 - (4) That the Monitoring Officer be instructed to put in place arrangements for training for Members on the new Code and arrangements for the register of Members' interests;
 - (5) That the Monitoring Officer be instructed to consult with the Parish Council and to report to the next meeting of the Audit & Standards Committee with details of the Code of Conduct to be adopted by the Parish Council and the arrangements for the register of Parish Council interests;
 - (6) That Standing Orders be amended with effect from 20th July 2012, to require Members with a Disclosable Pecuniary Interest to withdraw from the meeting.

19. APPOINTMENT OF CHIEF EXECUTIVE**19.1 RESOLVED:**

- (1) That the appointment of Catherine Vaughan, to be the Acting Chief Executive and Head of Paid Service for the Council pending the appointment of a permanent Chief executive be approved;
- (2) That the appointment be on a salary of £140,000 per annum and that the appointment takes effect from date of the termination of contract of employment of the current Chief Executive.

20. NOTICES OF MOTION.**(a) Equal Marriage**

20.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Morgan on behalf of the Labour & Co-operative Group and seconded by Councillor Mitchell.

20.2 The Mayor then put the following motion to the vote:

“This Council notes the current national consultation on allowing same sex marriage between couples in England and Wales.

This Council also notes the considerable social and economic benefit to the city resulting from the Civil Partnership Act 2004, with Brighton and Hove being the most popular place in the UK for civil partnership ceremonies.

This Council believes that same sex couples should now have equal marriage rights under law, and calls upon the Government to:

1. Change the law to allow same-sex couples to get married.
2. Allow religious bodies to conduct same-sex marriages.
3. End the requirement that transgender people divorce before attaining Gender Recognition.
4. Enable mixed-sex couples to register a civil partnership.”

20.3 **The motion was carried.**

(b) Supporting Brighton & Hove’s Bowling Clubs

Note:

20.4 The Notice of Motion as detailed in the agenda had been considered as part of Item 7(c) and was carried and is listed under that item.

Note:

- 20.5 Councillor Fitch moved a motion under procedural rule 17.2 to terminate the meeting with immediate effect.
- 20.6 Councillor Robins formally seconded the motion.
- 20.7 The Mayor therefore put the motion to the vote which was carried and noted that each of the remaining items would need to be taken and voted on or withdrawn by the mover before the meeting was concluded.

(c) Asset Review and Community Investment Programme

- 20.8 Councillor Pissaridou confirmed that she wished to withdraw the motion.

(d) Traveller Encampments on Sensitive Sites in Brighton & Hove

- 20.9 Councillor G. Theobald confirmed that he wished to withdraw the motion.

(e) Air Quality

- 20.10 Councillor Sykes confirmed that he wished the Notice of Motion as detailed in the agenda to be taken.
- 20.11 The Mayor put the following motion to the vote:

“This council notes with concern that street level air quality (AQ) in many parts of central Brighton and Hove has not improved significantly since records started in 1996 and that this has adverse implications for the health of residents of our city as well as being detrimental to the experience of visitors. Nitrogen Dioxide in particular is persistently at levels above those considered safe for health in a number of areas, and above those prescribed by EU Directives.

This council notes the report of the Environmental Audit Committee published 26th October 2011 stating that evidence for the damage caused by air pollution has grown stronger and that air pollution is the second biggest public health risk in the UK after smoking. It is recognised that young children, the older people and those with existing respiratory illness suffer most from the effects of air pollution.

Furthermore this council notes the recent European Commission (EC) announcement rejecting a request by the UK Government to extend to 2015 the deadline by which Zone 10 (Brighton, Worthing, Littlehampton) needs to improve its NOx levels to meet those specified by the EC, indicating instead that compliance in Zone 10 should be achieved by 1st January 2013. Failure to meet this AQ target could result in heavy EC fines being levied on the UK Government and potentially, by dint of the Localism Act, being handed down to BHCC.

Consequently this council:

- Reaffirms its commitment to reducing traffic-related air pollution, particularly in the worst affected areas;
- Requests the Chief Executive to ask the City's three MPs to write to the Secretary of State at the Department for Environment, Food and Rural Affairs requesting that she work in partnership with us and other Local Authorities to address the root causes of air pollution, providing any necessary technical and financial support alongside whatever additional traffic management powers that may be necessary."

20.12 The motion was carried.

(f) Cumulative Impact of Welfare Reforms

20.13 Councillor Wakefield confirmed that she wished the Notice of Motion as detailed in the agenda to be taken.

20.14 The Mayor put the following motion to the vote:

"This council notes with deep concern the cumulative impact of the Government's welfare reforms upon the residents of Brighton & Hove. This council acknowledges there is a genuine need to rationalise and simplify the existing welfare state. However this council believes that the Government are using the rubric of 'Welfare Reform' to mask a series of cuts to those in undisputed need, as well as to already squeezed council budgets.

For example the Government has chosen to cut funding for council tax support which is likely to affect some 17,000 of the lowest-income households in the city. In addition to this, the Government has confirmed that their proposed cap on welfare support will hurt at least 400 households in Brighton and Hove.

Meanwhile rather than improving the supply and quality of affordable housing, the Government is pulling the rug out from beneath the many pensioners, people with disabilities and hardworking people on low incomes who rely on housing benefit. Further, this council deplores the Prime Minister's suggestion that young people should see their housing benefit withdrawn altogether.

This council feels that the slashing benefits to meet arbitrary targets rather than considering genuine need is having a devastating effect on the most vulnerable in this city.

Therefore this council urges the Government to reconsider their plans for welfare reform and stop penalising those who are unfortunate enough to be unwell or unable to find work."

20.15 The motion was carried.

21. SUPPORTED BUS SERVICE NETWORK

Note:

21.1 This item had been referred to the council for information and was taken as part of the discussion under item 7(a).

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

11.A SUPPORTED BUS SERVICES NETWORK - UPDATE

Note:

21.3 This item had been referred to the council for information and was taken as part of the discussion under item 7(a).

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

PART TWO SUMMARY

22. SUPPORTED BUS SERVICE NETWORK - EXEMPT CATEGORY 3

22.1 The item had been referred to the council for information.

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

11.A SUPPORTED BUS SERVICE NETWORK - UPDATE - EXEMPT CATEGORY 3

22.3 The item had been referred to the council for information.

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

23. PART TWO PROCEEDINGS

24.1 **RESOLVED:** That Item No's 22 and 22(a) listed in part two of the agenda and the addendum remain exempt from disclosure to the press and public.

24. CLOSE OF MEETING

24.1 The Mayor thanked everyone for attending and closed the meeting.

The meeting concluded at 10.30pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL**SPECIAL COUNCIL****5.00pm 24 JULY 2012****COUNCIL CHAMBER, BRIGHTON TOWN HALL****MINUTES**

Present: Councillors Randall (Chair), Meadows (Deputy Chair), Brown, Cobb, Deane, Gilbey, Hamilton, Hawtree, Jones, J Kitcat, Lepper, Littman, Mac Cafferty, Mears, Mitchell, Morgan, A Norman, K Norman, Peltzer Dunn, Pissaridou, Shanks, Simson, Smith, G Theobald and Wells.

PART ONE**1. DECLARATIONS OF INTEREST**

- 1.1 There were no declarations of disclosable pecuniary interests in matters appearing on the agenda.

2. MAYOR'S COMMUNICATIONS.

- 2.1 The Mayor welcomed everyone to the meeting which had been specially convened to consider the proposal to confer the honour of being a Freeman of the City on Steve Ovet, OBE. He also wanted to especially welcome Mrs. Sylvia Baker who had been the oldest Torch bearer in the city and coincidentally had taught Steve Ovet at Balfour Junior School.
- 2.2 The Mayor stated that the meeting was being webcast and that he was happy for photos to be taken during the meeting.
- 2.3 The Mayor stated that he had received a message from Tim Hutchins, organiser of the Brighton Marathon and a former running companion of Steve's here in Brighton, who had been unable to attend today's event. He had asked that his best wishes and congratulations be passed onto Steve for having his achievements recognised in this way.
- 2.4 The Mayor also stated that he wished to thank the supporters for providing the funding for the new statue that was to be unveiled along Madeira Drive after the current meeting, as well as Peter who took on the work to reproduce the statue that he had previously created. He also thanked the officers involved in enabling the meeting to be held and those who had arranged the unveiling of the statue, especially Jayne Babb.

3. HONORARY FREEDOM OF THE CITY

- 3.1 The Mayor stated that the Council was asked to consider the appointment of Steve Overt as an Honorary Freeman of the city of Brighton & Hove and he would be calling on the Leader of the Council and the respective Group Leaders to move and second the motion.
- 3.2 Councillor J. Kitcat stated that as Leader of the Council it was a great honour to be able to nominate Steve Overt to be made an Honorary Freeman of Brighton and Hove. Born in Brighton and educated in Varndean, Steve showed early promise as a teenage athlete and at football, opted in favour of athletics, a decision that was to prove wise during a brilliant career in middle distance running. Medals and more records followed including gold at the commonwealth games. His achievements, rivalries, successes and prowess made him one of the most newsworthy sport stars of the era and his continued professionalism, ambassadorial quality and legacy shine a light on his birthplace that aluminates us to this day.

In this Olympic year and with Steve visiting from his Australian home it's fitting that we honour his return both with this honorary title and the unveiling this evening of a replacement statue in his honour of the one that did a runner in 2007 from Preston Park. The city of Brighton and Hove is proud to bestow this honour and as Leader of the Council it is my pleasure to formally propose Steve Overt as honorary freeman of this city.

- 3.3 Councillor Peltzer Dunn stated that as the Deputy Leader of the Conservative Group, he was pleased to be able to second the motion. Steve was a magnificent athlete, he was an example to young and old because the old thought they would have certainly beaten him, the young wanted to try and emulate him but nobody did. I believe that British middle distance running was never stronger than during the period of Overt and Coe and it was one of those times when we went to see a race and we didn't expect to have a British number one we expected British one and two, that was the strength and the rivalry between the two, I do believe, brought out the best but with our best here today I think his real achievement was his determination.

He was determined to beat himself, when his body was struggling, and by-george, he gave 110% to overcome himself and so often succeeded. It gives me the greatest of pleasure to formerly second the motion before us.

- 3.4 Councillor Mitchell stated that the Labour & Co-operative Group fully supported the proposal and she welcomed the opportunity to jointly second the motion. Steve no longer lives in the city but is often remembered and especially on the week of the Olympic opening ceremony of London 2012 there's so many young athletes taking part have looked to him and others like him for inspiration. We all know that Steve was born and schooled in the city and went on to great things in the world of athletics but things could have been very different and as a young man, as the Leader of the Council has just remarked, Steve was tipped to be a professional footballer but turned down his chance and swapped his boots for trainers saying he did not want to do a sport where he would have to rely on team mates. A feeling Mr Mayor that most of us involved with politics can probably sympathise with.

However the decision turned out to be the right one and Steve's dedication and self commitment saw him to go on and become a world class athlete and make the city and the country so proud of him. Brighton and Hove and its residents will always welcome Steve back and his statue, soon to be unveiled on the seafront, will serve as a constant reminder of the world class Olympian that he is.

- 3.5 Councillor Smith stated that he thought it was a marvellous idea and was duly deserved by Steve, who had been born in Brighton and whom the city was very proud. He could recall Steve's career and felt that having the statue provided a legacy that all could be proud of.
- 3.6 Councillor Mears stated that having been an avid supporter of Steve's, she was extremely pleased to be able to support the motion and to see a new statue being unveiled in the city. She hoped that his family would be happy to see that their support during his career had been recognised and noted that he was an inspiration to young athletes throughout the city and the country. She wished to offer her congratulations to Steve and to thank those for enabling the statue to be provided. The city was very proud of him.
- 3.7 Councillor Littman stated that he was honoured to be a part of the process to make Steve an Honorary Freeman and offered his congratulations to him.
- 3.8 Councillor Pissaridou stated that Steve had inspired her own daughter to overcome asthma, as he has, and run and was sure many others had been as well. She was pleased to be able to be a part of the process and wished him well and hoped that he would visit the city again.
- 3.9 Councillor A. Norman stated that when Steve was running the whole city used to get behind him, the expectation was that he would win and he never let the city down. She was proud to be here today to be able to show just how much the city felt and how proud it was of him, as she suspected he did not realise the impact he had had on the residents of the city.
- 3.10 Councillor G. Theobald stated that he was very proud to be in the presence of an Olympian and also noted that his own daughter had been inspired to take up running because of Steve. He was also pleased to see that the previous statue was being replaced and wished to thank those that had enabled the new one to be commissioned. He wanted to offer his congratulations and to say well done and thank you.
- 3.11 The Mayor noted the comments and noted that the new statue had been placed so that if a person ran to the Palace Pier and back, they would have covered exactly 800m. He stated that in accordance with the legislation, a motion to appoint Steve Ovet as an Honorary Freeman had been moved and he would therefore put it to the vote, bearing in mind that two-thirds of those voting needed to be in favour of the motion for it to be carried.
- 3.12 The motion was carried unanimously.**

- 3.13 **RESOLVED:** That Mr. Steve Ovett, OBE be appointed as an Honorary Freeman of Brighton and Hove.
- 3.14 The Mayor then invited Freeman Ovett to come forward to collect a certificate in recognition of his appointment and to address the council.
- 3.15 Freeman Ovett thanked the Mayor and the Members of the Council and stated that he was deeply honoured to have been recognised in such a way. He had not expected such an honour and stated that he was very proud to have come from Brighton. It had made him what he was, the chalk downs had given him the strength in his legs that he needed and he had enjoyed life just as Brighton did. It had been wonderful to meet up with his old teacher again, although he was glad she had been unable to make him into a swimmer. He wished to thank all those involved for the new statue, 'Steve Ovett 2,' and hoped that it would be an inspiration to those marathon runners in the future as they reached the finish line. He hoped to be remembered for his sport and would always consider himself to be a Brightonian no matter where he was in the world and wanted to thank the council again for this honour.
- 3.16 The Mayor noted the comments and offered his congratulations to Freeman Ovett on his appointment.
- 4. CLOSE OF MEETING**
- 4.1 The Mayor thanked everyone for attending and invited them to join him at the unveiling ceremony on Madeira Drive and closed the meeting.

The meeting concluded at 5.25pm

Signed

Chair

Dated this

day of

Subject:	Petition Debate: No to Development on Toad's Hole Valley		
Date of Meeting:	25 October 2011		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

For general release

PETITION TRIGGERING A FULL COUNCIL DEBATE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,384 signatures.

2. RECOMMENDATIONS:

- 2.1 That the petition is referred to the Economic Development & Culture Committee for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 The Petition

"We the undersigned petition the council to oppose the proposed redesignation of Toad's Hole Valley for housing and mixed use development."

Lead Petitioners – Councillors Brown and Bennett

3.2 The options open to the council are:

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

4. PROCEDURE:

- 4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:
- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
 - (ii) The Mayor will then call on the relevant Committee Chair to respond to the petition and move a proposed response;
 - (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;
 - (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
 - (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;
 - (vi) The Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

Subject:	Petition Debate: West Pier Market		
Date of Meeting:	25 October 2011		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

For general release

PETITION TRIGGERING A FULL COUNCIL DEBATE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A paper petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 2,100+ signatures.

2. RECOMMENDATIONS:

- 2.1 That the petition is referred to the Economic Development & Culture Committee for consideration.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:

3.1 The Petition

"The development of the i-360 tower on the site of the West Pier means that the West Pier Market, which has run on the site since 1996, will no longer be able to operate in its current location. We, the undersigned, call on the council to find a solution for the traders to continue to trade on Brighton seafront whilst the construction of the i-360 is underway and to find a permanent solution to siting the market as part of the redevelopment of the area once building of the i-360 has been completed."

Lead Petitioner – Mr Peter Fijalkowski on behalf of the West Pier Traders Association.

3.2 The options open to the council are:

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

- To refer the petition to the relevant Committee Meeting; or
- To refer the petition to the relevant Committee Meeting with recommendations.

4. PROCEDURE:

- 4.1 The petition will be debated at the Council meeting in accordance with the agreed protocol:
- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
 - (ii) The Mayor will then call on the relevant Committee Chair to respond to the petition and move a proposed response;
 - (iii) The Mayor will then open the matter up for debate by councillors and call on those councillors who have indicated a desire to move an amendment or additional recommendation(s) to the recommendation listed in paragraph 2.1 of the report;
 - (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
 - (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Cabinet Member to reply to the points raised;
 - (vi) The Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

WRITTEN QUESTIONS FROM COUNCILLORS

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

(a) Councillor A. Norman

“What is the cost of the Budget consultation work currently being carried out for the Council by the New Economics Foundation?”

Reply from Councillor Littman, Deputy Chair of the Policy & Resources Committee (Responsible for Finance).

(b) Councillor A. Norman

“The latest Audit Commission Annual Governance Report for Brighton & Hove City Council once again identifies serious weaknesses in the operation of the Council’s Human Resources Payroll System which creates a ‘risk of misstatement and fraud’. Can the Leader of the Council please tell us what steps are being taken to address these serious shortcomings and does he agree that the length of time it has taken to sort out these problems is simply unacceptable?”

Reply from Councillor J. Kitcat, Leader of the Council.

(c) Councillor K. Norman

“Section 269 of the Public Health Act gives local authorities powers to control the use of movable dwellings and to license the use of land as a site for such a dwelling. If the land in question is to be used for more than 28 days in total in any calendar year, planning permission must be obtained. Furthermore, a site which is used for more than 42 days consecutively or 60 days in total in any consecutive 12 months must have a site licence. Can Cllr. West please confirm whether planning permission has ever been sought, or a site licence obtained, for the ‘tolerated’ traveller site at 19 Acres, given that it has been occupied for well over 28 days on 3 separate occasions in the last 18 months?”

Reply from Councillor West, Chair of the Environment & Sustainable Committee.

(d) Councillor C. Theobald

“Nationally, £200 million of taxpayers’ money is lost due to fraud and error in the council tax benefit system. Localisation of council tax support will give councils a greater incentive to clamp down on fraud and error as they will get to keep all the savings made. Can the Administration’s Finance Spokesperson give an estimate of how much is currently lost through fraud and error in Brighton & Hove and what steps are being taken to cut down on that from next year?”

Reply from Councillor Littman, Deputy Chair of the Policy & Resources Committee (Responsible for Finance).

(e) Councillor Bennett

“Residents are becoming increasingly concerned about the state of the tennis courts in Hove Park. Some work was carried out on the courts 2 or 3 years ago to improve drainage but this has not proved effective. Whenever there has been rain the courts flood and pools of water sit on them instead of draining away. This makes them dangerous to play on, but even worse is the fact that the courts become very slippery because they are never cleaned. Dirt carried in on shoes turns into mud after even a little light rain, and with poor drainage the mud is never washed away. Will the Chair of the Economic Development & Culture Committee please ensure that this situation is addressed as a matter of urgency before one of our residents has a serious accident as a result of the state of the courts?”

Reply from Councillor Bowden, Chair of the Economic Development & Culture Committee.

(f) Councillor Cobb

“Can Cllr. Davey confirm when the last structural survey was carried out on the Hove Town Hall Norton Road car park? I am concerned that the many leaking drain pipes are undermining the structural integrity of the cement blocks of which the car park is built.”

Reply from Councillor Davey, Chair of the Transport Committee.

(g) Councillor Simson

“At the beginning of this year, the Green administration made the decision to divert £175K from the Community Development budget to Neighbourhood Councils. This was despite the fact even following extensive consultation showing that there was little or no appetite for it in the communities and meant that vital community development work in both Woodingdean and Hollingbury was completely cut causing detriment to both neighbourhoods.

Can Cllr Duncan please tell me whether:

- he still considers this was the right thing to do or has the administration made a mistake?
- this is producing value for money, as community development work does?
- he is considering diverting funds from other budgets causing those programmes to also suffer?"

Reply from Councillor Duncan, Chair of the Community Safety Forum Committee.

ORAL QUESTIONS FROM COUNCILLORS

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

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

(a) Councillor G. Theobald

Subject matter – Council Tax.

Reply from Councillor J. Kitcat, Leader of the Council.

(b) Councillor Mitchell

Subject matter – Neighbourhood Councils.

Reply from Councillor J. Kitcat, Leader of the Council.

(c) Councillor Wealls

Subject matter – Free Schools and Academies Policy

Reply from Councillor Shanks, Chair of the Children & Young People Committee.

(d) Councillor Marsh

Subject matter – Services for Young People

Reply from Councillor Shanks, Chair of the Children & Young People Committee.

(e) Councillor Janio

Subject matter – Sustainable City

Reply from Councillor West, Chair of the Environment & Sustainability Committee.

(f) Councillor Hamilton

Subject matter – Portslade Town Hall.

Reply from Councillor J. Kitcat, Leader of the Council.

(g) Councillor Barnett

Subject matter – Travellers.

Reply from Councillor J. Kitcat, Leader of the Council.

(h) Councillor Meadows

Subject matter – Grass Cutting.

Reply from Councillor West, Chair of the Environment & Sustainability Committee

(i) Councillor Mears

Subject matter – Health & Safety on Public Transport.

Reply from Councillor Davey, Chair of the Transport Committee.

(j) Councillor Cobb

Subject matter – Workplace Parking.

Reply from Councillor Davey, Chair of the Transport Committee.

(k) Councillor Simson

Subject matter – Cuts to Bus Subsidies.

Reply from Councillor Davey, Chair of the Transport Committee.

Subject: Extract from the Proceedings of the Policy & Resources Committee Meeting held on the 11 October 2011 – Appointment of Chief Executive and Head of Paid Service

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: **Mark Wall** Tel: **29-1006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

Action Required of Council:

To receive the item referred from the Policy & Resources Committee for approval:

Recommendation:

- (i) That the appointment of Penny Thompson, to be the Chief Executive and Head of Paid Service for the Council with effect from the 12th November 2012 be approved;
- (ii) That the appointment be on a salary of £150,000 per annum;
- (iii) That the Director of Adult Social care (in her capacity as the Director with interim responsibility for Human Resources) and after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including any detailed terms or administrative arrangements that may be outstanding.

POLICY & RESOURCES COMMITTEE

**4.00 pm 11 OCTOBER 2012
COUNCIL CHAMBER, HOVE TOWN HALL**

DRAFT MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), G Theobald (Opposition Spokesperson), Hamilton, Mitchell (Opposition Spokesperson), A Norman, Peltzer Dunn, Shanks, Wakefield and West.

PART ONE**68. RESOLVED:**

- (1) That the Council be recommended to:
 - (i) Appoint Ms Penny Thompson as Chief Executive and Head of Paid Service;
 - (ii) Approve the salary for the post to be set at £150K per annum; and
 - (iii) Approve the appointment to be effective on 12th November 2012 subject to the transitional arrangements referred to in paragraph 3.5 of the report; and
- (2) That the Director of Adult Social care (in her capacity as the Director with interim responsibility for Human Resources) and after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including any detailed terms or administrative arrangements that may be outstanding.

Subject:	Appointment of Chief Executive and Head of Paid Service		
Date of Meeting:	25 October 2012 11 October 2012 – Policy & Resources Committee		
Report of:	Chief Executive		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 To seek Council's approval to the appointment of Ms Penny Thompson as Head of Paid Service and Chief Executive

2. RECOMMENDATIONS:

- 2.1 That the Policy & Resources Committee recommends to Council
- 2.1.1 That Council appoints Ms Penny Thompson as Chief Executive and Head of Paid Service.
- 2.1.2 That the salary for the post be set at £150K per annum and
- 2.1.3 That the appointment takes effect on 12th November 2012 subject to the transitional arrangements referred to in paragraph 3.5 below.
- 2.2 That the Director of Adult Social care (in her capacity as the Director with interim responsibility for Human Resources) and after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including any detailed terms or administrative arrangements that may be outstanding.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

- 3.1 Under the Local Government and Housing Act 1989, the Council has a legal duty to appoint a "Head of Paid Service" which, in practical terms, is a role fulfilled by the Chief Executive. The appointment of the Chief Executive requires Full Council approval.
- 3.2 Following a national recruitment campaign and search, the interview process was undertaken by the Appointments and Remuneration Panel, a cross-party group of

Members. The unanimous recommendation of the Panel is that Ms Penny Thompson be appointed as Chief Executive and Head of Paid Service.

- 3.3 Ms Thompson has held significant leadership roles in a variety of public services organisations. She started her professional career as a social worker in London before moving to Sheffield, Cleveland and then Nottingham. She returned to Sheffield in 1998 as the Director for Social Services to lead it out of 'special measures' and was part of the executive management team that secured the top performance rating from the Audit Commission in 2004. Ms Thompson came back to London the following year, joining the London Borough of Hackney as its Chief Executive where she gained widespread recognition for achieving a sustainable turn-around in services and reputation. She then established a Leadership Consultancy in 2007, providing advice and short term management expertise to a range of organisations including other Local Authorities, Government Non Departmental Bodies and the NHS. In 2010 she was appointed to help the General Social Care Council become a self funding regulator. Only weeks into the job, the Government took the decision to abolish the organisation and until last month she has overseen the orderly wind up of the GSCC, ensuring a smooth transfer of its responsibilities to other bodies. She was awarded the CBE for services to social care in 2012.
- 3.4. Ms Thomson brings to the role a wealth of experience at the highest levels of local government and public service which will be valuable in helping the Council fulfil its priorities and commitments over the following years when we are likely to face significant financial and other challenges.
- 3.5. The council is operating under an interim structure at the moment and is at a critical stage with its budget planning for 2013/14. It also has a sophisticated approach to working in partnership with a variety of stakeholders. As a result it is proposed that the appointment of the Chief Executive take effect on 12th November, but that the full functions and decision making powers be vested in the new Chief Executive from 1st December 2012. This will give the incoming Chief Executive the opportunity to be introduced to key people, to be briefed on all significant budgetary, policy and practical issues, and the interim structures without being distracted by the day to day running of the organisation, which will continue to be undertaken during this transitional period by the Acting Chief Executive, but with consultation with the incoming Chief Executive on any critical matters. This approach has been successfully used for a previous Chief Executive appointment of the council.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 All political groups were consulted through their representatives and the interview undertaken by a cross party group of Councillors. In addition, stakeholders representing local businesses, the community and voluntary sector, staff and trade unions had the opportunity to hear from the shortlisted candidates and give their comments.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The proposed appointment can be funded from the existing salary budget and would result in ongoing savings as the recommended salary is at a lower remuneration than

that of the previous salary level (£161,500). The saving could be one of a number of measures that contribute to the Additional Management & Administrative Value For Money full-year savings target of £450,000 applicable from 2013/14. The overlap of the new Chief Executive and the Acting Chief Executive has a small financial impact of approx £2,500 but this is offset by additional savings on the Director of Finance cover arrangements (the Acting Chief Executive's substantive role), where cost effective acting-up arrangements have been deployed rather than temporary recruitment of interims.

Finance Officer Consulted: Nigel Manvell

Date: 04/10/2012

Legal Implications:

- 5.2 The Council has a duty to appoint a Head of Paid Service. Under the Local Authorities (Standing Orders) Regulations 2001, this has to be approved by the Full Council and cannot be delegated to a committee or a sub-committee of the Council. The Head of Paid Service, in addition to her statutory role, will undertake all the functions listed in the Council's constitution, including overall responsibility for the delivery and direction of Council services.

Lawyer Consulted:

Abraham Ghebre-Ghiorghis Date: 04/10/2012

Equalities Implications:

- 5.3 Ms Thomson will be the first female permanent Chief Executive of Brighton & Hove City Council or its predecessor boroughs. This therefore marks a significant milestone in the authority's history. The appointments process was undertaken having regard to equalities principles and candidates' approach to equality and diversity was one of the criteria for selecting the successful candidate.

Sustainability Implications:

- 5.4 There are no adverse sustainability implications arising from this report

Crime & Disorder Implications:

- 5.5 There are none.

Risk and Opportunity Management Implications:

- 5.6 The appointment of a permanent Chief Executive removes a level of uncertainty both internally and externally to the organisation and ensures that staff, trades unions, partners, businesses and other stakeholders know that there is clear, unequivocal Officer Leadership of the council's operations. The appointment therefore avoids the potential risks associated with prolonged uncertainty in the Officer Leadership role.

Public Health Implications:

- 5.7 There are no adverse public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 The appointment of a permanent Chief Executive will assist the Council in continuing to work with partner organisations in the City at the highest level.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Council is obliged by law to appoint a Head of Paid Service. This is separate and distinct from the non-statutory role of Chief Executive. However, in this authority, the Chief Executive is the designated Head of Paid Service. A change to the designation of Head of Paid Service would be required, requiring Full Council approval, in order to vest this responsibility in an officer other than the Chief Executive.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The appointment of the Chief Executive and Head of Paid of Service requires Council approval on the recommendation of a committee of the Council hence this report.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None.

Background Documents

1. The Council's constitution.

Subject: **Scrutiny Report: Information Sharing Regarding Vulnerable Adults**

Date of Meeting: **25 October 2012**

Report of: **Monitoring Officer**

Contact Officer: Name: Tom Hook Tel: 29-1110

E-mail: Tom.Hook@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Council's Constitution requires that the findings of scrutiny panels, along with the executive response, be reported to Full Council for information.
- 1.2 This report presents a summary of the Information Sharing regarding Vulnerable Adults Scrutiny Panel findings and recommendations (Appendix 1) along with the response (Appendix 2).

2. RECOMMENDATIONS:

- 2.1 That Member's note the report.

3. BACKGROUND INFORMATION

- 3.1 The Scrutiny panel on information sharing regarding vulnerable adults was established by the Overview and Scrutiny Committee following a request initially made by East Sussex Fire and Rescue Service.
- 3.2 The scope included:
- Definition of vulnerability and expectations on services
 - Looking at system used across the city
 - Information sharing protocols
- 3.3 The Scrutiny panel took into account the data from a wide range of providers both statutory and third sector.
- 3.4 The Scrutiny report (included at Appendix 1 to this report) describes the scrutiny process and summaries evidence, findings and recommendations.
- 3.5 The Scrutiny review has been welcomed by all parties and all the recommendations agreed from it are agreed.

- 3.6 As part of the findings the Director of Adult Social Care was asked to create an action plan based on the recommendations.
- 3.7 Whilst the nature of the Scrutiny was multi agency the action plan is very local authority led but will need the support of partner organisations.

4. CONSULTATION

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Legal Implications:

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

Lawyer consulted: Oliver Dixon

Date: 10 October 2012

Equalities Implications:

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

Sustainability Implications:

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

Crime & Disorder Implications:

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

Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Scrutiny Panel Report
2. Response to the scrutiny recommendations

Documents in Members' Rooms:

1. Full Scrutiny Panel report and evidence base



Report of the Overview and Scrutiny Panel

March 2012

**Information Sharing Regarding
Vulnerable Adults**

Panel Members

**Councillor Ruth Buckley (Chair)
Councillor Ken Norman
Councillor Alan Robins
Andy Reynolds, East Sussex Fire & Rescue Service**

Chair's Foreword

Brighton & Hove has many vulnerable adults, some of whom are known to the council and relevant agencies, others who have, or are in danger of falling through the gaps. This Inquiry set out to look at how information is shared regarding vulnerable adults, and how this could be improved whilst maintaining confidentiality requirements.

Initially the Panel considered the concept of a shared database for vulnerable adults across all services, however it quickly became apparent that this was not a feasible option. Issues such as budget constraints, confidentiality, maintenance and ownership were just a few of the reasons why this would not be viable.

One of the key findings of this Panel was that a great deal of information sharing took place in an emergency, be that through the Multi Agency Risk Assessment Conferences (MARAC) or through emergency planning (for example, planning for a possible flu pandemic). However, there was no regular or rigorous information sharing in cases of lower risk. One of the Panel's main recommendations is that the MARAC system should be replicated for lower risk cases. There are many vulnerable people in the city who are not necessarily receiving the help they need. The report also makes two recommendations regarding the East Sussex Fire & Rescue Service (ESFRS) – the scrutiny was requested by ESFRS and we are grateful to Andy Reynolds, Director of Prevention and Protection for agreeing to join the Panel.

A wide range of people fed into the Panel process, and were delighted that, through our information gathering process, we were able to facilitate links between organisations and build on those already there. At the time of writing, the Sussex Partnership Trust and East Sussex Fire & Rescue Service were in discussions with Rise (the domestic violence charity) about training and information sharing.

On behalf of the Panel, I would like to thank all those who shared their experience, both by coming to talk to us and by submitting information. I would like personally to thank the other Panel members: Councillor Ken Norman, Councillor Alan Robins and Andy Reynolds.



Councillor Ruth Buckley
Chair of the Panel

Executive Summary

Information sharing regarding vulnerable adults is a complex subject. Bound by strict legislation governing data protection and consent, it is not always easy – or appropriate – to share information across services and organisations. Nonetheless, central Government is committed to information sharing as a way to deliver better and more efficient public services focussing on the needs of individuals.

Looking at the situation in Brighton & Hove, this Inquiry found that there are a plethora of different databases held in different ways, all containing information on adults deemed to be vulnerable. These databases are non-interoperable, creating additional challenges for professionals and organisations who are working with vulnerable adults. In particular, ways need to be found to allow easier and quicker access across the different databases used by Adult Social Care and Mental Health services.

Data sharing at a 'high risk' level was generally deemed to be good with the local Multi-Agency Risk Assessment Conference (MARAC) working well. At a lower level, however, information sharing was not as regular or rigorous. The MARAC system should be used as a template for information sharing at a lower level.

Increasing secondments, removing the use of faxes in reporting vulnerable adults, and further information sharing - including on indicators that an individual may be particularly vulnerable to a risk of fire - are all recommendations of this report.

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List of Recommendations

RECOMMENDATION 1: Adult Social Care and Mental Health services are using separate non-interoperable databases, creating difficulties in responding quickly to individual cases. Easier and quicker access across these separate databases is required and ways of doing this must be considered. For example, a nominated person in each team could be given access to both databases and act as a central point of reference. In the longer term, better ways of working should be considered by the Health and Wellbeing Board, which will have a statutory duty to foster improved co-working across health and social care. (p19)

RECOMMENDATION 2: A Multi-Agency Risk Assessment Conference (MARAC) should be set up to discuss lower-risk cases. Meeting regularly, this group would share information on cases that are presenting as potentially at risk to more than one agency, but which have not yet triggered the threshold for crisis services. (p24)

RECOMMENDATION 3: The initial risk assessment carried out by Adult Social Care should include noting any indicators that the individual may be particularly vulnerable to risk of fire. With the individual's consent, that information should be shared with East Sussex Fire & Rescue Service (ESFRS). Protocols should be put in place to ensure the fire and rescue service are routinely informed when there is a potential risk to enable them to put preventative measures in place. (p27)

RECOMMENDATION 4: Although there are issues over the definition of 'vulnerability', consideration must be given to creating a system that allows Mears staff to flag up when a person is particularly vulnerable. A system should be set up to ensure feedback from Mears is consistent. (p27)

RECOMMENDATION 5: Following an emergency housing incident, there are standard debrief meetings to discuss what worked well and what needed improvement. It is important that this continues and there is cross agency involvement as appropriate. (p28)

RECOMMENDATION 6: The use of faxes between organisations in reporting vulnerable adults must be replaced immediately by a more secure and unambiguous system. Given that agencies working with adults at risk are all part of the government's secure email system, it seems ludicrous that referrals are not sent by email. The Panel recommends that whatever obstacles currently exist to prevent the use of email are removed as a priority. (p29)

RECOMMENDATION 7: Adult Social Care and East Sussex Fire & Rescue Service should consider supporting a further secondment of a member of ESFRS into Adult Social Care. Seconding members of staff

from partner organisations is always a useful way of learning across organisations. Rotational secondments across key partners should be considered when looking at future ways of working. (p30)

RECOMENDATION 8: The Patchwork programme allows one organisation to see which other organisations hold information on a particular individual. This appears to be an excellent initiative and the Panel would welcome feedback from the early trials. We recommend that this initiative is rolled out to Adult Social Care as soon as possible. (p31)

RECOMMENDATION 9: The Director of Adult Social Care should create an action plan, based on the recommendations in this report. This plan should be reported to the appropriate scrutiny committee within twelve months. This should be discussed with the new Health and Wellbeing Board and/or the relevant council committee as appropriate. (p34)

1. Introduction

Background to the Panel

- 1.1 The subject of sharing information regarding vulnerable adults was originally suggested by the East Sussex Fire & Rescue Service during a consultation process to identify potential issues for scrutiny panels. A number of different organisations and agencies kept lists of 'vulnerable' adults but there appeared to be very little sharing of data. This led to 'vulnerable' adults being on more than one database, and some organisations not being aware of who was 'vulnerable'. There were many different definitions of 'vulnerable': we consider this later in this report.¹ In September 2010 the Overview and Scrutiny Commission (OSC) agreed that this issue should be put on the list of forthcoming panels when time allowed.
- 1.2 The Panel first met privately on 15 September 2011 and agreed their terms of reference as:

*“To examine the current information sharing systems for vulnerable adults in the city with a view to making recommendations for closer sharing in appropriate circumstances”.*²

Members

- 1.3 The Panel comprised Councillor Ruth Buckley (Chair), Councillor Ken Norman, Councillor Alan Robins, and a co-opted member Andy Reynolds, Director of Prevention and Protection, East Sussex Fire & Rescue Service. The Panel held three evidence-gathering meetings on 18 October 2011, 7 November 2011, and 28 November 2011.

Witnesses

18 October 2011 attendees

DCI Neville Kemp and DSI Laurence Cartwright, Sussex Police

Guy Montague-Smith, Access Point and Daily Living Centre Operations Manager, Brighton & Hove City Council (B&HCC)

Rachel Chasseaud, Head of Tenancy Services, B&HCC

Brian Doughty, Head of Assessment Services, Adult Social Services, B&HCC

¹ See p10

² Private scoping meeting 15 September 2011

7 November 2011 attendees

Councillor Rob Jarrett, Cabinet Member for Adult Social Services, B&HCC

Denise D'Souza, Director of Adult Social Care, and Lead Commissioner, People, B&HCC

Annette Kidd, Professional Lead, and David Dugan, General Manager, Sussex Partnership NHS Foundation Trust

Philip Tremewan, Safeguarding Adults Lead, Sussex Community NHS Trust

Alistair Hill, Consultant in Public Health (and previous Caldicott Guardian)

Robin Humphries, Civil Contingencies Manager, B&HCC

28 November 2011 attendees

Kevin Claxton, Resilience Manager, NHS Brighton & Hove

Peter Wilkinson, Deputy Director of Public Health, NHS B&H

Colin Lindridge, Interim Deputy Director Adult Services, and Sam Allen, Service Director, Sussex Partnership NHS Foundation Trust

Jess Taylor and Carys Jenkins, Rise UK

Paul Colbran, Head of ICT, B&HCC

Panel members also talked to residents of one housing block and to Kim Philpott, Service Manager, Home Care, B&HCC.

Details of the meetings and the minutes can be found in Appendix 2 to this report.

2. Background Information

- 2.1 The Panel set out to look at ways of sharing information regarding vulnerable adults, both in terms of what was happening and what was not. There are many reasons why information was or wasn't shared, but there can also be some reticence around information sharing. There can be the presumption that if one agency was aware of a vulnerable adult, then other organisations would be too but this is not always the case. As this report was being drafted, the Parliamentary Health Select Committee published a report on Social Care. Whilst this was looking at the future of social care and commissioning arrangements, it made the point that often people accessing services were being assessed at different times by non-linking organisations:

“ The evidence is therefore clear—many older people, and those with disabilities and long-term conditions need to access different health, social care, housing and other services, often simultaneously. Unfortunately the evidence is also clear that these services are fragmented, and those who need to rely on them often find that they are hard to access and that there are inadequate links between them. Indeed, on our [the Select Committee] visits to Torbay and Blackburn with Darwen the Committee heard evidence that before integration it was commonplace for multiple assessments of older people to take place. The result is that assessments are duplicated, opportunities to provide necessary help are not taken and the condition of individual patients deteriorates in many cases where this did not need to happen.”³

- 2.2 This gives an interesting insight into the difficulties faced when multiple services are dealing with one individual. This Panel was tasked to look at one specific issue that may help to alleviate these difficulties. There are obvious benefits to sharing information (where appropriate) including helping different organisations to work together and preventing individuals being contacted by multiple organisations.
- 2.3 This Inquiry has not looked at the way different organisations hold and record information in any detail. All agencies and organisations offering support to vulnerable adults are required to keep clear, legible and up to date records of contact, information held and consent given. As discussed later in this report, legislation states that data should only be shared when either, the individual has given consent, or when the situation is such that not to share information would lead to a risk of harm or injury.

³ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmhealth/1583/1583.pdf>

Definition of ‘Vulnerable’

- 2.4 It was very clear to the Panel that there was no single definition of ‘vulnerable’. A person may be vulnerable at one time but not another; be vulnerable to one specific incident, but not another. Witnesses told the Panel that vulnerability can change on a daily basis. We consider this issue later in this report.⁴ For the purpose of this Inquiry, vulnerable adults are deemed to be those who, for reason of ill health, disability, frailty, or special circumstance, are more likely to depend on others for their wellbeing.
- 2.5 The definition provided in the Government Guide “Information Sharing: Guidance for practitioners and managers” is:
- “a person who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself against significant harm or exploitation.”⁵*
- 2.6 The Director of Prevention and Protection, East Sussex Fire & Rescue Service and a Panel member, informed the Panel that there was a clear definition of an individual being vulnerable to risk of fire. For example, in terms of mobility, smoking, alcohol and substance misuse, and mental health, the more vulnerable that person was to risk of fire. These factors, linked with old age, sensory impairment and living alone increased that vulnerability considerably.

Data Protection and Consent

- 2.7 The issue of data protection was central to the Panel’s Inquiry. Exchange of data must have a lawful basis and take place within the constraints of the relevant legislation. Overall, the use of data is governed by the Data Protection Act (DPA) 1998. Essential to the issue of sharing of data is that of consent. Many of the data protection issues surrounding the disclosure of personal data can be avoided if the consent of the individual has been sought and obtained.⁶ If consent is not given, information may still be shared if it is felt that the public interest is better served by sharing information than by not.
- 2.8 There is, understandably, a considerable amount of other legislation and guidance that aims to protect people from improper sharing of

⁴ See p16

⁵ Information Sharing: Guidance for practitioners and managers. Glossary (from ‘Who Decides’, Lord Chancellor’s Department 1997)

⁶ P9 of the draft Draft Sharing Protocol

information. However, as a result there can be more emphasis on what cannot be done at the expense of what is allowable. In reality, legislation places few constraints on anyone “acting in good faith and exercising good judgement”.⁷

Further details of definitions of consent, public interest and confidential information can be found in Appendix 1 of this report.

Information sharing

2.9 Information sharing involves the transfer of information from one agency to another. This can be information that is transferred via electronic means, in paper records, or verbally between partner agencies. This can include the sharing of both personalised and depersonalised information as well as non-personal information. The ‘*Government Guide to Information Sharing*’ notes that:

“Information sharing is key to the Government’s goal of delivering better, more efficient public services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all.”⁸

2.10 The *Guide* sets out seven ‘golden rules’ for information sharing which can be summarised as:

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information is shared appropriately;
2. Be open and honest with the person about what, why, how, with whom information is shared and seek agreement;
3. Seek advice if in doubt;
4. Share with consent where appropriate, and where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest;

⁷ Information sharing and mental health. Guidance to support information sharing by Mental Health Services

⁸ HM Government *Information Sharing: Pocket Guide* (Introduction)

5. Consider safety and well being: base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions;

6. Necessary, proportionate, relevant, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely;

7. Keep a record of the decision and the reason for it – whether it is to share information or not.⁹

⁹ HM Government *Information Sharing: Pocket Guide*

3. Existing Structures and Policies

Regional

Sussex Resilience Forum

- 3.1 The Civil Contingencies Act 2004 set the framework for civil protection in England and Wales. It created the requirement for plans to be put in place to handle any emergency that might occur. The Sussex Resilience Forum is the regional body that deals with this for Brighton & Hove. They have recently agreed to take forward the 'list of lists' approach to identifying, planning and providing for vulnerable people. This is not a central list of individuals but a list of partners and contact numbers that can be used to gather relevant information in the event of an emergency (see p32).

Sussex Multi-Agency Policy and Procedures for Safeguarding Adults at Risk

- 3.2 The *Sussex Multi-Agency Policy and Procedures for Safeguarding Adults at Risk* is a Sussex-wide agreement that sets out policies and procedures for safeguarding adults at risk. The result of a joint piece of work between East Sussex, West Sussex, and Brighton & Hove Safeguarding Adults Boards, it has been agreed by B&HCC and partners in Heath, the Ambulance Service and Sussex Police. It sets out a range of procedures, including those for sharing information. It states:

“Effective information sharing between organisations is essential to safeguard adults at risk of abuse, neglect and exploitation. This could include statutory and independent sector organisations involved in all aspects of adults safeguarding work.”¹⁰

Brighton & Hove

Brighton & Hove Safeguarding Adults Board

- 3.3 The *Safeguarding Adults Board* is the multi-agency partnership that leads the strategic development of safeguarding adults work in Brighton & Hove. It includes the Sussex Partnership NHS Foundation Trust, the Partnership Community Safety Team, NHS Sussex, Sussex Community NHS Trust, South East Coast Ambulance Services, East Sussex Fire & Rescue Service, Sussex Police and Brighton & Hove City Council.

¹⁰ Sussex Multi-Agency Policy and Procedures for Safeguarding Adults at Risk, (p77 of p167) part2, p37

Data Sharing Protocol – Brighton & Hove Strategic Partnership

- 3.4 A substantial amount of work has gone into developing a data sharing protocol under the auspices of the Local Strategic Partnership. This has recently been signed by the Police, the NHS and B&HCC. The protocol is a high level document that aims to facilitate the sharing of information between the private, public and voluntary sectors so that members of the public receive the services they need. The aims include: to emphasis the need to develop and use Data Exchange Agreements; to support a process which will monitor and review all data flows; and to encourage data flows. The Protocol notes that the specific purpose for the use and sharing of information will be defined in Data Exchange Agreements.¹¹

Brighton & Hove City Council's Corporate Plan

- 3.5 One of the outcomes from the tackling inequality section of the Corporate Plan is “vulnerable adults supported to live healthy, independent lives”. There is an obvious place for information sharing in meeting this objective.

Staff Survey

- 3.6 As this Inquiry was underway, the annual B&HCC Staff Survey (2011) asked two questions around protecting people's data. The responses to this indicate that within the council, knowledge of appropriate data sharing was good.

48% of respondents strongly agreed with the statement “I know my personal responsibilities when handling personal customer/client information”, 46% agreed and only 3% disagreed.

In response to the statement “I know the rules for sharing personal customer/client information with other people” 45% strongly agreed, 46% agreed and only 5% disagreed.¹²

Brighton & Hove City Council's ICT Strategy

- 3.7 B&HCC's ICT Strategy acknowledged that there were more than 300 applications in use across the council. This vast number was a key issue preventing data from being joined up across applications.¹³

¹¹ P4 of draft data sharing protocol. (Electronic copy)

¹² B&HCC staff survey 2011

¹³ ICT Strategy p4

3.8 The strategy states:

“The current system is costly to maintain and is a barrier to interoperability and information sharing which are critical requirements for delivery of intelligence commissioning and the wider ambitions of “a council the city deserves.”

3.9 Paul Colbran, Head of ICT for B&HCC gave evidence to the Panel and this is reflected later in this report.

Multi-Agency Risk Assessment Conferences (MARAC)

3.10 MARACs are multi-agency meetings where statutory and voluntary agency representatives meet to share information about high risk victims of domestic abuse in order to produce a co-ordinated plan to increase victim safety. The role of the MARAC is to provide a forum for effective information sharing and partnership working. The evidence the Panel heard about the MARAC in Brighton & Hove is reflected in the evidence later in this report (see p19).

Families with multiple disadvantages

3.11 The Government recently announced a new Troubled Families Team within the Department for Communities and Local Government. In December 2011, additional resources totalling £448m over the next three years were announced for this programme. The Panel understand that work to date in Brighton & Hove has focussed on taking this initiative forward in the local context, responding to the particular needs of the city. This work has focussed upon sharing of information from partner agencies with a clear recognition that front line practitioners need to meet to both share information and target resources better.

4. The Panel's findings

Shared Vulnerability Database

- 4.1 When this Panel was first set up, the idea of a shared vulnerability database that would enable professionals to access information on an individual case, and know what other organisations held data on that individual, was considered. However, it became clear that there were so many databases in operation, so many different definitions of vulnerability, and so many issues over who would hold the data and be responsible for it, that a shared database was not a feasible option.
- 4.2 Many witnesses expressed concern over the idea of one shared vulnerability register. Denise D'Souza, Director of Adult Social Services and Lead Commissioner, People, told the Panel that any such register would be quickly out of date and there were issues around how it was held and where. She commented:
- "There was also the question of who was vulnerable: it was not possible to keep an update list as needs changed and vulnerability can change on a daily basis".¹⁴*
- 4.3 David Dugan, General Manager, Sussex Partnership NHS Foundation Trust (SPFT) agreed that there were problems with the concept of a shared database: vulnerability in mental health was contextual and fluctuated.¹⁵ Guy Montague-Smith, Access Point Operations Manager, B&HCC, noted that different organisations looked at issues in different ways so it would be very difficult – and cost prohibitive – to try and create a central system that would work for everyone.¹⁶
- 4.4 The difficulty in defining who is 'vulnerable' was highlighted in information supplied by Access Point, the agency that receives all new referrals for Adult Social Care support. They provided information showing that Access Point had a significant number of Safeguarding Adults at Risk (SAAR) alerts that were not actually safeguarding issues (129 or 36% of the total). This number has increased from the same period the previous year (24). Access Point stated:
- ".. these figures relate directly to an increasing trend of alerts from the Police and SECamb that are not SAAR but related to self-neglect, substance misuse or mental health issues".¹⁷*
- 4.5 The figures showed that there were a number of safeguarding referrals made to Access Point that were not actually safeguarding issues.

¹⁴ 7 November 2011 minutes

¹⁵ 7 November 2011 minutes

¹⁶ 18 October 2011 minutes

¹⁷ Access Point written submission

Differing definitions in use for who is 'vulnerable' are no doubt behind the figures but there may also be an issue around further training over what is deemed to be a safeguarding alert. Despite this apparent confusion over terminology, it is also clear that all people who are referred need help. Further consideration should be given as to how this can best work. Safeguarding alerts were not intended to identify vulnerable adults.

Existing databases

- 4.6 There are currently a number of non-interoperable databases all holding information on potentially vulnerable adults. GPs, the Sussex Police Force, ESFRS, the Housing team, Health bodies, and third sector agencies, all hold information on their own systems.
- 4.7 The Panel were given the following examples:
- DCI Laurence Cartwright of Sussex Police explained that the Anti-Victimisation Unit of the Police used a simple database called *Sharepoint* that could be searched by name and address. This recorded all Vulnerable Adults at Risk (VAAR) and was accessible only by authorised police users. A huge number of cases were recorded and the system worked well for that purpose: it was more difficult to see how well information dissemination worked.¹⁸
 - ESFRS hold generic profile information against the 'vulnerable to fire' definition on a system known as the *Cube*.
 - Amaze, the charity working with parents of children with special needs, runs a database called *The Compass* on behalf of B&HCC. This is a register of children with disabilities or special needs from birth to age 20. In addition, they collate information on parents who use their Disability Living Allowance service: this information was only shared in the form of anonymous data.¹⁹
 - Since the national IT programme for health had been stopped, there were a number of databases within the health services, for example GPs, district nurses, and community nurses had their own databases.²⁰
 - B&HCC's housing team use the *Open Housing Management System* (OHMS): housing is considered later in this report.
- 4.8 The Head of ICT, B&HCC, explained that the new ICT strategy focussed on what was currently available and how it was used. There were a range of systems that did not join up. Additionally, when systems did not meet the demands of the users, people took out the bits they needed, leading to multiple systems and no single core

¹⁸ 18 October 2011 minutes

¹⁹ Email from Amaze

²⁰ 28 November 2011 minutes

system.²¹ He gave the example that a customer record could be found in 14 or 15 different places with different spellings. A key question when looking at IT systems was not what system do you need, but what information do you need to do your job?

- 4.9 The issue of non-interoperability was highlighted by the systems used by Adult Social Care (CareFirst) and by the Mental Health Teams (ECPA²²). Adult Social Care use CareFirst, which holds information from the point of referral, through casework to services provided for an individual. This system went live in B&HCC in 2001 so whilst it is 'fit for purpose' it does have a number of anomalies. Anecdotal evidence suggests that individuals may be on more than once, under different spellings or if they have received care packages at different times. It is not able to be 'tiered' to enable differing levels of access. In an ideal world, the Panel would recommend that CareFirst be overhauled to better reflect the needs of the users, including interoperability with other systems. However, resources today mean this is an unrealistic ambition.
- 4.10 CareFirst does not interface with ECPA, the electronic clinical system used by other teams including the Mental Health teams. The Operations Manager of Access Point gave the example of having to wait 8 months to be granted access to ECPA when the designated Mental Health worker in his team was absent. This had caused frustration and delays in helping people.²³ Philip Tremewan, Safeguarding Adults Lead of Sussex Community Trust told the Panel that working across a number of local authorities with their own databases and systems was challenging.²⁴
- 4.11 Brian Doughty, Head of Assessment, Adult Social Care, noted that his team had limited access to the Mental Health database and this could cause problems. There was no formal agreement with the Sussex Partnership NHS Foundation Trust which made it difficult to access information on mental health cases. Colin Lindridge, Interim Director Adult Services, Sussex Partnership NHS Foundation Trust told the Panel that staff from social care teams who had 'honorary' contracts with the Trust were given access to the recording systems.
- 4.12 The Brighton & Hove Safeguarding Adults Board Annual Report 2010/11 stated that:

*“ .. ensuring robust arrangements are in place with services provided through S75 arrangements, where different IT systems are in use, continues to be a challenge and is subject to ongoing review”.*²⁵

²¹ 28 November 2011 minutes

²² Electronic Care Program Approach

²³ 18 October 2011 minutes

²⁴ 7 November 2011 minutes

²⁵ P18 Annual Report 2010/11

- 4.13 Operating within a Section 75 Agreement means organisations should be working as an integrated team, yet they are using non-interoperable databases.²⁶
- 4.14 There are obvious sensitivities and issues around consent. However, in light of the fact that there is unlikely to be a single database for Adult Social Care and Mental Health teams in the foreseeable future, steps should be taken to facilitate information sharing by increasing shared access across the existing databases. This may take the form of examining the existing protocols for allowing access, taking further advice from all the Caldicott Guardians involved to come to an agreed way forward.²⁷ A nominated person in both the Adult Social Care Team and the Mental Health Teams could act as a first point of contact.

RECOMMENDATION 1: Adult Social Care and Mental Health services are using separate non-interoperable databases, creating difficulties in responding quickly to individual cases. Easier and quicker access across these separate databases is required and ways of doing this must be considered. For example, a nominated person in each team could be given access to both databases and act as a central point of reference. In the longer term, better ways of working should be considered by the Health and Wellbeing Board, which will have a statutory duty to foster improved co-working across health and social care.

Information sharing

- 4.15 The Panel heard that data sharing at a 'high-risk' level was generally good. Witnesses told the Panel that the Multi-Agency Risk Assessment Conference (MARAC) system was largely working well. Meeting twice a month to consider cases of domestic violence, MARACs involved face-to-face discussions aimed at both prevention and at dealing with crisis-cases.²⁸ Recently, the Arson Reduction Team had started attending MARACs and now the risk of arson was discussed in each case.
- 4.16 Rise UK provided a case study that illustrated the difficulties around co-ordination and sharing information (see p21). Rise agreed that

²⁶ Section 75 arrangements are statutory legally binding agreements to share commissioning or provision of services between the NHS and the local authority.

²⁷ Caldicott Guardians are nominated 'guardians' of person-based information. Their role is to oversee the arrangements for the use and sharing of clinical information.

²⁸ MARACs are multi-agency meetings where statutory and voluntary agency representatives share information about high risk victims of domestic abuse in order to produce a coordinated action plan to increase victim safety. The role of the MARAC is to provide a forum for effective information sharing and partnership working amongst a diverse range of adult and child focussed services in order to enhance the safety of high risk victims and their children.

MARACs were a useful forum for sharing information and developing links, although they did make the point that a client can feel disempowered if they are not kept fully informed as they did not attend the MARAC themselves.²⁹

- 4.17 The Director of Adult Social Services told the Panel that improvements could be made at a lower level. She agreed that they “were not sharing systematically for less high-risk people”.³⁰ Annette Kidd, Head of Secondments at the Sussex Partnership NHS Foundation Trust agreed that with lower risk cases information sharing was not as frequent. Sam Allen, Service Director, Sussex Partnership NHS Foundation Trust, commented that the big issue was lower risk cases. A person who was considered a high risk case would have many agencies involved; it was lower risk cases where there was a need for more information sharing.³¹ In addition, as every organisation had its own information system, it was very difficult for a care worker to access all the relevant information.
- 4.18 The Director of Adult Social Services gave the example that there were a range of vulnerable people known to Mental Health services but who were not known to Adult Social Care.³² This was reflected elsewhere in the evidence: there was information held by one organisation that was not shared, either formally or informally, with other organisations. GPs held some information, but A&E information is not necessarily reported back to GPs or to Adult Social Care.
- 4.19 DCI Kemp from Sussex Police reported no significant problems around information sharing, although he noted that there had been one or two examples when, during a large investigation, they had not been aware of an individual’s existing vulnerabilities.³³ The General Manager of the Sussex NHS Foundation Partnership Trust (SPT) told the Panel that they had a Trust-wide policy for information sharing but this did not include the fire service. He agreed to examine this option.³⁴
- 4.20 Witnesses also raised the issue of individuals not wishing to have certain elements of their personal information shared. In her role as Caldicott Guardian, Denise D’Souza determined whether other agencies could have access to the CareFirst data. In the majority of cases, she refused access. CareFirst can not be tiered so if someone has access then they have access to all the information on there, which was often not desirable.

²⁹ 28 November 2011 minutes

³⁰ 7 November 2011 minutes

³¹ 28 November 2011 minutes

³² 7 November 2011 minutes

³³ 18 October 2011 minutes

³⁴ 7 November 2011 minutes

- 4.21 Witnesses generally felt that the way forward was more collaborative working.³⁵ The General Manager of the SPFT informed the Panel that there was a pilot scheme underway around information sharing with the Anti-Social Behaviour team. This would create a route into different teams with clearly identified names in organisations.³⁶ Additionally, there was a weekly hub meeting about the most vulnerable high risk substance misusers which also involved other organisations such as the police and housing.³⁷ These are both good examples of inter-agency and partnership working. **The Panel are very clear that the way forward in sharing information regarding vulnerable adults is in partnership working, in networking and in ensuring organisations are in regular contact at a professional level. This may necessitate relationship management by council officers in order to ensure existing relationships are built on and expanded.**
- 4.22 The example was also given of the information that the Police may hold over time and whether that information could be shared. The General Manager of the SPT told the Panel that they were interested in whether the Police had a formal recording system for how often they visited a property and if that information could be shared.³⁸
- 4.23 Following the Panel's meetings, witnesses agreed to share information, best practice and training between themselves. ESFRS and the SPT both arranged to make contact with Rise UK to offer training and information sharing opportunities. **The Panel were delighted to facilitate this information sharing.**
- 4.24 Witnesses told the Panel that information sharing had improved over the years. The Director of Adult Social Services summed it up as the concept that it was better to share information than to end up in the Coroner's Court because information wasn't shared.³⁹ **The Panel are of the opinion that between the organisations that they spoke to, there was the impetus for further information sharing. Some protocols are already in place but mechanisms need to be found for enabling further sharing.**
- 4.25 Jess Taylor of Rise UK agreed that there was a challenge around co-ordination and resources in cases of low to moderate need. They had experiences of cases being closed because they did not meet the threshold to access services from Adult Social Care. She went on to say that it was difficult to get things actioned and co-ordinated in low to moderate cases.⁴⁰

³⁵ Eg 28 November 2011 meeting

³⁶ 7 November 2011 minutes

³⁷ 7 November 2011 minutes

³⁸ 7 November 2011 minutes

³⁹ 7 November 2011 minutes

⁴⁰ 28 November 2011 minutes

Case Study 1 – provided by Rise UK

Working together with vulnerable adults

Names have been changed to protect the client's identity

“Michelle was re-referred to Rise’s IDVA⁴¹ service in January 2011. At this time, her ex partner Martin was in prison for an assault against her. She was re-referred as he was soon due for release and there had been a further incident believed to be perpetrated by one of his associates. A risk assessment prior to her referral indicated that Michelle was at high risk of serious harm / homicide from Martin / his associates. Michelle also had other complex needs including mental health issues, self harm and substance misuse. Michelle suffers from anxiety especially when placed in unfamiliar circumstances, depression and possibly bi polar although this had not formally been diagnosed as a result of her level of drinking. As a result of these additional needs, it was difficult to engage with Michelle as she was often chaotic and found it hard to attend appointments. She found it difficult to discuss issues in relation to domestic violence. From her perspective, it was her needs around her mental health, substance misuse and housing that were the most prominent for her. When we first started working with Michelle, she was engaged with community mental health services. However, when her worker left, she started to disengage with this service. At this time, she disclosed the violence from another perpetrator and that she found it hard to attend appointments. Due to non-attendance, community mental health closed her case.

As the date for Martin’s release drew closer and she began receiving contact from probation in relation to his release. Her mental health also deteriorated and over the summer period, she regularly self harmed and attempted suicide on at least three separate occasions. The first of these attempts occurred while she was still engaged with mental health services. One each occasion, she was assessed by mental health’s duty worker and then released. Once her case had been closed to mental health, she would inform her IDVA that she wanted mental health support. When we contacted mental health, we were advised to re-refer her to her GP.

Michelle felt that with her multiplicity of needs each agency was only concerned with their area / remit and that there was no one in particular who could coordinate this, especially when there were competing priorities. We discussed the possibility of a Common Assessment Framework (CAF) and Michelle thought this was a good idea and so we started the process. However, we later learnt that CAFs could no longer be completed for single adults. Instead, we organized a Strategy meeting for Michelle and the professionals who worked with her to meet and have a forum to work together with Michelle as the guiding force. We sent invites to varying agencies and several attended. Unfortunately, substance misuse and mental health did not attend and Michelle found this very frustrating.

⁴¹ IDVA is the Independent Domestic Violence Advisory Service

In September 2011, we referred Michelle to the Rise community outreach service. They are currently working with Michelle and still trying to put mental health and substance misuse support in place and to coordinated social care services for the client.

Some issues raised by evidence

- *Where there is a multiplicity of needs, clients may get shifted between different services, with no one service acting as lead agency*
- *Better communication between services would have enabled a better outcome for the client*
- *It was difficult for Rise to implement the support in relation to our specialism, safety planning, without the involvement and support of other agencies, like substance misuse and mental health.*
- *It was felt by Michelle and IDVA that structure and coordination of services were required. We felt that this would save time for all agencies in the long-term as we would hopefully have to open and close the case less frequently and it would enable a consistency of approach and containment for Michelle. It was not possible to arrange a CAF for a single person without children under the age of 18 and our own 'strategy meeting' was not successful as not all agencies attended. If we had jointly agreed an action plan with Michelle steering the group in line with her wishes, it could have been a more empowering process for her and more effective for all."*

4.26 Given all the evidence the Panel received, and notwithstanding that there were examples of good practice, the Panel recommends that regular meetings are set up, mirroring the arrangements for the MARAC to ensure that information sharing occurs in lower risk cases. This would be wider than domestic abuse and would serve as a forum for representatives from the police, the fire service, health bodies, adult social care, housing, mental health, GPs and the community and voluntary sector to have the opportunity to meet and discuss issues arising. Obviously not every case or individual who was deemed vulnerable could be discussed as this would quickly overload meetings. Professionals should use their judgement if someone has presented to them more than once recently, or if they feel it is likely that another agency could have relevant information concerning that individual.

4.27 This may necessitate a change to the protocols for gaining consent. It is best practice to set out clearly an organisation's policy on sharing information when a service is first accessed. If this is a multi-agency service, explicit consent for information sharing would usually be involved and would cover all the agencies within the service. However, for agencies outside of the multi-agency service additional consent

would need to be given. Nonetheless, organisations will already ask people for their consent to share information with partner organisations and it would be a case of clarifying this initial consent process.

- 4.28 Nationally, there are examples of a similar type of multi-agency working that could be examined. A number of places, including London and Norfolk have created Multi-Agency Safeguarding Hubs (MASH).⁴² In Devon, the MASH mainly deals with safeguarding children: it was set up by the Devon Safeguarding Children's Board after an audit had found that key information was not being shared between agencies. The MASH provides:

".. information sharing across all organisations involved in safeguarding – encompassing statutory, non statutory and third sector sources. Essentially the hub will analyse information that is already known within separate organisations in a coherent format to inform all safeguarding decisions."⁴³

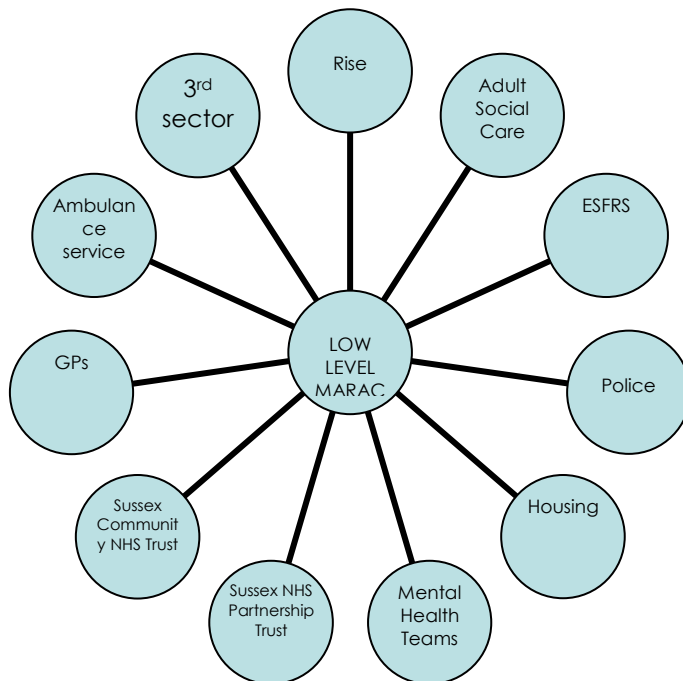
- 4.29 The Devon MASH was launched in April 2010 and includes representatives from the police, children's social care, probation, health, adult and community services, mental health services, and the Ambulance Service. The explanatory leaflet notes that once all the processes concerning safeguarding adults are refined, the Devon MASH will embed the same protocols in the safeguarding of adults.

RECOMMENDATION 2: A Multi-Agency Risk Assessment Conference (MARAC) should be set up to discuss lower-risk cases. Meeting regularly, this group would share information on cases that are presenting as potentially at risk to more than one agency, but which have not yet triggered the threshold for crisis services.

⁴² In Norfolk The MASH service is a multi-agency information sharing hub that both physically and virtually co-locates key professionals to facilitate early, better quality information sharing, analysis and decision making in order to more effectively safeguard vulnerable children and young people. http://www.nscb.norfolk.gov.uk/documents/NewsletterNov%2011_Final.pdf The London Safeguarding Children Board is supporting an ongoing initiative to roll out Multi-Agency Safeguarding Hubs across London, with pilots already underway in a number of areas. The London Safeguarding Children Board is supporting an ongoing initiative to roll out Multi-Agency Safeguarding Hubs across London, with pilots already underway in a number of areas.

⁴³ <http://www.devon.gov.uk/mash-leaflet-april2011.pdf>

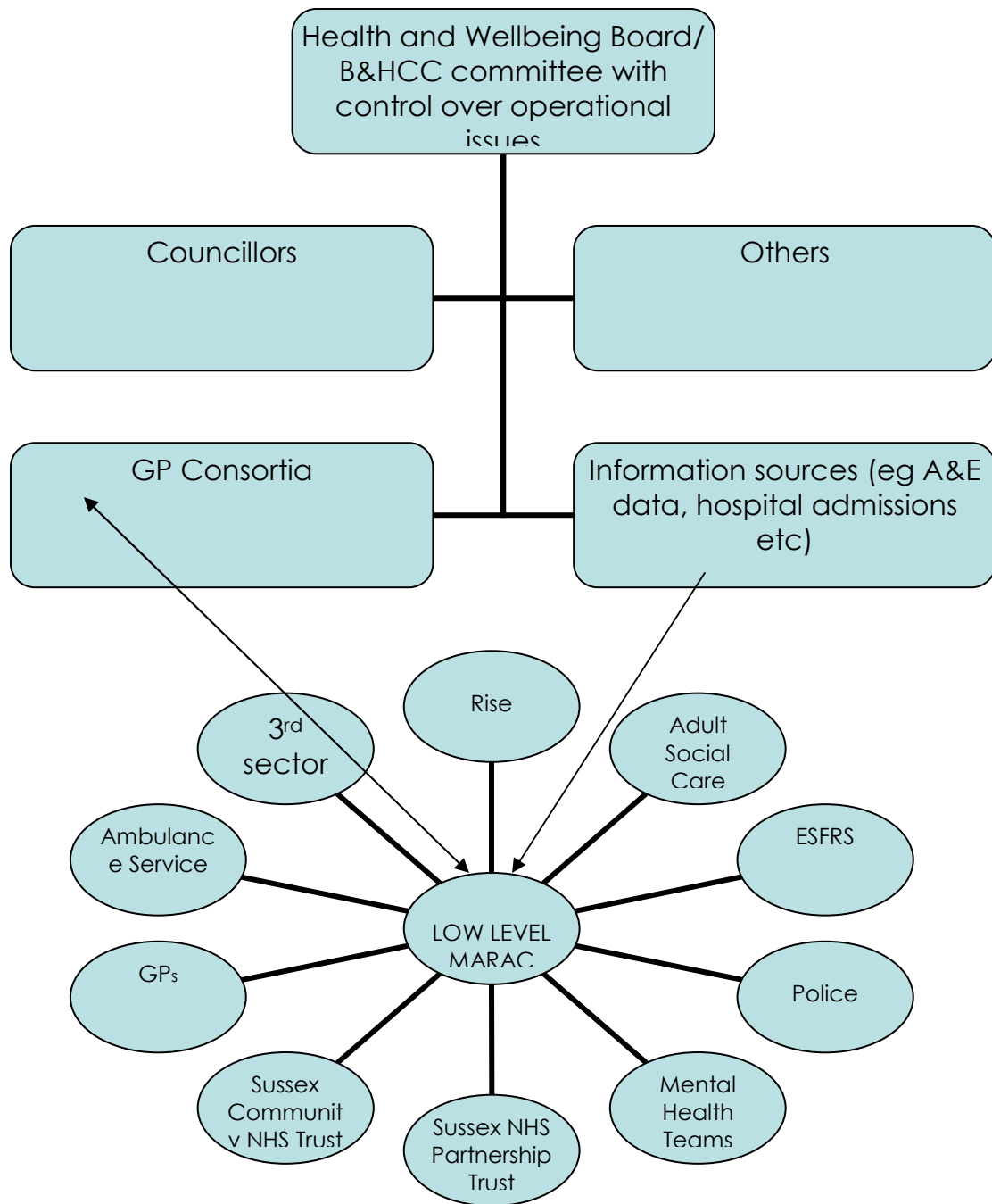
Potential low level MARAC structure



4.30 As the Clinical Commissioning Group take on the role of commissioners and commission health services for the city, as well as providing GP services, the impetus will increase for information that is already collected, to be used proactively. It is important that the structures are in place for this to work.

Diagram of interrelated working

4.31 The new Health and Wellbeing Board (HWB) will be operating as a shadow body for a year from April 2012. The links between this, and/or the committee with control over operational health issues within the B&HCC's new governance arrangements, and a low level MARAC should be explored.



Risk Assessments

4.32 The Director of Prevention and Protection at ESFRS told the Panel that ESFRS were often reliant on other agencies informing them of vulnerable adults at risk of fire and making a referral to them to enable a Home Safety Visit to be undertaken. A recent fatal fire had involved an individual known to Adult Social Care who was someone who should have been referred to the fire and rescue service but was not.

The Director of Adult Social Services told the Panel that Adult Social Care officers did a risk assessment when they entered someone's home but that did not include picking up indicators that a person may be susceptible to risk of a fire (for example, someone who smoked, who had alcohol problems and mental health problems would be more at risk). The Director of Adult Social Services agreed that Adult Social Care could work more closely with the fire and rescue service. With the assistance of ESFRS, Adult Social Care staff could be trained to look for indicators that there was a risk of fire when they carried out their initial risk assessments. If the risk assessment indicated a risk of fire, the individual concerned would be asked for their consent to allow the fire and rescue service to come and discuss fire safety measures in their home to make them safer and to support independent living.

RECOMMENDATION 3: The initial risk assessment carried out by Adult Social Care should include noting any indicators that the individual may be particularly vulnerable to risk of fire. With the individual's consent, that information should be shared with East Sussex Fire & Rescue Service. Protocols should be put in place to ensure the fire and rescue service are routinely informed when there is a potential risk to enable them to put preventative measures in place.

Housing

- 4.33 Rachel Chasseaud, Head of Tenancy Services, B&HCC, told the Panel that the Housing team used the Open Housing Management System (OHMS). This database was an old system and there was currently no good way of storing information about vulnerability. There was a checklist to record equalities information and some information about vulnerabilities – if permission had been given to record that. A 'Vulnerable Adult' project had recently started in Housing looking at the existing systems and carrying out a gap analysis and risk assessment. The Panel were told that Mears, the contractors employed to carry out repairs on council properties, operated their *own* property focused database to log and manage repairs. Mears currently ask questions about whether a resident requires additional support with a repair and record this in their database. If their operatives note that a resident appears vulnerable or in any difficulty then they refer this information back to the council.

RECOMMENDATION 4: Although there are issues over the definition of 'vulnerability', consideration must be given to creating a system that allows Mears staff to flag up when a person is particularly vulnerable. A system should be set up to ensure feedback from Mears is consistent.

- 4.34 During the course of this inquiry, there was an emergency incident involving a flood and a fire at a sheltered housing building. A team was very quickly set up and plans put in place for a rest centre in case residents needed to be evacuated. The information sharing and team work in co-ordinating the response worked well and was greatly helped by the Scheme Manager who was on site and had up-to-date information on who was most vulnerable and where flats were vacant. The contingencies team worked closely with the team at the sheltered housing and they provided information on who to contact and where resources could be located. This situation was an example of good practice and partnership working. **Emergency events such as these highlight the need for efficient team working, awareness of where the necessary information is, and knowledge of who to contact for a range of issues including, supplies, assistance and resources.**
- 4.35 A second emergency housing incident involved a loss of electrical power to a 19 storey block of flats. Whilst there was much that worked well in this case, and residents were keen to praise officers and Councillors, the Panel felt there were some lessons to be learnt.

Case Study 2 – major housing incident

There was a major incident involving council housing that was brought to the Panel's attention. It involved the loss of electrical power which meant that both lifts in a 19 storey block of flats ceased to operate. In addition, there was no corridor or landing lighting for the first 6 floors.

Residents had some concerns about the length of time it took to carry out the repair and felt there could have been better communication between them, the housing office and contractors. On the issue of information sharing regarding vulnerable adults, in this incident the Housing (OHMS) database provided sufficient information for a community warden to be aware of the majority of vulnerable adults. For exceptionally vulnerable people, officers contacted Carelink who had access to CareFirst and the person's care package. The residents who spoke to Panel members were full of praise for both the Housing Officers and the Councillors who were on hand to help residents access their flats, provide reassurance, and to provide water to the upper flats when the water supply failed.

In summary, there were some areas where systems worked and Housing Officers were clearly working hard to resolve the issues as they arose. There is no indication that information sharing was faulty.

RECOMMENDATION 5: Following an emergency housing incident, there are standard debrief meetings to discuss what worked well and what needed improvement. It is important that this continues and there is cross agency involvement as appropriate.

Communications

- 4.36 DCI Kemp of Sussex Police told the Panel that they referred adults to Adult Social Care by fax.⁴⁴ There was an issue around secure email: it had only recently been put in place for children's services. The Operations Manager of Access Point highlighted the use of faxes as a problem for them. Some faxes were undecipherable and often individuals had not been asked for their consent to share the information. He told the Panel:

*"There are major issues on how Safeguarding Adults at Risk (SAAR) alerts are sent across to Access Point, particularly the quality of handwritten faxes, which are often difficult or impossible to read. This is extremely time-consuming when attempting to decipher what is being reported and causes delays in processing alerts."*⁴⁵

- 4.37 The Panel believe that the use of faxes as a means of communicating alerts on vulnerable adults should cease. Faxing is not a secure means of communication, nor does it lend itself easily to creating an audit trail to follow a referral from start to finish.

RECOMMENDATION 6: The use of faxes between organisations in reporting vulnerable adults must be replaced immediately by a more secure and unambiguous system. Given that agencies working with adults at risk are all part of the government's secure email system, it seems ludicrous that referrals are not sent by email. The Panel recommends that whatever obstacles currently exist to prevent the use of emails are removed as a priority.

Secondments

- 4.38 The Panel were told that there had been a member of ESFRS Community Safety Team who had been on secondment to Adult Social Care. ESFRS had found this extremely helpful and had seen a significant rise in referrals of very vulnerable people as a result. The Director of Adult Social Services agreed that the secondment had worked well. The Professional Lead for safeguarding for the SPFT told the Panel that there were a number of social workers seconded into different areas, including mental health, older people and substance misuse. Witnesses agreed that the idea of rotational secondments in all key partners working with vulnerable adults was worth exploring. It would allow people to share experiences, if not personal data.⁴⁶

⁴⁴ 18 October 2011 minutes

⁴⁵ Access Point written submission

⁴⁶ 18 October 2011 minutes

RECOMMENDATION 7: Adult Social Care and East Sussex Fire & Rescue Service (ESFRS) should consider supporting a further secondment of a member of ESFRS into Adult Social Care. Seconding members of staff from partner organisations is always a useful way of learning across organisations. Rotational secondments across key partners should be considered when looking at future ways of working.

Patchwork initiative

4.39 The Panel heard about an initiative underway in Children's Services to help co-ordinate information on children and young people. Known as "Patchwork" the project is developing a secure web application that aims to re-invent the way information is shared by local public services. It will provide an opportunity for professionals who are supporting a child or young person to be able to find one another and connect. By better "joining up the dots", Patchwork aims to improve information sharing within and between agencies by supporting better human relationships.

4.40 The Programme Manager in Brighton & Hove stated:

"The interviews we did with practitioners in the lead-up to this project made it very clear that many things get in the way of working together effectively with families. It is difficult to know who's involved and build the network up. It's even harder to maintain good quality multi-agency networks and ensure well co-ordinated support and intervention."⁴⁷

4.41 The application will be tested and designed from February 2012 by front line staff working across children's services, housing, community health, neighbourhood policing, fire and rescue, general practitioners and community and voluntary sector organisations. The level of interest from partners has been extremely high. The Panel learnt that detailed work around information governance issues had been successful and provided a sound basis for future development. Next steps will include examining the information governance issues around adults and "family networks" with the aim of showing the service involvements of each individual in the family group, and helping professionals better co-ordinate themselves.

4.42 Staffordshire County Council are a partner in the project and it is expected that Surrey County Council will soon join. The Panel were told:

"The technology development approach is "front-line led" and incremental, meaning that vital functionality can be delivered

⁴⁷ <http://patchworkhq.com/2011/11/04/working-better-together-through-technology-brighton>

quickly with relatively low risk and additional functionality can be developed step-by-step, allowing the complex issues around multi-agency working to be accounted for.”⁴⁸

RECOMENDATION 8: The Patchwork programme allows one organisation to see which other organisations hold information on a particular individual. This appears to be an excellent initiative and the Panel would welcome feedback from the early trials. We recommend that this initiative is rolled out to Adult Social Care as soon as possible.

⁴⁸ Email from the Programme Manager, B&HCC

5. Community working

Emergency Planning and Resilience

- 5.1 Currently, there is a national drive to look at empowering communities and individuals to help keep themselves and others safe. The idea of 'community resilience' is that communities use local resources and knowledge to help themselves during an emergency in a way that complements the local emergency services.⁴⁹ Resilience is defined as "the capacity of an individual, community or system to adapt in order to sustain an acceptable level of function, structure and identity". The *Annual Report of the Director of Public Health 2010* explores community resilience in Brighton & Hove. It states:

"..greater resilience has the potential to realise benefits not just in terms of physical and mental wellbeing, but also in terms of economic development."

- 5.2 In the context of this Inquiry, the issue of 'resilience' was touched upon tangentially. The idea that individuals could be encouraged to create their own 'mini resilience plans' was mentioned. The Sussex Resilience Forum was looking at personal resilience plans and how to encourage them.⁵⁰ In the future there may be a role for B&HCC to encourage people to look at in what circumstances they are most vulnerable (for example, bad weather, public sector strikes, power outages) and to plan accordingly.
- 5.3 B&HCC have recently finished a consultation on Neighbourhood Councils and plan to run a pilot scheme in the summer of 2012. **As and when the Neighbourhood Councils go ahead, the concept of personal and community resilience plans could be considered.**

List of lists

- 5.4 Kevin Claxton, Resilience Manager, NHS Brighton & Hove explained that there were two distinct issues in emergency planning: ensuring careful communication around vulnerable people; and sharing information. Often partners looking at emergency planning found these difficult to resolve. When the PCT was working with partners to create a workable plan to deal with a flu pandemic, they found it difficult to ascertain who was vulnerable. Additionally, any list would be difficult to maintain and would quickly go out of date. Consequently, the idea arose of using a 'list of lists' approach. A list of lists is not a central list of individuals but a list of partners and contact numbers that can be used to gather relevant information in an emergency. This would

⁴⁹ <http://www.cabinetoffice.gov.uk/content/community-resilience>

⁵⁰ Minutes 28 November 2011

include a list of organisations that hold and maintain data on vulnerable people, including the types of vulnerability.

- 5.5 Using this system, when an emergency arises, procedures and systems were in place to generate information on who was vulnerable at that time.⁵¹ For example, during any flu pandemic, GPs would provide information to identify who needed vaccinations, or needed specific services. It was noted that GPs would be reluctant to share this information without consent however.

⁵¹ 28 November 2011 minutes

6. Conclusion

- 6.1 This report has looked at what information sharing regarding vulnerable adults already exists. There are some areas of good practice, some good partnership working, but also some (often IT based) problems that are unlikely to be solved easily. There is no panacea and this report can not realistically provide one. However, this report does make recommendations that are aimed at encouraging better understanding of information sharing, the benefits it can bring, and steps that can be taken to increase appropriate sharing.
- 6.2 Safeguarding vulnerable adults and enabling them to access appropriate services means that good communication, co-operation and liaison between agencies is essential. Clear procedures which promote the interests of vulnerable adults, their families and caregivers must be in place. Whilst this appears to be happening at the level of high risk cases, it is widely accepted that information sharing regarding vulnerable adults who are at lower risk is not as good as it could be.

RECOMMENDATION 9: The Director of Adult Social Services should create an action plan, based on the recommendations in this report. This plan should be reported to the appropriate scrutiny committee within twelve months. This should be discussed with the new Health and Wellbeing Board and/or the relevant council committee as appropriate.

APPENDIX 1

DEFINITIONS AND GLOSSARY

Caldicott Guardians

The 1997 report of the *Review of Patient-Identifiable Information* (known as the Caldicott report after the Chair, Dame Caldicott) made a number of recommendations regulating the use and transfer of “person identifiable information” (in other words not anonymous data) between NHS and non-NHS bodies. This included all information that was shared that was not for direct care, medical research or where there was a statutory requirement to share. The aim was to ensure that sharing was justified and only the minimum was shared. The central recommendation of the Caldicott report was that each NHS organisation (and subsequently Councils with Social Care Responsibilities) needed to appoint a ‘Guardian’ of person-based information to oversee the arrangements for the use and sharing of clinical information.

The Panel heard from Alistair Hill, a former Caldicott Guardian for the Primary Care Trust and Denise D’Souza, Caldicott Guardian for Adult Social Care in Brighton & Hove City Council.

Confidential information - is information that is not normally in the public domain or readily available from another source, it should have a degree of sensitivity and value and be subject to a duty of confidence. A duty of confidence arises when one person provides information to another in circumstances where it is reasonable to expect that the information will be held in confidence.⁵²

Consent is agreement freely given to an action based on knowledge and understanding of what is involved and its likely consequences.⁵³

Consent can be expressed either verbally or in writing – the latter is preferable since it reduces any likelihood of scope for future problems. Consent must also be informed: that is, when someone agrees to information sharing they must understand how much is shared, why, with whom, and what may be the implications of not-sharing. Additionally, consent can be withdrawn at any time.

The government’s guide to information sharing states that:

*“..you may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest”.*⁵⁴

Human Rights Act 1998 - Article 8 of the Human Rights Act covers an individual’s right to privacy. It states: “Everyone has the right to respect for his

⁵² P 32, Information Sharing: Guidance for practitioners and managers

⁵³ P 32 Information Sharing: Guidance for practitioners and managers

⁵⁴ Information Sharing pocket guide rule 4 for sharing information

private and family life, his home and his correspondence”.⁵⁵ Any breach of this right must be justified. The Guidance states that courts have taken the view that they would only intervene if the decision to disclose information was palpably unreasonable and disproportionate to the circumstances.⁵⁶

Open Public Services White Paper, July 2011 commits the Government to ensuring that datasets the Government collects are open and accessible. The Government Digital Service (GDS) will develop a digital marketplace, opening up government data, information, applications and services to other organisations, including the provision of open application program interfaces for all suitable digital services.

Personal data (or personal information) means data which relates to a living individual who can be identified: (a) from that data; or (b) from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.⁵⁷

Public interest is defined as the interests of the community as a whole, or a group within the community or individuals. The “public interest” is an amorphous concept which is typically not defined in legislation. The examples given in the definition of the public interest test are currently accepted common law categories of the public interest.⁵⁸

Public interest test in this context is the process a practitioner uses to decide whether to share confidential information without consent. It requires them to consider the competing public interests – for example, the public interest in protecting individuals, promoting their welfare or preventing crime and disorder, and the public interest in maintaining public confidence in the confidentiality of public services, and to balance the risks of not sharing against the risk of sharing.”⁵⁹

Section 75 arrangements are statutory legally binding agreements to share commissioning or provision of services between the NHS and the local authority.

Sussex Multi-Agency Public Protection Arrangements (MAPPA)

The Criminal Justice Act 2003 created a ‘duty to cooperate’ on health and other agencies during the supervision of people in the community with mental health problems. Strictly speaking, this is a duty to co-operate with a process not to divulge information but it has been seen that effective working

⁵⁵ Information Sharing and Mental Health, Guidance to support information sharing by Mental Health Services, p16

⁵⁶ Information Sharing and Mental Health, Guidance to support information sharing by Mental Health Services, p17

⁵⁷ Information Sharing: Guidance for practitioners and managers

⁵⁸ P34 Information Sharing; Guidance for practitioners and managers

⁵⁹ Information Sharing: Guidance for practitioners and managers

relationships and such things as a single point of contact allow the exchange of information in urgent situations has worked well.⁶⁰

ACRONYMS

ASC	Adult Social Care
B&HCC	Brighton & Hove City Council
DPA	Data Protection Act
ECPA	Electronic Care Programme Approach
ESFRS	East Sussex Fire & Rescue Service
MARAC	Multi Agency Risk Assessment Conference
MASH	Multi-Agency Safeguarding Hubs
OHMS	Open Housing Management System (database)
OSC	Overview and Scrutiny Committee
SAAR	Safeguarding Adults at Risk
SPT	Sussex NHS Partnership Trust
VAAR	Vulnerable Adults at Risk

⁶⁰ Information Sharing and Mental Health, Guidance to support information sharing by Mental Health Services p19

APPENDIX 2 - PANEL MINUTES

BRIGHTON & HOVE CITY COUNCIL

SCRUTINY REVIEW PANEL - SHARING INFORMATION REGARDING VULNERABLE ADULTS

2.00pm 18 OCTOBER 2011

COMMITTEE ROOM 2, HOVE TOWN HALL

MINUTES

Present: Councillor Buckley (Chair), Councillor K Norman, Councillor Robins.

PART ONE

1. PROCEDURAL BUSINESS

Apologies from Andy Reynolds, ESFRS, co-opted member.

No substitutes are allowed on Scrutiny Panels.

There were no declarations of interest.

There was no declaration of Party Whip.

There was no reason to exclude the press and public

2. CHAIR'S COMMUNICATIONS

The Chair noted that there was an amendment to the published agenda – Nick Hibberd was no longer attending the meeting but Rachel Chasseaud was here.

The Chair welcomed all witnesses. Scrutiny Panels were set up to carry out short, sharply focused pieces of work into one particular area. This Panel had been set up to look at sharing information regarding vulnerable adults.

The suggestion for this Panel came originally from East Sussex Fire and Rescue Service and the Panel were glad to have Andy Reynolds, Director of Protection and Prevention as a member of this Panel. Andy would be sent the minutes of the meeting and would be attending future meetings.

This was the first public meeting of this Panel and the Panel would like to hear all views and experiences of sharing information regarding vulnerable adults.

The Chair asked the witnesses if they could introduce themselves and speak for around 5 minutes on their experience of this subject then the Panel would ask questions.

3. WITNESSES

The Chair asked those present if they felt there was a single definition of a 'vulnerable adult'?

Rachel Chasseaud, Head of Tenancy Services, noted that the question of what defined a 'vulnerable adult' was part of the core issue. The definitions had changed over the past few years and 'vulnerability' was temporal and contextual. The principles of the Mental Capacity Act meant that there was an issue about not being able to do one particular thing but having the decision-making ability to do another. There were many different definitions and it can be disempowering to label people. Guy Montague-Smith, Access Point and Daily Living Centre Operations, agreed that there were many different definitions.

DCI Neville Kemp and DS Laurence Cartwright, Sussex Police

DCI Neville Kemp was the crime manager for the B&H Division of Sussex Police and part of this was the anti-victimisation unit which was the point of contact for vulnerable adults. DS Laurence Cartwright ran the Anti-Victimisation Unit (AVU) and was the single point of contact for all referrals from Adult Social Care (ASC).

DCI Kemp told the Panel that a vulnerable adult was someone who was at risk of harm. The police use the definition provided in 1997 by the Lord Chancellor's Department which states that a vulnerable adult is someone who is 18 or over: "*who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or her self, or unable to protect him or her self against significant harm or exploitation*"

DCI Kemp reported no significant problems around information sharing although there were one or two examples where, during a large investigation, they had not been aware of vulnerabilities, although ASC had been aware. However, not having that information had not changed anything.

The AVU received around 10 to 15 alerts or referrals a week from ASC. ASC acted as a filter for all agencies and they received referrals from a range of organisations and some of these they will refer to the Police. Of these, around 6 or 7 resulted in an investigation into whether any criminal offence had occurred.

The Police referred a similar number of adults - around 10-15 – to ASC. This occurred when uniformed Officers believed there was a need to refer (eg a person living in very squalid surroundings). There was a threshold that Police Officers would use to refer, but this was subjective. They would then complete a form and fax it to ASC.

There were also vulnerable adults the Police were in contact with who were not referred or for whom there was not an alert. For example, members of the street community may fit the criteria but the Police were not submitting alerts or referrals on them. It was very difficult to determine when to refer, particularly when children are involved. Police Officers used a commonsense approach.

The AVU database had been around since 2006. It was a simple database on an Excel spreadsheet that can be searched by name and address. There were a large number of police systems that record the same information but the AVU was easier to use. It records specific referrals, eg when abuse was suspected. The database can only be accessed by authorised users (Police) who requested access from DS Cartwright. The system was called Sharepoint. Once someone had been granted access they always had access. The database was reviewed every three years but it isn't proactive.

Following a question on the use of faxes, DCI Kemp explained it was an issue around secure email. Progress was being made but it was slow – the use of secure email had only just been sorted out for children's services.

ASC was the main conduit for all referrals but in reality the Police received calls from other organisations as well. For example, a health authority may ring and ask for information about someone admitted to Millview Hospital and the Police would need to decide whether the information can be disclosed.

When a response unit was assigned to a call, the unit leader would make checks on available databases and if there was a concern then it would be flagged up.

There was no statutory framework for sharing information about adults. Grounds for disclosure were on a case by case basis.

A huge percentage of cases involved vulnerable adults and the Police were good at recording this. What was more difficult was to see how well information dissemination worked.

Historically, referrals weren't made for vulnerable adults but now there were a similar number to referrals of children.

Guy Montague-Smith, Access Point and Daily Living Centre Operations Manager, B&HCC

Access Point received around 3,000 contacts a month on a wide range of subjects. They were a small team of 21 people, including a Senior Social Worker and a Senior Occupational Therapist. They applied the eligibility criteria (which was set nationally) to assess eligibility for social care. If they can't resolve a matter, it was referred to another team, such as the intervention team which included social workers. Access Point was a designated 'safe haven' so they do deal with mental health and substance misuse issues.

Access Point received referrals from the Police and the majority of these were pertinent and needed examining.

Access Point triaged new safeguarding work using the Sussex Multi-Agency policies. They did have access to the ECPA database which was the mental health care plan database. There was a spreadsheet for triaging safeguarding work that detailed person, date, agency, whether it was a safeguarding issue and what had happened.

The majority of records were put on Carefirst, the primary ASC electronic care record. It was password enabled. The main inputting was by social care professionals after face to face discussions or by Access Point for new referrals. IT protocols advised passwords were changed every 12 weeks. As a system it was satisfactory, it had grown organically over the years. It was a very secure system. One problem was that it was very difficult to ascertain whether a case was open to a team or not.

There was a large problem with the use of faxes. Given that many agencies use the central government secure email system, emails would be far more secure than faxes.

In response to a question, Mr Montague-Smith confirmed that it would be very useful to have a central point for information on vulnerable adults. There were many loose definitions around vulnerable adults and issues around people not wanting to be labelled or perceived as 'vulnerable'.

Following a question on areas where sharing could be enhanced, Mr Montague-Smith noted that inter-agency working had caused problems, particularly in relation to mental health. It had taken 8 months for him to get access to Sussex Partnership Trust's (SPT) database, mainly because of the application of the Caldicott principles. The approved mental health worker on his team had access, but until Mr Montague-Smith was allowed that same access, if that person was on leave, it could take a very long time to access information that could be quickly taken from the SPT database.

On the subject of a central system to facilitate intelligent sharing, Mr Montague-Smith noted that different organisations look at things in different ways so trying to tick all the boxes for all the users would be very hard and very cost prohibitive.

The fire service secondee had worked very well and this sort of partnership working is very helpful. If there was a wish list, top of the list would be more partnership working.

It was pointed out that there are 4,000 people on CareFirst and the potential number of vulnerable adults would be immense and very difficult to quantify. Rachel Chasseaud, Head of Tenancy Services, noted that there were a huge number of 'vulnerable' people on the housing lists and they were not categorised as vulnerable.

For high risk offenders there was a panel approach that worked very well. Likewise the MARAC (Multi-Agency Risk Assessment Conference) worked very well – MARAC was convened to look at 8 or 10 incidents where people were in very vulnerable situations.

Mr Montague-smith went on to say that when they get referrals from the Police, they did not know if consent had been given by the individual concerned and they needed to go back and check. If consent had not been given, people could become upset or annoyed when contacted. There was an issue over different organisations all talking to one person, but it had to be about the individual themselves.

Rachel Chasseaud, Head of Tenancy Services, B&HCC

Ms Chasseaud told the Panel that legal advice was that consent was crucial. In housing they were very strict protocols and they would not disclose information without consent. Only on very rare occasions would they disclose information and only then if to not do so would endanger people. One of the biggest challenges was around referring people to get help from ASC and then that person declined help.

In housing, a person must sign a consent form even before they sign a tenancy agreement: the permission was to share information on a 'need to know' basis. People had the choice on which bits of their information was shared. OHMS was the database used by the whole of housing. All information throughout housing was put on OHMS (for example, requests for council housing, people who are homeless etc). OHMS had been used since 1996 so it was an old system coming towards the end of its life. There was no very good way of storing information about vulnerability. There was a checklist to record equalities information and about vulnerabilities – with permission. If a third party informed housing that someone was vulnerable, they still would go back to that person for consent.

There were around 12,500 tenants, 300 leaseholds and Housing Officers worked with around 800 households. There was a very high density of vulnerable people in housing in Brighton & Hove and there was high demand for all housing but especially social housing. Until recent years a significant amount of the housing allocation in the city went to people who had presented through the homeless route. In many cases there was a duty to house homeless people.

Tenancies were visited every 3 years, partially to check the property but a big part was to make sure there right services were in place. Tenants were asked to sign a disclosure to allow, for example, the fire brigade to access the information.

This financial year a 'Vulnerable Adult' project was started in housing. It was looking at the existing systems. There was no central database to share. Access Point was brilliant as a first point of contact. The Vulnerable Adults project had carried out a gap - analysis and risk assessment. The gaps were generally around systems issues – once these gaps were identified then an action plan would be progressed. They were also looking at the partnership with Mears and how vulnerable people get the services they need during repairs. They were also looking at institutional neglect because the systems were falling down. Vulnerable Adults Project Board were working closely with Michelle Jenkins in ASC.

There was an issue around Mears having a separate database so they had to ask their own questions around vulnerability. There was currently no system for sharing information between the housing team in the council and Mears. A meeting had been set up in November to discuss this issue and how to get the two systems to talk to each other. Mears staff were not currently trained to ask questions around vulnerability but they should be asking questions and prioritising repairs for vulnerable adults. Hopefully, following the meeting in November, a system for flagging vulnerabilities would be established.

Self neglect was a big issue: where people do not want help. A self neglect policy was being drafted by Adult Social Care to give guidance. Vulnerability was very subjective: people may wish to live that way.

Anti-social behaviour often involved a vulnerable adult as a victim or a perpetrator. There were victim and witness support systems to pick up low level issues around vulnerability. These people may not hit the ASC threshold for eligibility but it was about supporting people. In some cases, people were suspicious of the police but community groups may help – although there was the issue of data sharing.

Mr Montague-Smith noted that information sharing within the council was generally okay but the problems were with partners (for example, Ambulance service, police, Sussex Partnership). The main problem was with communication: the issue of handwritten faxes. One recommendation was to stop using faxes! There needed to be a chain of accountability and secure email is far better.

Brian Doughty, Head of Assessment, ASC, noted that there was no statutory framework regarding safeguarding vulnerable adults at all. The SPT were now using emails so things can be tracked which was crucial. Information sharing at the acute level (for example, high end domestic violence, hate crimes) was very good. It was at the next level down where there were concerns about vulnerability and there was clear guidance as to how and

where information can be shared. The key statutory agencies in ASC and Health were sharing in a better way now. However, Mr Doughty noted that his service had limited access to the mental health database which sometimes caused problems.

There were not formal agreements with the Sussex Partnership Trust and so it was difficult to access information on mental health. This was one area that needed to be sorted out. There was a problem with ASC and Mental Health services not using the same database.

To identify the most vulnerable adults out of around 4,000 would be huge exercise. (It was done for the snow last year and they identified 200 of the most vulnerable but it was an immense manual effort)

Ms Chasseaud noted that there was one single assessment process for ASC and Health and Housing was part of that. For practical reasons Housing's involvement in the Single Assessment Process is limited to Sheltered Housing and Hospital Discharge cases and some referrals to and from ASC and Health. They had looked at how IT systems worked some time ago but the cost of a single IT system was prohibitive. Health ASC and Housing needed one single IT system.

It was noted that CareFirst was designed not to share.

The idea of rotational secondments in all key partners who work with vulnerable adults was a good one. People can share experiences if not data. Information was shared with consent. There could be separate databases and joint working.

Ms Chasseaud told the Panel that there were monthly meetings between Housing and the Fire Service. One issue at the moment was mobility scooters parked in commonways. Tenants with mobility issues had individual care plans for evacuation and this was shared with ESFRS as needed. The risk assessment for each tenant and block had been refreshed and was carefully managed.

The Chair, Councillor Buckley, thanked everyone for all their time and noted it had been a most useful and informative session.

A member of the public contributed to the Panel's discussion around the use of emails and how secure this was, and about how the police accessed information on, for example, young people with autistic spectrum conditions.

4. ANY OTHER BUSINESS

The next Panel meeting was Monday 7 November in Hove Town Hall.

BRIGHTON & HOVE CITY COUNCIL

**SCRUTINY REVIEW PANEL - SHARING INFORMATION REGARDING
VULNERABLE ADULTS**

11.00am 7 NOVEMBER 2011

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillor Buckley (Chair), Councillor K Norman, Councillor Robins, Andy Reynolds, Director of Prevention and Protection, ESFRS.

PART ONE

5. PROCEDURAL BUSINESS

There were no apologies.

No substitutes were allowed on Scrutiny Panels.

There were no declarations of Party Whip.

There was no reason to exclude the press and public.

6. MINUTES FROM THE LAST MEETING

The minutes were agreed.

7. CHAIR'S COMMUNICATIONS

The Chair welcomed all the witnesses to the Panel. She explained that Scrutiny Panels were set up to carry out short, sharply focused pieces of work into one particular area. This Panel had been set up to look at sharing information regarding vulnerable adults.

The suggestion for this Panel came originally from East Sussex Fire and Rescue Service and Andy Reynolds, Director of Protection and Prevention was a member of the Panel.

This was the second public meeting of this Panel and the Panel would like to hear all views and experiences of sharing information regarding vulnerable adults. At the first meeting the Panel heard from the Sussex Police, Access Point and Housing.

8. WITNESSES

Councillor Jarrett, Cabinet Member for Adult Social Services, B&HCC

Councillor Jarrett noted that there was always the problem with large organisations and multiple working that information may get locked into different sections. There were very good reasons for this, in particular the Data Protection Act. (DPA) However, the DPA did not prevent data sharing. If the intention of the information sharing was to keep people safe, then the DPA did not prevent sharing. There were always issues around access to information and any system must be secure and multi-level. It can be useful for a wide range of council officers to know someone was vulnerable, but they would not need to access that entire person's data. There needed to be a system that flagged up simply that another organisation had information on this person. Then there could be a system to allow people to see what information was there, dependent on their requirement and level of access. Information sharing was always a good idea and can prevent deaths.

Information can not all be held in one place but a cross-referencing system would let people know what other organisations held information on a particular person. This was a long term issue and systems probably could be looked at and improved upon. Agencies are on 24 hour alert so information can be rapidly exchanged. In an emergency, information can be looked up on CareFirst 24/7 but care needed to be taken over what information was shared and why.

Denise D'Souza, Director of Adult Social Services and Lead Commissioner, People, B&HCC expressed concern over the idea of a list of vulnerable adults being created. It would be quickly out of date and there were issues around how it was held and where. There was also the question of who was vulnerable: it was not possible to keep an updated list as needs changed and vulnerability can change on a daily basis.

Following a question on CareFirst, Brian Doughty, Head of Assessment Services, told the Panel that CareFirst was good at storing information and there was access 24/7. His team had limited access to the Mental Health database but this was improving. Ms D'Souza noted that CareFirst was okay, it did have some limitations and it only had a snapshot of the people known to Adult Social Services (ASC). There were a range of vulnerable people known to mental health services not known to ASC and the information on them was not available. Information was not available on people who leave A&E but were still vulnerable. GPs may have that information but it was not shared. For people known to ASC, there were protocols in place and information was shared. The belief was that they would rather be in court for sharing information than in the coroner's office for not sharing. But this must be justified.

Ms D'Souza explained that she was the Caldicott Guardian for adults and as such was the champion for confidentiality. Generally, the Caldicott role was used to seek permission for staff to share information with other agencies and to determine whether they could access information to CareFirst, and in the

majority of cases the answer was no. The request for access often came from other parts of the Council e.g. Blue Badge Scheme. As a client database, it worked well but it can't be 'tiered'. Once someone had access, they had access to everything so there were issues around this and around people accessing it. Those accessing it now need CRB checks. It would be too expensive to change the system although there were issues to be addressed.

Childrens' Services were piloting a scheme called Patchwork which would allow people to see what other organisations were holding information on a person or family.

Ms D'Souza gave the example of how, in advance of bad weather, ASC look at who they are supporting and whether they needed a visit daily, or whether they could be alright for 2 or 3 days. Some people always needed daily visits, whatever the weather and others manage with a day or two with a visit as long as they had appropriate provisions.

Ms D'Souza felt that any vulnerability register was fraught with problems. How was the information kept, for what purpose was it kept? There were protocols in place to share some information but no consent to share with a wide range of organisations outside of this. There was also the issue of people not wanting their information shared: for example, someone with a mental health problem may not want that information shared.

Mr Reynolds noted that there had been a fatal fire in Kemp Town the previous day and other agencies had known about the person involved but the fire service had not. Information needed to be shared before a tragedy occurred. There may be other ways of working together that would allow the fire service to go into people's homes and see if they were vulnerable to fire: this was a very clear definition of vulnerability. For example, the more issues an individual has in terms of mobility, smoker, alcohol, substance misuse, mental health then the more vulnerable to fire that person was.

Ms D'Souza noted that ASC staff did a risk assessment but they did not share that information with the fire service. For example, she was not sure that the risk assessment was picking up those who had alcohol and substance misuse problems who also smoked. ASC needed to work more closely with the fire service to alert them to these people.

Mr Reynolds told the Panel that the new suppliers of oxygen now had a policy in place that a GP could only prescribe oxygen if that person agreed to share the information with the fire service. There must be a list of bariatric people and that information would also be helpful for the fire service.

Mr Doughty remarked that ASC could train staff to ask questions about fire safety and, with consent, could share the information. The risk assessments could be improved to include this information.

Mr Reynolds informed the panel that if they received an urgent referral the fire safety assessment was done that day. If they received a fire alert through the

MARAC then this was flagged up to the responding crew. They would also put a flag on an individual if they knew that person was bariatric.

Ms D'Souza explained that if a person did not wish their information to be shared, it still could be if there was a public health risk if the information was not shared.

In response to a question, Mr Reynolds noted that problem of how to share information was likely to be a national one. The way forward was in terms of joint working and the use of secondments. Ms D'Souza agreed that the secondment from the ESFRS had worked well.

Annette Kidd, Professional Lead and David Dugan, General Manager, Sussex Partnership Trust (SPT)

Mr Dugan headed the recovery teams that worked with around 1,400 people and provided outreach and mental health teams for homeless people. They had a Trust-wide policy for information sharing but this did not mention the fire service: he would examine this.

Recently colleagues in Brighton & Hove in the Access team had been working with the Anti-Social Behaviour team and were piloting a new protocol around information-sharing. This was based around the Caldicott principles but with clearly identified names in organisations. This would be a route into different teams and would provide an entry point to see if information can be shared. This was a pilot now and would be an interesting vehicle to build upon.

There were frustrations around the use of different systems with mental health teams using the CareProgram, an electronic clinical system that doesn't speak to CareFirst. There was a need to work pragmatically and know who to contact and how much information can be shared.

Mr Dugan noted that it may be easier for the police to find people who were vulnerable as they visited over time: for the fire service it was harder as they arrived when there already was an emergency. They were looking at whether the police had a way of recording how often they are visiting a person and if that can be formalised and shared.

There were protocols are round sharing information with carers although some social service users do not want their information shared.

On the subject of using secure email, this was improving and being further considered.

There were many specialist teams within mental health and people can get lost in the system occasionally. It was a case of looking at local contacts and working together. The information that was shared was based on a clear risk assessment.

Mr Dugan agreed with previous comments that there were problems with the concept of a shared database: vulnerability in mental health was very contextual and fluctuated. The best way forward was to examine how organisations and people linked together and how best to communicate. Conversations can take place on a case by case basis. They were piloting a more streamlined face-to-face approach.

Annette Kidd was the Head of the seconded staff in the SPT. Social workers were seconded into many areas including mental health, older people, and substance misuse. Ms Kidd noted that information sharing had improved over the years: in the past people felt bound by confidentiality not to share. Now there was a multi-agency approach for sharing information. The SPT were signed up to the Pan-Sussex Multi-Agency policy and procedures for safeguarding adults at risk.

Ms Kidd told the Panel that service users were very vulnerable. There was a large number of substance misusers who had mental health issues. To deal with substance misuse, there was a weekly hub meeting about the most vulnerable high risk substance misusers which also involved other organisations such as the police and housing. The idea was to look at 'softer' information available (such as what information the police may have) in order to prevent crisis happening. They had procedures in place for when something happened but they were now also looking at working together to prevent incidents happening. Ms Kidd noted that generally there was much more partnership working than previously and they were looking at finding better ways of working together. The mantra was it was better to share information than to end up in the coroner's because information wasn't shared.

Following a question about 2 sprinklers put in place in properties used by the SPT, Mr Dugan confirmed that the fire service had been involved in these cases. The issue of fire safety had been identified when looking at independent living for these people and so the sprinklers had been put in. Mr Reynolds noted that there had been occasions when sprinkler systems were in addresses and the fire service had not been involved or informed.

The SPT worked with individuals who were unwell and prone to risky behaviour. In high risk cases, information was routinely shared, but this did not happen with more low-level cases.

Mr Reynolds told the Panel that the Staffordshire Fire and Rescue Service were in partnership with the RNIB and were asking individuals if they had an eye test recently or could read a card. If necessary, they then asked if they could refer that person to the RNIB.

Alistair Hill, Consultant in Public Health, noted that the prevention agenda involved information sharing for a lot more people on a different scale. This needed a systematic approach and designing a prevention programme which included data consent. The process around sharing information needed to be designed into programmes rather than expecting it to grow organically.

In response to a question, Ms D'Souza told the Panel she agreed that they were not sharing systematically for less high-risk people. The process and how systematic this was would be key to sharing further. Mr Doughty agreed that the systems were not perfect and it was about access to information such as how often had an individual been to A&E, or the police had attended and that information was hard to reach. This was about talking to people not databases. Mr Dugan remarked that it was about 'switches' when one event triggers another then allows something to happen.

Philip Tremewan, Safeguarding Adults Lead, Sussex Community NHS Trust

Mr Tremewan told the Panel that the Sussex Community Trust had a dedicated team that co-ordinated the information and clinical incidents reported by staff. For example, they would try and detect a trend of behaviour or a particular set of cases reoccurring.

Working across a number of local authorities with their own databases and systems was challenging. Some of that information needed to be co-ordinated and there was the question of how people communicated. There were always issues that arose. For example, a patient who appeared to have self-neglected, could information have been shared to prevent that?

Mr Tremewan told the Panel he would go back to colleagues and discuss what communication channels were open. Was there a system for bariatric patients? How did the Trust communicate with others?

Councillor Jarrett told the Panel that there was work to be done on picking up early signs, repeated referrals and setting some triggers. This needed to be discussed with partner organisations. When assessments were carried out, ASC can look for different things so there may be a way of sharing what information there was: looking more closely at how ASC and partners worked. Ms D'Souza agreed there was scope for including questions around fire safety in risk assessments and then (with consent) sharing that information.

Alistair Hill, Consultant in Public Health

Mr Hill informed the Panel that he was no longer the Caldicott Guardian as recent changes meant that there was now one single Caldicott Guardian for NHS Sussex. Consent was key to Caldicott principles but there were exceptions. This was set down in protocols and guidance around, for example, prevention of harm, abuse or crime. Consent was built into the process of running a preventative system.

Training and monitoring were important in designing a preventative system that worked across different agencies. This would need consent built in.

Robin Humphries, Civil Contingencies Manager, B&HCC

Mr Humphries worked in emergency planning. The Civil Contingencies Act 2004 created category 1 responders to an emergency (for example, fire, police, ambulance, local authorities etc) and category 2 responders (utilities, port authorities , telecoms etc). There must be plans in place to handle any emergency, based on knowing what the civil risks were for the city. The Act set out 43 Resilience Forums and Brighton & Hove were part of the Sussex Resilience Forum based in Lewes. The National Risk Register was translated into local risks. The local emergency planning group looked at the local significant risks. In one sense this looked from the opposite side to the Panel as they looked at premises not people, for example, where there were radioactive materials or chemicals so the high risk areas can be plotted. They also looked at private companies such as electricity suppliers. Generally organisations were willing to disclose information in an emergency, but not so willing before. For example, if there was snow, information is shared on who had meals on wheels, but not before. This was an issue.

The risk register was not a publicly available document but there was a meeting every 6 months to discuss it.

Following the power outage in Leach Close, there were different arrangements for different people so some stayed in their flats, some went to residential homes and some were provided with food in the building. There was an issue with communication at such times (for example, over using candles). Councillor Jarrett reported that he had requested a briefing about the incidents and also about the possibility of emergency lighting being installed in public buildings.

The Chair thanked everyone for a most useful and informative meeting.

9. DATE OF NEXT MEETING

The next meeting is Monday 28 November at 4.00pm in Hove Town Hall.

10. ANY OTHER BUSINESS

There was no other business.

BRIGHTON & HOVE CITY COUNCIL
SCRUTINY REVIEW PANEL - SHARING INFORMATION REGARDING
VULNERABLE ADULTS

4.00pm 28 NOVEMBER 2011

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillor Buckley (Chair), Andy Reynolds, Director of Prevention and Protection.

PART ONE

11. PROCEDURAL BUSINESS

Apologies from Councillor Ken Norman and Councillor Alan Robins.

12. MINUTES OF THE MEETING 7 NOVEMBER 2011

The minutes were agreed.

13. CHAIR'S COMMUNICATIONS

The Chair welcomed everyone to the meeting and explained that since two councillors on the Panel had given their apologies, the meeting would be run as a more informal round table discussion. This was the third and final evidence gathering session, following which the Panel would be producing a report with recommendations.

14. WITNESSES

Kevin Claxton, Resilience Manager, NHS Brighton & Hove worked on emergency planning for the newly clustered PCT for Sussex. Prior to that, he worked for four years for Brighton & Hove PCT, including the planning for the flu pandemic. There were two separate issues: one was ensuring careful communication around vulnerable people; the other was the issue of sharing information. These two were inter-related and the plan was for the two to come together harmoniously. However, many partners found these issues difficult to deal with. The PCT had primacy for pulling together a workable plan for the flu pandemic and engaged with partners to look at the issues. It would be difficult to maintain lists of vulnerable people, difficult to ascertain who was

vulnerable, depending on the definition of 'vulnerable', and any list would quickly become out of date. So the idea came about of a 'list of lists'. When an emergency arose, procedures and systems were in place to generate information on who was vulnerable at that time. Since the flu pandemic, the Sussex Resilience Forum (SRF) had been looking at the issues. Some agencies felt that the Data Protection Act prevented them from sharing information when there was not an emergency. The SRF have tasked a lead person to look at what can be done in across Sussex. This work was due early next year.

Peter Wilkinson, Deputy Director of Public Health, B&HCC had been the Director in charge of the plans for the flu pandemic. There was national guidance about identifying vulnerable people. To identify individual vulnerable people from a shared database would require data sharing. There were information governance arrangements to help patients so that their information was shared in their interest. This could be for identifying who needed vaccinations, or around who needed services. GPs would provide district or community nurses with information regarding vulnerable adults so that they could be vaccinated. The 'list of lists' was a headline list detailing who holds what information, rather than containing individuals' information. However, in non-emergency situations, GPs would be reluctant to share information without consent.

The example of those over 65yrs, living alone and with dementia was given. There were many people in this situation but they don't appear on one list. **Andy Reynolds, Director of Prevention and Protection, East Sussex Fire and Rescue Service (ESFRS)**, told the Panel that there had been seven fire deaths in the last year. The last 2 of these had been in receipt of a care package but there had been no referral to the fire service.

Colin Lindridge, Interim Deputy Director Adult Services, Sussex Partnership NHS Foundation Trust (SPT), agreed that there should be more referrals to the fire service, particularly of elderly people living alone. If this was discussed with people, they would often agree.

Sam Allen, Service Director, Sussex Partnership NHS Foundation Trust noted that a person who was considered a high risk case, would have many agencies involved. The big issue was lower risk cases. At what point is a list of lists created? The way forward was towards more collaborative working and sharing information on a need to know basis. On the question of secondments, there were social care staff seconded into health, but it was more about joint working and integration. There were plans to have a round table meeting that would include the fire service, looking at training and education. There was potential to work more closely in this area

Mr Lindridge noted that staff from social care teams had access to the SPT recording systems. These people had honorary contracts with the Trust that enabled them to access their systems.

Mr Claxton agreed that the way forward was collaborative working. The SRF was looking at a memo of understanding for closer working in emergencies. There was an issue around levels of risk – this would change from one situation to another and people may not want their information shared in some cases.

Mr Reynolds noted there was work to be done around increasing awareness of professionals, rather than individuals.

Ms Allen remarked that there was also an issue over the fact that data was held in many places. Now that the national IT programme for health had been stopped, in health there were a number of databases, none of which were interoperable, for example, GPs, mental health, district nurses, community nurses. Every organisation had its own information system and for a care worker it was difficult to get the relevant information in a single place. Collaboration between organisations was important to address this issue and there were good examples where this was taking place. Information sharing guidance was being drafted with the homeless team in the city, working in meetings and through sharing information between teams.

The Panel felt that the idea of a low level MARAC (Multi-agency risk assessment conferences) was a good one and could help facilitate further collaborative working for lower risk cases.

Ms Allen made the point that resources were limited and were targeted at high risk areas so there was inevitably less resources for lower level cases. The evidence suggested, however, that investing in prevention worked well. Mr Wilkinson noted that investments in small ways can be rolled out to become bigger projects.

Jess Taylor, and Carys Jenkins, Rise UK

Jess Taylor of Rise UK explained that Rise was a domestic violence service for young people, families, and mainly women. They provided outreach and residential services across Brighton & Hove. Rise was the main domestic violence provider across the city and worked with Crime Reduction Initiatives (CRI). In East Sussex they worked alongside the Worth Project and CRI and nationally with Refuge. They also worked alongside a range of organisations including Oasis, the Brighton Women's Centre and Inspire. Nationally most of the domestic violence services were led by the voluntary sector, particularly Women's Aid and Refuge. Rise were interested in the idea of a lower-level MARAC for vulnerable people. Following a question, Ms Taylor explained that referrals for their residential service came from a range of organisations, including health, social services, and the police or were self-referrals. There was a national database of residential service providers that detailed what accommodation was available. It was maintained by Refuge nationally.

Ms Jenkins explained that the Independent Domestic Violence Advisory Service (IDVA) supported high risk clients and the main function was safety planning. They had 205 referrals between April 2010 and April 2011 of which 83% engaged with the IDVA. Using the definition of a vulnerable adult as:

“any person who may need extra support with every day living tasks, and may be unable to protect themselves against harm or exploitation” then most of Rise’s clients would be classed as vulnerable.

Ms Jenkins told the Panel about a client Michelle who was re-referred to the IDVA service in January 2011.

“At this time, her ex partner Martin was in prison for an assault against her. She was re-referred as he was soon due for release and there had been a further incident believed to be perpetrated by one of his associates. A risk assessment prior to her referral indicated that Michelle was at high risk of serious harm / homicide from Martin / his associates. Michelle also had other complex needs including mental health issues, self harm and substance misuse. Michelle suffered from anxiety especially when placed in unfamiliar circumstances, depression and possibly bi polar although this had not formally been diagnosed as a result of her level of drinking.

As a result of these additional needs, it was difficult to engage with Michelle as she was often chaotic and found it hard to attend appointments. She found it difficult to discuss issues in relation to domestic violence. From her perspective, it was her needs around her mental health, substance misuse and housing that were the most prominent for her. During the course of working with her she informed Rise of a second perpetrator, Gary. Gary was a member of the local street drinking community and her fear of ‘bumping’ into him made it even harder for her to attend appointments in the central locations that Rise offered. In the end, Rise offered appointments at a mental health day centre which was safe but also close to her home.

When Rise first started working with Michelle, she was engaged with community mental health services. However, when her worker left, she started to disengage with this service. At this time, she disclosed the violence from Gary and that she found it hard to attend appointments. Due to non-attendance, community mental health closed her case.

As the date for Martin’s release drew closer and she began receiving contact from probation in relation to his release. Her mental health also deteriorated and over the summer period, she regularly self harmed and attempted suicide on at least three separate occasions. The first of these attempts occurred while she was still engaged with mental health services. One each occasion, she was assessed by mental health’s duty worker and then released. Once her case had been closed to mental health, she would inform her IDVA that she wanted mental health support. When Rise contacted mental health, they were advised to re refer her to her GP.

In appointments, Rise explored with Michelle how she would feel supported and that her needs were met and how much of this she could coordinate herself and take responsibility for. Rise worked to an

empowering model and encouraged Michelle to ask agencies and others for support herself. Michelle felt that with her multiplicity of needs; that each agency was only concerned with their area / remit and that there was no one in particular who could coordinate this, especially when there were competing priorities.

Rise organized a Strategy meeting for Michelle and the professionals who worked with her to meet and have a forum to work together with Michelle as the guiding force. Rise sent invites to varying agencies and several attended. Unfortunately, substance misuse and mental health did not attend and Michelle found this very frustrating. As mentioned above, Rise's intervention with clients is usually short to medium term. At this point, Rise had completed as much work as we could around increasing her safety."

The case study had highlighted the difficulties around co-ordination and sharing information.

Following a question, Ms Jenkins explained that as part of the safety planning, a meeting was offered with the arson reduction team. The arson reduction team were now at MARAC meetings and as a consequence arson reduction was considered in all cases. MARAC meetings were now twice monthly. They were crisis meetings. Rise had 48 hours after a referral to attempt to make contact and make a plan.

MARACs were high risk management panels for those at risk of domestic abuse. Information was shared on cases and a joint action plan was created to help keep the person safe. They were very focused and short, around 12 minutes per case. MARACs were a very useful forum for sharing information and developing links. It was important to know who was involved in a case, and what support was available. One criticism of the MARAC process was that the client can feel disempowered as they do not attend. Anecdotal feedback has shown that if someone has it clearly explained to them early on in the process what a MARAC is and what happens, and has clear feedback afterwards, then they feel happier.

Following a question, Ms Taylor agreed they would welcome closer collaboration. Secondments were potentially useful if there are clear terms. Domestic violence was a very complex and challenging areas. Rise does have co-location with a Rise worker in A&E and in the police. These people are clearly Rise workers and identified as such. They had been a ripple effect of awareness of domestic violence as a result, particularly in the police. Rise also had worked with the anti-victimisation unit. There was no-one in housing and that would be very welcome. Housing was very challenging, because of the shortage of housing stock and the lack of safe housing that can accommodate the needs of their clients. It would be very helpful for Rise to have a co-location in the housing team.

Ms Jenkins explained that in West Sussex there were Rise workers placed some days at the children's social care office.

Domestic violence was one of the intelligent commissioning pilots and around the table the commissioners were looking at the models of delivery.

Ms Taylor agreed that there was a challenge around co-ordination and resources in cases of low to moderate need. There had been a number of cases closed by the Adult Social Care team because they did not meet the threshold. In some cases these people ended up in greater need and then did meet the threshold. It was difficult to get things actioned and co-ordinated in low to moderate cases.

The question was raised over whether people should be given the choice to refuse a referral to the arson reduction team? If a person was living in multiple accommodation, should they have the choice if there was a credible threat of arson?

Ms Taylor noted that there had been different approaches to suicide across the Access Teams and it would be useful to know what the responses were. The commissioning team were looking at domestic violence policies in the workplace and talking to the Brighton Housing Team to see how the vulnerable adults policy interfaced with the domestic violence policy. Often there was not a separate domestic violence policy.

Ms Allen told the Panel that the reactions of the Access Team depended on whether or not the patient was known to them or not and the level of risk. There was not an outreach service so they would liaise with the GP to arrange a face-to-face assessment within 4 hours for emergencies.

Following a question on training and collaboration, Mr Reynolds and Ms Allen both agreed that they would contact Rise to talk about providing training and explaining services.

Paul Colbran, Head of ICT, Brighton & Hove City Council explained that the council's IT strategy focused much less on the historical approach to technology but on what we had and how to use it. There were a range of systems that don't join up, across councils and partners. The systems don't meet the demands of the users so people take out the bits they need which leads to multiple systems and no single core system. There were 300 systems across the council plus all these additional databases.

The strategy was around bringing information assets in, mapping information looking at where assets were and how they were used. At the moment, a customer record can be found in 14 or 15 different places with different spellings. This led to people having to keep being asked about their data to check its accuracy.

Mr Colbran explained that they were working across the region to see what systems were replicated and mapping systems to see where data resides. There was work going on how to create a secure network so partners can join

up. There were conversations with the GP consortia and with the community and voluntary sector on how to link up.

IT was an enabler, not a solution. People needed to be able to articulate their needs and a process of education was required. IT was moving from being a back-room function to more aligned with business functions. They were also looking at how people can collaborate regularly with real time information and be able to sign post to other agencies. A lot of information was held but it was not used to its best effect with the result that people then sourced more information which made the issue worse. The strategy was about joining up information and used it better.

Education was needed around data protection and information handling to help people understand information at a component level and that data protection was not a blockage to information sharing.

Mr Colbran explained that Patchwork as a reusable data sharing model which could be adapted to work elsewhere.

Ms Allen noted that the SPT had been collaborating with the local authority. They were looking at bringing different data sources together to get technology to work for them. The example was given of the 'master patient index' which was created to bring information to a clinician about what information was available about a client on any existing system.

Mr Colbran explained that the IT system had been in the local authority for 15 years and it matched the silo way of working from that time. Now these silos were breaking down. The question was not what system do you need, but what information do you need to do your role? There were small things that can be done that do not cost vast sums of money. The network with other local authorities was a building block and it can be designed in a way to allow people to share information.

Mr Claxton noted that there was a perception issue and it was about changing mindsets and educating people. Ms Allen agreed that there was an issue around education: there was no value in signing up to information sharing protocols if people did not understand them. She gave the example of Torbay health service who were integrating their health and social care records.

Mr Reynolds explained that ESFRS was developing a system called the Cube using Mosaic information, historical data, and the index of multiple deprivation to locate household with a stronger propensity to fire. This enabled them to identify households, although it was difficult to access these households. He mentioned that the fire service was not currently involved in the Health and Wellbeing Boards.

Ms Taylor noted that Rise had got much better with data protection and information sharing and were sharing with the anti-victimisation unit. Ms Allen gave the CRI as an example of good information sharing. In East Sussex they

were delivering alcohol services with Turning Point and when they were working on joint projects they based them on shared information.

Mr Claxton noted that in response to emergency planning, the people involved were now much better at understanding each others needs.

Following a question from a member of the public, the issue of 'community resilience' was discussed. It was suggested that people could be enabled to take responsibility for their own needs and planning for their own 'resilience plans'. Mr Claxton noted that the SRF had a sub-group looking at personal resilience plans and how to encourage them. It was seen as best practice and was a useful tool.

The Chair thanked everyone for a most interesting and useful discussion.

15. ANY OTHER BUSINESS

There was no other business.

Appendix 1

Executive Response to the report of 'Information Sharing Regarding Vulnerable Adults Scrutiny Review'

Rec #	Recommendation	Recommendation accepted (Yes/No/In Principle)	If not accepted; reasons why not	If accepted; action taken or likely date of action	Contact Officer responsible to implement agreed action
1	<p>Adult Social Care and Mental Health services are using separate non – interoperable databases, creating difficulties in responding quickly to individual cases. Easier and quicker access across these separate databases is required and ways of doing this must be considered. For example in each team could be given access to both databases and act as a central point of</p>			<p>Agreement has been reached between Adult Social Care (ASC) and Sussex Partnership Foundation Trust to increase the numbers of people in ASC who can access ECPA, the mental health database and this has now been implemented</p> <p>The issues of continuing to improve working relations will be</p>	Brian Doughty

	<p>reference. In the longer term, better ways of working should be considered by the Health and Wellbeing Board, which will have a statutory duty to foster improved co-working across health and social care.</p>			<p>considered in the future by the Health and Wellbeing Board</p>	
<p>2</p>	<p>A Multi – Agency Risk Assessment Conference (MARAC) should be set up to discuss lower – risk cases. Meeting regularly, this group would share information on cases that are presenting as potentially at risk to more than one agency, but which have not yet triggered the threshold for crisis</p>	<p>YES</p>		<p>The safeguarding Vulnerable Adults Board has recommended:</p> <ol style="list-style-type: none"> 1. That there should be a review of systems and processes that are in place to safeguard vulnerable adults e.g. Safeguarding procedures, DV MARAC, ASB-MARAC etc. Map processes and how 	<p>Michelle Jenkins</p>

	services		<p>they link.</p> <ol style="list-style-type: none"> 2. That the response agencies consider <ul style="list-style-type: none"> • How they can develop a flat system to attach to a specific name, and to an address and • That they work together to review any information protocols that may be affected by this action in order to promote sharing of flagged information about individuals and specific addresses. 3. An information exchange checklist to be devised and included as part of 	
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				<p>safeguarding investigation documentation, to act as a prompt and guide to appropriate sharing of information.</p> <p>Adult social care has also signed up to be part of the ECINS programme being by Community Safety as a means of more effective communication and dialogue in relation to vulnerable people.</p> <p>A prompt in relation to identifying potential fire risks is incorporated into Assessment documentation</p>	
3	<p>The initial risk assessment carried out by Adult Social Care should include noting any indicators that the individual may be particularly vulnerable to risk of fire. With the</p>	Yes			Brian Doughty

	<p>individual's consent, that information should be shared with East Sussex Fire and Rescue Service (ESFRS). Protocols should be put in place to ensure the fire and rescue service are routinely informed when there is a potential risk to enable them to put preventative measures in place</p>				
4	<p>Although there are issues over the definition of 'vulnerability', consideration must be given to creating a system that allows Mears staff to flag up when a person is particularly vulnerable. A system should be set up to ensure feedback from</p>	Yes		<p>Agreed. Work is already taking place to review an improve processes with our repairs partners Mears. The Repairs Desk has introduced additional questions around how they can support a resident with a repair and they now pass this</p>	Nick Hibberd

	<p>Mears is consistent. (p27)</p>		<p>information to operatives. This may be things such as waiting for additional time after ringing the doorbell phoning first or knocking loudly. Mears have identified how they will record this information within their IT system. We are also in the progress of improving referral between Mears operatives and Housing Officers and ensuring that this also results in feedback to Mears. This will be complete in May 2012</p>	
5	<p>Following an emergency housing incident, there are standard debrief meetings to discuss</p>	<p>Yes</p>	<p>Agreed. We will continue to carry out briefings after any major incident and use this to</p>	<p>Nick Hibberd</p>

6	<p>what worked well and what needed improvement. It is important that this continues and there is cross agency involvement as appropriate</p> <p>The use of faxes between organisation in reporting vulnerable adults must be replaced immediately by a more secure and unambiguous system. Given that agencies working with adults at risk are all part of the government's secure email system, it seems ludicrous that referrals are not sent by email. The Panel recommends that whatever obstacles currently exist to</p>	Yes		review what happened and improve processes.	Brian Doughty
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	<p>prevent the use of email are removed as a priority.</p>	<p>Yes</p>		<p>Brian Doughty</p>
<p>7</p>	<p>Adult Social Care and East Sussex Fire & Rescue Service should consider supporting a further secondment of a member of ESFRS into Adult Social Care. Seconding members of staff from partner organisations is always a useful way of learning across organisations. Rotational secondments across key partners should be considered when looking at future ways of working</p>	<p>Yes</p>	<p>Discussion have commenced between ASC and ESFRS to enable a further secondment to take place</p>	<p>Brian Doughty</p>
<p>8</p>	<p>The Patchwork programme allows one organisation to see which other</p>	<p>Yes</p>	<p>It has been agreed to look at the possibilities of extending the</p>	<p>Brian Doughty</p>

	<p>organisations hold information on a particular individual. This appears to be an excellent initiative and the Panel would welcome feedback from the early trials. We recommend that this initiative is rolled out to Adult Social Care as soon as possible</p>			<p>Patchwork Programme to ASC looking towards a possible implementation date of late autumn 2012</p>	
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Subject: Extract from the Proceedings of the Licensing Committee (Licensing Act 2003 Functions), Meeting held on the 28 June 2012 – Statement of Licensing Policy Amendments Due to Revised Legislation and Guidance

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: **Mark Wall** Tel: **29-1006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00 pm 28 JUNE 2012
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hawtree, Hyde, Jones, Marsh, Mitchell, Pidgeon, Rufus, Simson, Summers and C Theobald.

Action Required of Council:

To receive the item referred from the Licensing Committee (Licensing Act 2003 Functions):

Recommendation:

1. That Council agrees the revised Statement of Licensing Policy.

PART ONE**6. STATEMENT OF LICENSING POLICY AMENDMENTS DUE TO REVISED LEGISLATION AND GUIDANCE**

- 6.1 The Committee considered a report of the Head of Law in relation to amendments to the Statement of Licensing Policy due to revised legislation and guidance. The changes to the Licensing Act 2003 following the Police Reform and Social Responsibility Act 2011

which came into force on 25 April 2012, and revised guidance from the Home Office had been issued the reflect these changes.

6.2 **RESOLVED** – That the Committee:

- a) Notes the proposed amendments to the Statement of Licensing Policy as summarised at Appendix A.
- b) Authorises the Head of Regulatory Services to carry out a minimal consultation with statutory consultees and report back to Full Council without the need for the Committee to receive a further report unless significant responses following consultation are received and further substantial amendments to the policy are proposed.

Subject:	Statement of Licensing Policy amendments due to revised legislation and guidance		
Date of Meeting:	25 October 2012 28 June 2012 - Licensing Committee (Licensing Act 2003 functions)		
Report of:	Head of Law		
Contact Officer:	Name:	Rebecca Sidell	Tel: 29-1511
	Email:		
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council, as Licensing Authority, has a statutory duty to review its Statement of Licensing Policy (SoLP) every five years and during this period to keep its policy under review.
- 1.2 The changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011 came into force on the 25th April 2012. The Home Office issued revised Statutory Guidance to the Act on the 25th April to reflect these changes.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the proposed amendments to the Statement of Licensing Policy as summarised at Appendix A and recommends approval of the Statement of Licensing Policy to the Council, subject to 2.2.below.
- 2.2 That the committee authorises the Head of Regulatory Services to carry out a minimal consultation with statutory consultees and report back to full Council without the need for this committee to receive a further report unless significant responses following consultation are received and further substantial amendments to the policy are proposed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Section 5 of the 2003 Act requires a licensing authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

3.2 The changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011 came into force on the 25th April 2012. The Home Office issued revised the Statutory Guidance to the Act on the 25th April to reflect these changes.

The headline changes to the Licensing Act are as follows:

- Licensing authorities as responsible authorities
- Primary Care Trusts as responsible authorities
- Abolition of interested parties
- Appropriate replaces necessary
- Temporary event notices
- Suspension of licences for non-payment of fees

3.3 In light of these changes and the revised statutory guidance it is felt appropriate to amend and update the SoLP so that it is consistent with the changes now in force. The changes proposed are minor in nature and are flagged up at Appendix A.

3.4 Because the proposed amendments are consequential upon the amended legislation and guidance, it is not deemed necessary to carry out a wide consultation but rather a simple exercise in line with the minimum statutory requirements.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1.1 Before determining or revising its policy, the licensing authority must consult the persons listed in section 5(3) of the 2003 Licensing Act. These are:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- The Primary Care Trust;
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.

4.1.2 The views of all these persons/bodies listed should be given appropriate weight when the policy is determined. It is recognised that in some areas, it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Any costs associated with the recommendations in this report are being met out of existing licensing revenue budgets. There are no other direct financial implications.

Finance Officer Consulted: Name Karen Brookshaw Date: 15/06/12

Legal Implications:

- 5.2 These are set out in the report. The SoLP should follow the fundamental principles set out in the Licensing Act 2003 and the Statutory Guidance.

Lawyer Consulted: Name Rebecca Sidell Date: 11/06/12

Equalities Implications:

- 5.3 There are none arising from this report.

Sustainability Implications:

- 5.4 There are none arising from this report

Crime & Disorder Implications:

- 5.5 There are none arising from this report.

Risk and Opportunity Management Implications: .

- 5.6 None identified

Public Health Implications:

- 5.7 The PCT is now a responsible authority under the Licensing Act 2003.

Corporate / Citywide Implications:

- 5.8 None identified

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 To delay amendments to policy. It was felt appropriate to make the minor changes consequential upon the legislative changes at this stage.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Licensing Act 2003 states that the Statement of Licensing policy must be determined by Full Council.

SUPPORTING DOCUMENTATION

Appendices:

1. A. Summary of amendments to the Statement of Licensing Policy

Documents in Members' Rooms

None

Background Documents

None

APPENDIX A

SUMMARY OF PROPOSED AMENDMENTS TO STATEMENT OF LICENSING
POLICY

Introduction page 5. 1.1 refers to DCMS change to Home Office. Also interested parties changed to "other persons".

1.4 Consultation re licensing policy – changed from 3 to 5 years.

1.4.1. Add the Primary Care Trust as a statutory consultee.

Planning context 1.10.4 – see amended 182 guidance 9.41, 13.57 and 13.58 change to " The licensing authority's preferred position is to ensure planning permission is in place before an application for a licence is made. Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs".

1.12.2 – added health bodies from S182 guidance (9.20) changed to: "The PCT is now a responsible authority under the Licensing Act and may hold information which will assist the licensing authority in the exercise of its functions. Although public health stands outside the licensing regime such information e.g. about alcohol related hospital admissions are a concern for the city's public services and are relevant to the public safety objective and that of the prevention of crime and disorder".

1.14 Delegations – see S182 guidance P113 need to add 2 further rows dealing with minor variations namely:

- (i) Decision whether to consult other responsible authorities on minor variation application – delegated to officers in all cases and
- (ii) Determination of minor variation application – delegated to officers in all cases.

2.3 May rather than will.

2.6 delete 'interested party' and replace with 'other person'

2.6.8 Delete 'interested party' and replace with 'other person'

2.8 Alcohol Disorder Zones deleted as these have been repealed.

4.6 – deleted. This duplicates first part of 3.4
7.2 delete references to necessary and replace with appropriate
Page 27 – add details for Public Health as responsible authorities and
EH as responsible authority.

Subject:	Options for Providing Additional School Places between September 2013 and September 2016		
Date of Meeting:	25 October 2012 15 October 2012 – Children & Young People Committee		
Report of:	<i>Director of Children's Services</i>		
Contact Officer:	Name: Gillian Churchill	Tel: 29-3515	
	E-mail: Gillian.churchill@brighton-hove.gov.uk		
Key Decision:	Yes		
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Current and projected pupil numbers for the city as a whole show there continues to be a need for additional permanent primary places in the City, particularly in the south central Hove and on the Brighton / Hove border.
- 1.2 Current and projected pupil numbers for the city as a whole show that by 2016 secondary numbers begin to exceed existing capacity
- 1.3 To meet the projected future growth in primary pupil numbers we should be looking to provide a minimum of 120 places by 2015 in Hove, and a further 30 places in the south of Brighton by 2014.
- 1.4 To meet the projected future growth in secondary pupil numbers we should be looking to provide a minimum of 150 places by 2017.
- 1.5 This report sets out the options available to meet the increase in demand for pupil places in the City.
- 1.6 All proposals will be dependant on capital funding being made available.

2. RECOMMENDATIONS:

- (1) That Committee notes the possible options for providing additional pupil places within the City and recognises that all proposals will be dependant on capital funding being made available.
- (2) That Committee agrees that Officers will consult with schools and their communities on the proposal to permanently expand the following primary schools from September 2013 by one form of entry (FE) each;
 - The Connaught Building, West Hove Infants (from 3 FE to 4 FE)

- Stanford Infants (from 3 FE to 4 FE)
- (3) That Committee agrees that Officers will consult with school, their community and the Anglican diocese on the proposal to permanently expand the following primary school from September 2014 by one FE.
- St Marks C.E. Primary (from 1 FE to 2 FE)
- (4) That Committee agrees that Officers will consult with school, their community and the Anglican diocese on the proposal to permanently expand the following primary school for September 2015 by one FE.
- Aldrington C.E. Primary (from 1 FE to 2 FE)
- (5) That Committee agrees that Officers will consult with schools and their communities on the proposal to permanently expand the following junior schools, should their relevant infant school be expanded as proposed above by one FE each.
- Stanford Junior School (from September 2016)
 - 'Connaught' Junior School (from September 2017)
- (6) That Committee agrees Officers will consult with schools and their communities on the proposal to expand places at Hove Park.
- (7) That Committee recognises that Kings School Free School (5 FE) is planned to open in September 2013 and that officers will assist the proposers in their search for a permanent site.
- (8) That Committee agrees that Officers will continue to explore other potential opportunities for primary and secondary schools. This will require engagement with the Department for Education with regards to the future provision of new schools.
- (9) That Committee recommends to Council the publication of the updated School Organisation Plan 2012 to 2016 and Consultation Document by end of October 2012.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Primary pupil numbers across the city are rising generally and the rise in south central Hove is greater than the city generally. This has already caused pressure on school places that could not be met locally. This prompted the introduction of 6 primary 'bulge' classes for September 2012.
- 3.2 In the last four years the Council has permanently expanded Davigdor Infant and Somerhill Junior, Balfour Primary, Goldstone Primary, Benfield Primary and Westdene Primary schools by one form of entry each and Queens Park by half a form of entry. The Connaught building was converted in 2011 to take an additional three forms of entry as part of West Hove Infant School.

- 3.3 Officers now anticipate a demand for a further 4 forms of entry in Hove by September 2015, and a further one form of entry for south Brighton by September 2014. These projections are based on post code and current GP registration data. The Council will therefore need to secure additional school places on these timescales in order to comply with its statutory duty under section 14 of the Education Act 1996 to secure sufficient suitable school places for pupils in the area of the Authority
- 3.4 Consideration has been given to how best to accommodate the additional pupils that are now looking for a maintained school place. The options available are to expand existing schools, to build a new school, or a combination of both.
- 3.5 In respect of building a new school there are a number of factors which need to be considered, set out below.
- 3.6 The only site that the council owns that is available for a new primary school in Hove is the park depot, adjacent to Hove Park. This could be used to provide a new primary school within the next four years. However the location is far from ideal.
- 3.7 Owing to recent changes in School Organisation legislation the presumption is that any new school will be a free school or an academy. If a school is required to meet a basic need the local authority is under a duty to seek proposals to establish an academy/Free School and to specify a date by which proposals must be submitted. The local authority should take steps to ensure that groups or organisations that might be interested in establishing the new school are aware of the opportunity.
- 3.8 The local authority should notify the Department for Education (DfE) at the outset of its intention to seek proposals for a new academy/Free School and confirm the site it will make available and that it will provide all the capital funding needed to establish the school. The cost of providing a new 2 Form Entry (2FE) all through primary school is in the order of £6 - £7 million, not including site acquisition costs. The cost of providing a new school falls to the LA if it is to meet a basic need for places regardless of whether the school is a free school, an academy or any other form of maintained school. At the present time there is no funding specifically allocated for meeting this cost. It would be necessary to identify the funding from within the existing capital funding allocated.
- 3.9 The DfE will publish on its website details of those local authorities that are seeking to establish new schools, including links to their websites. The Department will also inform the Independent Academies Association and New Schools Network, to alert potential proposers/sponsors to the new school's requirements.
- 3.10 Once the specified date for academy/Free School proposals has passed, the local authority should send the Secretary of State a notification setting out;
- the steps the authority has taken to seek proposals for an academy/Free School
 - copies of all proposals submitted and the authority's assessment of the proposals

- confirmation that the authority will provide the required site and all the capital funding needed to establish the new school .
- 3.11 The local authority should provide the Department with an assessment of the proposals it has received together with the LA's preference, if any, to the proposals received.
- 3.12 The decision on which proposal to proceed with rests with the Secretary of State (SoS) for Education. Only if there are no free school or academy proposals forthcoming will the SoS allow a local authority run a statutory competition.
- 3.13 The Education Act 2011 makes significant changes to the provisions for running a statutory competition the most significant changes being;
- local authorities can no longer submit their own community or foundation school proposals in a competition;
 - at any time before the date specified for the return of proposals, the Secretary of State may direct a local authority to withdraw a competition notice; or, a local authority may withdraw a competition notice with the Secretary of State's consent. This allows a competition to be ended where circumstances have changed e.g. where the new school is no longer needed or an alternative option is found, such as the enlargement of one or more existing schools instead;
 - Academy/Free School proposals and proposals for foundation (by proposers other than a local authority), voluntary controlled and voluntary aided schools, can be submitted into the competition by the deadline specified in the first notice;
 - Only where a competition does not identify a suitable academy/Free School or maintained school may the local authority may publish its own community or foundation school proposals.
- 3.14 The options considered for expanding existing primary schools are as follows:
- Hove
 Aldrington C of E Primary Schools by one form of entry
 Davigdor Infants by one form of entry
 Hangleton Infant School by one form of entry
 Peter Gladwin by two forms of entry using the Downs Park site
 St Andrews C of E Primary School by one form of entry
 Stanford Infant School by one form of entry
 The Connaught Building, West Hove Infants, by one form of entry
 West Blatchington by one form of entry as part of Toads Hole Valley Development

Brighton

St Marks C of E Primary School by one form of entry

Carlton Hill Primary School by one form of entry

- 3.15 Each of these primary school proposals has its own issues and challenges. These are shown in the spreadsheet attached as Appendix 1.
- 3.16 Analysis of the options detailed in Appendix 1 identifies Stanford, St. Andrews, Connaught, St. Marks, and Aldrington as the best options for the provision of a new primary school places within the next four years.
- 3.17 Appendix 2 details the cost implications for these primary school proposals
- 3.18 The need for additional Secondary places begins in 2014/15 but this will be met by the 125 Y7 places offered in the City by the Kings Free School.
- 3.19 To progress plans for the establishment of the Kings School the council has offered the school the Portslade 6th Form site once vacated in 2014 and remote field. Kings School has acknowledged this offer and will be discussing further with the DfE.
- 3.20 As numbers show that there will need to be a further 8FE needed by 2018/19 the Council will explore a number of options:
- Expansion of Hove Park
 - Development of Toads Hole Valley Site
 - Portslade 6th form site
 - Patcham Court Farm
 - Expansions of other, existing schools
 - A new central Brighton School (3FE)
 - City College Development

4. CONSULTATION

- 4.1 Discussions have been held with Head teachers and their chairs of governors, and where relevant the Diocese, at the schools potentially affected by the proposed options within this report.
- 4.2 Once it is agreed how best to progress with the provision of additional school places within the city our formal consultation with schools, governors and the community will be carried out prior to any changes being agreed.
- 4.3 A part of the wider consultation will be three public meetings to be held at Brighton Town Hall, Hove Town Hall and Portslade Town hall.
- 4.4 Although the Catholic Diocese was approached regarding possible expansion of Catholic schools in the City the Diocese has determined that they consider the current demand for Catholic places across Brighton and Hove is not sufficient to raise the overall PANs by 1FE.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The plan to fund the permanent places between 2012/13 & 2015/16 does not have identified funding for the £22.9m needed over the period. In 2012/13 £7.8m has been identified from previous carry forward, Basic Need funding and additional DfE grant funding for pupil places, this will fund the £6.3m needed, leaving £1.5m to be carried forward into 2013/14.
- 5.2 The DfE have not confirmed any Capital funding into the future, so on the assumption we received £2.6m as we have done in 2012/13 and previously then this would mean a total of £4.1m with the 2012/13 rollover, which would be enough to fund the Hove Police station works leaving £0.2m to support the £5.0m needed for additional Primary places. There is £1.5m in a Capital reserve held for school places in 2012/13 which could be used in 2013/14; however this is still not sufficient to meet the £5.0m needed.
- 5.3 On the assumption we continue to get Capital funding of £2.6m per year from the DfE then this is insufficient to fund the £3.75m needed in order to provide the permanent places needed. Any additional places would have to be in temporary accommodation, with a strategy to turn this provision into permanent places, unless additional funding is identified from other sources in the council's capital programme.

Finance Officer Consulted: Name Andy Moore Date: 1/10/12

Legal Implications:

- 5.4 Underpinning the proposals for consultation outlined in the report is the need for the Council to comply with its statutory duty under section 14 of the Education Act 1996 to secure sufficient suitable primary and secondary school places for pupils in the area of the Authority. The Authority is not itself obliged to provide all the school places required, but must secure that they are available.
- 5.5 As outlined in the body of the report, the options open to the Authority are either to expand existing schools, to secure the establishment of a new school, or a combination of the two. In considering the available options Members will need to be mindful of the timescales in which additional school places need to be established in order to fulfil the primary statutory duty of the council.
- 5.6 As admission arrangements are specifically reserved to full Council under the constitution, any decision on the proposals will be taken by full Council.
- (i) Expansion of existing schools.

Any proposals to expand existing schools are subject to the statutory processes contained in the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007. In addition the Authority will be required to follow statutory Guidance regarding the procedures to be followed when putting forward proposals, as set out in the body of the report.

This Guidance requires a period of pre statutory consultation followed by publication of statutory notices, representation periods, and the subsequent consideration of any representations received.

(ii) Establishment of new school

As explained in the body of the report, the Education Act 2011 significantly changes the legal framework for the establishment of a new school. The Act requires the Authority, in the first instance, to seek proposals for any new school to be established as either a free school or an academy, and to refer any such proposals to the Secretary of State for decision. Previously the Authority could seek proposals for school promoters through a competition process established by the Education and Inspections Act 2006. However the competitions process can now only be used if the Secretary of State believes that none of the free school or academy proposals are suitable.

- 5.7 If the Secretary of State reaches this conclusion a statutory competition can be held. Amendments introduced by the Education Act 2011 mean however that Local Authorities can no longer submit their own community or foundation school proposals. Only academy/free school proposals and proposals for foundation (by proposers other than a local authority), voluntary controlled and voluntary aided schools, can be submitted into the competition. If the Secretary of State is satisfied that there are no suitable academy/free school proposals the competition continues, and it is for the local authority to decide which maintained school proposal wins. It is only if no proposals or no suitable proposals are received that the Authority can publish proposals for its own community or foundation school. The Schools Adjudicator will be the decision maker in such cases.
- 5.8 Under the council's constitution the School Organisation Plan is reserved to full council.

Lawyer Consulted: Natasha Watson Date 28/09/2012

Equalities Implications:

- 5.9 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice.

Sustainability Implications:

- 5.10 All new extensions to Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources where ever possible.

Crime & Disorder Implications:

- 5.11 Throughout the development of the proposals consultation will be undertaken with community groups and the Community Safety team and police liaison officers. It is anticipated that by including the community in the development and use of the facilities at the schools that crime and disorder in the local area will be reduced. This will be further improved by offering extended use of the facilities to the community outside of the school day

Risk and Opportunity Management Implications:

- 5.12 It is important that this opportunity is taken to ensure the future provision of learning and teaching, and continuing improvement in standards of education in the city.

5.13 Public Health Implications:

It is important that this opportunity is taken to ensure that every child gets the best start in life. Provision of sufficient school places will contribute to the environment through which all children and young people can maximise their capabilities and have control over their lives.

Corporate / Citywide Implications:

- 5.14 To meet the projected future growth in pupil numbers we should be looking to provide a minimum of 150 additional primary school places which equates to 5 forms of entry by 2015. To meet the projected future growth in secondary pupil numbers we should be looking to provide a minimum of 150 places by 2017.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This paper presents the range of options available to address the need for future places within the City. Should any of the proposals not progress then other schools will have to be identified as the need for places remains.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Current and projected pupil numbers for the city as a whole show there is an immediate and ongoing need for additional school places in the city as a whole.
- 7.2 To meet the projected future growth in primary pupil numbers we should be looking to provide a minimum of 120 additional primary school places which equates to 4 forms of entry in Hove by 2015. Since this will only address the need it would be sensible to provide an additional 5 forms of entry across the city as a whole to maintain some surplus capacity. In addition Officers project a need for an extra 30 places, one form of entry in south Brighton.
- 7.3 To meet the projected future growth in secondary pupil numbers we should be looking to provide a minimum of 150 places by 2017.

SUPPORTING DOCUMENTATION

Appendices:

1. Options Analysis
2. Technical analysis
3. School Organisation Plan
4. Consultation Document

Options Analysis for the provision of additional primary school places 2013 to 2016

PRIMARY

School	Additional places	Issues
Portslade 3 FE additional junior places	360	Agreed
Hove Police station 3FE additional junior places	360	Agreed, however should it be agreed that Connaught@West Hove be expanded by an additional form then we would need to expand the provision at Hove Police Station.
Aldrington 1 FE additional primary places Hove	210	Based on pupil number projections by postcode this could provide 30 locally needed places a year beginning in 2015. Nearer this date we can determine whether places are needed at Cottesmore as well.
Davigdor 1 FE additional primary places Hove	90	Already substantially expanded. Although this school is in the right area for needed future places a further expansion of the school would be very unpopular.
Hangleton Infants 1 FE additional primary places Hove	90	Although there is space at this site to develop a further form of entry, post code projections suggest that number in this area are declining. Should numbers in the City continue to increase Hangleton remains an opportunity for expansion.
Peter Gladwin 1FE additional primary places Hove	210	Although there is space nearby to develop two further form of entry, post code projections suggest that number in this area are declining. The use of Downs Park to provide new accommodation would be unpopular. Should numbers in the City continue to increase Peter Gladwin remains an opportunity for expansion.
St Andrews 1 FE additional primary school places	210	Following the bulge expansion in 2012 and based on pupil number projections by postcode this could provide 30 locally needed places every year beginning in 2013. The Council will need agreement with the Anglican Diocese
Stanford 1 FE additional primary school places –	210	Based on pupil number projections by postcode this could provide 30 locally needed places a year beginning in 2013. If the Infant School is expanded the Junior School will need to be expanded for 2016
Connaught @ West Hove 1 FE additional infant places	90	Based on pupil number projections by postcode this could provide 30 locally needed places a year beginning in 2014 assuming the Adult Social Care buildings have been vacated. If this Infant School is expanded the Hove Police Station building will need to be expanded for 2017

St Marks 1 FE additional primary places Brighton	210	Based on pupil number projections by postcode this could provide 30 locally needed places a year beginning in 2014. The Council will need agreement with the Anglican Diocese
Carlton Hill 1 FE additional primary places Brighton	210	Although in the right area for the expected rise in numbers in this area in 2014 there is little scope for expanding the building on the existing site.

Having explored the possibilities offered by the schools above and after considering any relevant local issues Officers recommend the following:

permanently expand the following primary schools from September 2013 by one form of entry (FE) each;

- Stanford Infants (from 3 FE to 4 FE)
- St Andrews C.E. Primary (from 2 FE to 3 FE)

permanently expand the following primary schools from September 2014 by one FE each.

- The Connaught Building, West Hove Infants (from 3 FE to 4 FE)
- St Marks Primary (from 1 FE to 2 FE)

permanently expand the following primary school for September 2015 by one FE.

- Aldrington C.E. Primary (from 1 FE to 2 FE)

permanently expand the following junior schools, should their relevant infant school be expanded as proposed above by one FE each.

- Stanford Junior School (from September 2016)
- 'Connaught' Junior School (from September 2017)

Technical Analysis of funding required to provide additional school places

The council is fully aware of its need to provide additional school places and has a plan for doing just this. Unfortunately capital funding from government is currently being allocated on a yearly basis which does not give us the opportunity to prepare a strategic programme for delivery. We have attempted to predict what the future funding allocations might be and the cost of providing the necessary additional school places are currently using this as a basis for a programme of sorts. However because of the lack of information being provided on future budget allocations this is something that carries a significant amount of uncertainty and risk for the council.

Our programme for the next two financial years (2012/13 and 2013/14) includes providing three additional forms of entry for junior age pupils in Portslade and the same for pupils in Hove. In addition we are anticipating having to provide two additional forms of entry for September 2013 and September 2014 plus one form of entry for September 2015. The cost of providing this additional capacity varies greatly and is dependant on factors such as availability of sites, whether or not we are expanding on existing school sites, acquiring adjacent sites or building a whole new school. The cost of site acquisition can be variable depending on the planning use class designation.

Financial year	School	Additional places	From	Costs £million
2012 / 13	Portslade 3 FE additional junior places	360	Sept 2013	£6.3
2013 / 14	Hove Police station 3FE additional junior places	360	Sept 2014	£3.9
2013 / 14	2 FE additional primary school places – possibly Stanford and St Andrews	420	Sept 2013	£5.0
2014 / 15	1 FE additional infant places Connaught @ West Hove	90	Sept 2014	£1.25
2014 / 15	1 FE additional primary places Brighton – possibly St Marks	210	Sept 2014	£2.5
2015 / 16	1 FE additional primary places Hove possibly Aldrington	210	Sept 2015	£2.5
2015 / 16	1FE additional junior places Hove police station	120	Sept 2016	£1.25
	TOTAL	1,770		£22.9

The position regarding secondary school provision is very similar but the timeframe for implementation of any programme is behind that for primary. We anticipate needing to provide additional forms of entry from 2016 but with no indication of whether funding will be available. Current projections show that there will be a need for at least an additional 6 forms of entry by 2019 but this will not allow any surplus capacity within the city to allow for parental preference or movers in. To accommodate for this we would need a further 6 forms of entry at least.

There is no funding identified as being available for the provision of secondary school places.

Subject:	Review of Political Balance		
Date of Meeting:	25 October 2012		
Report of:	Acting Chief Executive		
Contact Officer:	Name:	Mark Wall	Tel: 29-1006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council is required at, or as soon as practicable after, each Annual Meeting of the Council, or following any change in the overall balance of the council to review the allocation of seats to political groups.
- 1.2 The purpose of this report is to consider the proposed changes to the make-up and membership of various committees following a request from the Policy & Resources Committee. The committee noted that the Green Group had gone down from 23 to 22 Members and that the result of the East Brighton By-election would be known on the 19th October and therefore felt that a review should be undertaken and reported to the Council.

2. RECOMMENDATIONS:

- 2.1 That the allocation of seats as detailed in the report and in appendix 1 to the report be approved
- 2.2 That the revised memberships of the Environment & Sustainability and Transport Committees be agreed as follows:
 - (a) Environment & Sustainability Committee on the basis of 4 Green, 4 Conservative and 2 Labour & Co-operative Members; and
 - (b) Transport Committee on the basis of 5 Green, 3 Conservative and 2 Labour & Co-operative Members;

3. BACKGROUND INFORMATION:

- 3.1 The political composition of the Council is Green (22 Members), Conservative (18 Members), Labour & Co-operative (13 Members); and Independent Member (1). Section 15(1) of the Local Government & Housing Act 1989 requires the Council to review the representation of the different political groups on committees and sub-committees:

- At, or as soon as practicable after, the Annual Meeting of the Council or,
 - Where notice is received of a change in the composition of political groups.
- 3.2 The Chief Executive is under a duty; whenever such a review takes place, to submit a report to the Council showing what allocation of seats would in his/her opinion best meet the requirements of Section 15 of the 1989 Act.
- 3.3 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government & Housing Act 1989 (specifically sub-sections (3) to (5). These do not impose any specific requirement on the Council to consult the political groups as to which committee seats should be allocated to which group – this only applies to the actual appointment of Members to particular seats once they are allocated to political groups.
- 3.4 It is clearly preferable if all Groups have an agreed position as to which committee allocations are to be adjusted, provided that the agreed position does not conflict with the Council's duty, which is "to make **only** such determinations as give effect, so far as reasonably practicable, to the principles specified in sub-section (5)."
- 3.5 The decision of the Green Group resulting in Councillor Summers becoming an Independent Councillor has led to a change in the overall balance of the political make-up of the Council. This has led to a review of the allocation of the seats available to each of the political groups represented on the council and the need to revise the membership of some of the council's committees.
- 3.6 There are 139 seats to be allocated and based on the size of each of the political groups on the council following the reduction to 22 in the Green Group; the overall breakdown is as follows in the table below:

Group	No. Cllrs	Allocation of seats across all committees	
		@ Annual Council	@ 25.10.12
Green	22	59	57
Conservative	18	46	46
Labour & Co-operative	13	34	34
Independent	1	-	0
Remaining Unallocated Seats	-	0	2
Total	54	139	139

- 3.7 Previously the allocation of the 139 seats left eight seats unallocated to any particular Group and in accordance with the convention recognised by the political groups, the seats were allocated to the Groups on the basis of their overall position within the council, i.e. 4 to the Green Group, 1 to the Conservative Group and 3 to the Labour & Co-operative Group, thereby enabling each Group to receive their full quota of seats.

- 3.8 The result of Councillor Summers becoming an Independent has meant that in reviewing at the allocations of seats to each group, the Green Group's overall allocation has to reduce by 2. The two vacant seats remain as a surplus, as all of the Groups have had their allocations rounded up and applied. In this instance it has been the usual practice to offer any surplus seats to the Independent Member(s) on the Council.
- 3.9 However, following consultation with Councillor Summers, she has declined the opportunity to sit on any committee for this municipal year. This has therefore meant that further consideration needed to be given to the allocation of the two remaining seats. In taking into account the overall balance of each Group on the Council the outcome provides that the Green and Conservative Groups should take one additional seat each.
- 3.10 In view of Councillor Summers having been a Member of the Environment & Sustainability and Transport Committees, it is proposed that these two seats should be treated as the two in question for allocation and therefore following discussions between the Group Leaders, the Green Group have opted for the Transport Committee and the Conservative Group will take the Environment & Sustainability Committee's allocation. All allocations would then be reviewed at the Annual Council meeting in May 2013.

4. CONSULTATION

- 4.1 The Group Leaders have been consulted on the various changes that are required to comply with the regulations covering the need to maintain political balance on committees. Having taken into account the various options available to them, the Group Leaders have agreed to the proposed changes to the allocations for the committees detailed in 2.2 above for the remainder of the municipal year.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the report.

Finance Officer Consulted: Anne Silley

Date: 1 October 2012

Legal Implications:

- 5.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989 and associated guidance.

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

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 10 October 2012

Equalities Implications:

- 5.3 The changes to the allocations of committee seats maintain a political balance and thereby ensure an equal distribution for all Groups.

Sustainability Implications:

- 5.4 There are no direct sustainability issues arising from the report.

Crime & Disorder Implications:

- 5.5 There are no specific implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 The allocation of seats across the various parties is required by statute and the failure to comply with the requirements could place the council at risk and subject to review from the Secretary of State.

- 5.7 There is a risk that agreement cannot be achieved on the proposed allocations and that the full membership of the committees in question cannot be achieved.

Corporate / Citywide Implications:

- 5.8 The appointments process needs to be completed to enable the various decision making bodies to have their memberships confirmed so that meetings can then be called in accordance with regulations. The failure to appoint to the bodies would prevent decisions from being taken and therefore could result in the authority failing to undertake its duties and responsibilities.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1 - Committee seat allocations;

Documents in Members' Rooms

1. None

Background Documents

1. Local Government & Housing Act 1989
2. Local Government & Public Involvement in Health Act 2007

Brighton & Hove City Council		No. Members 54			
No. Seats to be Allocated 139		Green	Conservative	Labour & Co-operative	Independent
Policy & Resources Committee	10	5	3	2	
Adult Care & Health	10	4	3	3	
Children & Young People	10	4	3	3	
Economic Development & Culture	10	4	4	2	
Housing	10	5	3	2	
Environment & Sustainability	10	4	4	2	
Transport	10	5	3	2	
Licensing (Non 2003) Committee*	15	6	5	4	
Planning Committee	12	5	4	3	
Audit & Standards Committee	8	3	3	2	
O&SC	10	4	3	3	
Health & Wellbeing OSC	8	3	3	2	
Housing Management Sub	8	3	3	2	
Corporate Parenting Sub	5	2	2	1	
Personnel Appeals Sub	3	1	1	1	
Total	139	58	47	34	0

Figures shown in bold italics indicate where additional seats have been taken up to meet the overall allocations to Groups.

Subject:	Appointment of Independent Persons to Audit and Standards Committee		
Date of Meeting:	25th October 2012		
Report of:	Interim Lead Chief Executive's Services		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
	Email:	elizabeth.culbert@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks Council's approval for the appointment of two new Independent Persons to the Audit and Standards Committee, in line with the requirements of the Localism Act 2011.

2. RECOMMENDATIONS:

- 2.1 That Council approves the appointments of David Horne and Lel Meleyal as Independent Persons and co-opted Members of the Audit and Standards Committee with immediate effect.
- 2.2 That Council notes the appointments are made for a period of 4 years, with the possibility of an extension for a further 4 years by decision of the Monitoring Officer after consultation with the Chair of the Audit and Standards Committee.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**Requirement for Independent Persons**

- 3.1 Under the Localism Act 2011, the Council is required to appoint at least one Independent Person whose views are to be sought in relation to Member Code of Conduct issues. This is a different role from the previous role of Independent Member and the legislation specifically requires Councils to recruit at least one new Independent Person to fulfil the role.
- 3.2 The functions of the Independent Persons (IP) are prescribed by the Localism Act:-
- The IP must be consulted, and their views taken into account, before the Council makes a decision on any allegation relating to a breach of the Member Code of Conduct it has decided to investigate;
 - The IP may be consulted by the Council in other circumstances related to "standards" issues; e.g. at the point at which a complaint

is received, or more generally regarding ethical issues.

- The IP may be consulted by a member of the authority against whom an allegation has been made.

3.3 In addition to the above ethical standards related roles, it is proposed that the IP will also assist the Audit and Standards Committee in its audit functions, providing independent assurance in relation to the internal and external control environment. This is in line with CIPFA Guidance to Local Authorities in relation to best practice for audit committees.

3.4 It is proposed to appoint two IPs to the Audit and Standards Committee. This will provide resilience should one IP not be available or should there be a conflict if, example, the Monitoring Officer has already consulted, or needs to consult, the IP.

The recruitment process

3.5 In September 2012 the Council advertised the two Independent Person positions and received a high number of responses. Interviews were conducted by a panel comprising elected members, the Monitoring Officer and the Head of Audit.

3.6 Subject to Council approval, David Horne and Lel Meleyal have been appointed to the posts.

David Horne

3.7 David Horne brings an immense amount of experience to the Audit and Standards Committee, having worked at senior level in central government, policing and local government. He is currently the Director of Resources at the National Policing Improvement Agency (a Non Departmental Public Body of the Home Office with 2,200 police officers/staff), where his role includes leading corporate services. He is a Doctor of Philosophy and qualified finance practitioner serving on his Chartered Institute's disciplinary committee.

Lel Meleyal

3.8 Lel Meleyal also comes to the Audit and Standards Committee with a great deal of relevant experience. Until recently she worked as operations manager/regulatory inspector at the General Social Care Council where she worked on regulatory body approval and developing best practice regulation. She currently has roles with two regulatory bodies addressing conduct management. She has also recently completed a doctorate on professional regulation. She is a registered social worker, university tutor on values and ethics and experienced committee and board member across a range of areas.

3.9 Both candidates have accepted the positions subject to Council approval.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 The recruitment process has followed the requirements of the relevant legislation, including coming to full Council for approval.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The remuneration for the positions will be £1000 per annum each funded from existing budgets. The appointments are in line with the requirements of the Localism Act 2011 and are made for a period of 4 years.

Finance Officer Consulted: Anne Silley

Date: 15/10/12

Legal Implications:

- 5.2 These are addressed in the body of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 15/10/12

Equalities Implications:

- 5.3 None

Sustainability Implications:

- 5.4 None

Crime & Disorder Implications:

- 5.5 None

Risk and Opportunity Management Implications:

- 5.6 None

Public Health Implications:

- 5.7 None

Corporate / Citywide Implications:

- 5.8 None

SUPPORTING DOCUMENTATION

Appendices:

1. None

2.

Documents in Members' Rooms

1. None

2.

Background Documents

1. None

Council	Agenda Item 42(a)
25 October 2012	Brighton & Hove City Council

NOTICE OF MOTION

CONSERVATIVE GROUP

TRAVELLER ENCAMPMENTS ON SENSITIVE SITES IN BRIGHTON & HOVE

“This Council notes the powers contained in the Criminal Justice and Public Order Act 1994 that allow Sussex Police, in conjunction with Brighton & Hove City Council, to move unlawful encampments off public land in the city where they consider that (i) there is disruption to local community activity; (ii) damage has been caused to the land/property, e.g. forced entry; (iii) there is evidence of arrestable offences being committed by the trespassers; or (iv) there is proof that any of the trespassers have used threatening behaviour.

Council further notes that the recent Traveller Scrutiny Panel recommended that, as a matter of priority, the Council produce a plan for identifying and securing sensitive sites in the city.

Given the unprecedented scale of unauthorised encampments in the city in recent months, many of which have occurred on sensitive parkland sites, this Council requests that the Environment & Sustainability Committee:

- 1) Considers the adoption of a sensitive site protocol, in partnership with Sussex Police, as a matter of urgency and that any future incursions on sensitive sites be the subject of immediate eviction utilising the powers described above.
- 2) Believes that any areas not included on a sensitive sites list should not automatically become ‘tolerated’ sites for unauthorised camping.”

Proposed by: Cllr G. Theobald

Seconded by: Cllr Peltzer Dunn

Supported by: Cllrs Cobb, Brown, Bennett, C. Theobald, Cox, A. Norman, K. Norman, Wealls, Mears, Janio, Barnett, Simson, Wells, Hyde, Smith, and Pidgeon.

NOTICE OF MOTION**CONSERVATIVE GROUP****IMPACT OF PARKING CHARGES ON THE LOCAL ECONOMY**

“This Council notes with grave concern that visitor numbers in Brighton & Hove fell by 10.8% year on year in the first seven months of 2012 and agrees with the many local traders on the seafront and in the main shopping areas of the city who say that one of the predominant reasons for this drop in numbers was the largest increase in parking charges ever implemented. This is borne out by:

- a) figures from other seaside resorts such as Eastbourne, where visitor numbers dropped by only 3%, and Bournemouth, where numbers actually increased by over 13% during the same period.
- b) The fact that visitor numbers to Brighton & Hove decreased significantly more (over 14%) after the new parking charges were introduced in April.
- c) Targeted Budget Management figures that project a large shortfall on the extra £1.3 million income that the Administration sought from parking charge increases

Furthermore, this Council regrets that the remit of the ongoing citywide parking review does not include issues of charging and notes the concerns of local traders and businesses who feel that they have not been properly consulted as part of the review.

This Council recognises the significant environmental benefits of encouraging the use of trains, buses, bicycles and walking but also agrees that using high parking charges as a tool to force people out of their cars damages the local economy and gives the dangerous impression that Brighton & Hove is a ‘rip off’ city that takes both visitors and residents for granted.

Therefore, this Council resolves to call on the Transport Committee to ensure:

- a) As part of the ongoing citywide parking review, to undertake detailed financial modelling to determine the impact on the local economy of different parking charge levels both on-street and off-street (including the decision to delete certain tariffs, thus forcing residents and visitors to pay for parking for longer than they need);

- b) As part of this work, to present options to deliver a real terms decrease in parking charges particularly in the areas of the city where local businesses are suffering the most from the impact of high charges. These decreases should bring charges back in line with the level they were at in 2011/12;
- c) To carry out a specific targeted consultation with local traders and their representative organisations about the impact of the Administration's parking charge increases together with the substantial increases in Trader and Business Permits and to act on the findings of that consultation;
- d) To examine ways of making better use of the city's under-occupied car parks such as Norton Road for the benefit of both local businesses and residents;
- e) That a report covering the whole parking situation comes back to the Transport Committee meeting on 15th January to enable the findings to be fed into the Council's 2013/14 Budget."

Proposed by: Cllr Graham Cox

Seconded by: Cllr. Geoffrey Theobald

Supported by: Cllrs Peltzer Dunn, Cobb, A Norman, K Norman, C Theobald, Brown, Simson, Mears, Hyde, Smith, Wealls, Janio, Barnett, Wells, Pidgeon and Bennett.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****MAINTAIN A DEMOCRATIC PLANNING SYSTEM**

“This Council, wishing to safeguard the quality of the built environment in Brighton and Hove and to help promote community cohesion, supports the Local Government Association in rejecting the government’s claim that the planning system is stifling economic growth and opposes the government’s proposals to significantly extend permitted development rights and to allow the removal of affordable housing requirements from developers.”

Proposed by Cllr Anne Meadows

Seconded by Cllr Penny Gilbey

Supported by: Cllrs Mitchell, Morgan, Hamilton, Pissaridou, Marsh, Fitch, Carden, Lepper, Robins, and Farrow.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****DELIVERING REPLACEMENT AFFORDABLE HOMES**

“From April 2nd this year the regional cap on Right to Buy discounts has been changed to a discount of £75,000 for all areas of the country. The existing Buy Back provision has been retained with authorities able to fund up to 50% of the cost of re-purchasing a former council home.

The previous arrangements for 25% of Right to Buy receipts being retained by local councils has been removed.

In Brighton & Hove the need for good quality, affordable rented homes is acute and the Government’s changes to Right to Buy legislation could potentially see an escalation of the loss of council owned homes. Since April 2012 Right to Buy applications in Brighton and Hove have increased 5 fold from previous low levels since the economic collapse.

This council therefore calls on the Housing Committee to request officers to bring forward a report that;

- Evaluates whether the council would benefit from entering into the Right to Buy receipts scheme that would enable the receipts from any additional sales generated to be retained by the council in order to fund the provision of replacement housing stock.
- Explores whether the retention of Right to Buy receipts under the scheme could enable the council to buy back ex-council homes that come onto the housing market either from estate agents’ repossessions or at auction.
- Considers the possibility of the scheme being used in relation to leaseholders where the high cost of major works are causing particular difficulties.
- Demonstrates whether and if so, how entering into such a scheme could compliment the other initiatives being pursued in relation to the provision of affordable housing.”

Proposed by Cllr Gill Mitchell

Seconded by Cllr Leigh Farrow

Supported by: Cllrs Meadows, Morgan, Hamilton, Pissaridou, Marsh, Fitch, Carden, Lepper, Robins, and Gilbey.

NOTICE OF MOTION**GREEN GROUP****FUEL POVERTY**

“This Council notes with concern the impacts of the energy bill crisis faced by this country, with millions of people struggling to adequately heat their homes.

1 in 4 households in the UK are now in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse with 1 in 3 households nationally projected to be in fuel poverty by 2016.

In Brighton and Hove nearly 16,000 households were calculated by DECC to be in fuel poverty in 2010. On the basis of the proportion of households in fuel poverty, our city is in the worst-performing 10% of Local Authorities in the South East including London.

Cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse, and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year. Over the past five years, there have been on average 26,000 ‘Excess Winter Deaths’ in the UK; a far higher proportion of our population than in countries with a colder climate such as Norway and Sweden.

The main reasons for fuel poverty are that gas, oil and coal prices are high and rising, and that the UK’s homes are some of the most energy inefficient in Europe. Bringing the homes of the fuel poor up to the energy efficiency standards of homes built today would reduce their fuel bills by an average of 52%, taking the majority out of fuel poverty.

This Council welcomes the forthcoming Green Deal and ECO initiatives but considers them inadequate responses in the face of the urgency and scale of the fuel poverty crisis.

Further to the above, this Council:

- Asks Policy & Resources Committee to consider signing the Local Authority Fuel Poverty Commitment promoted by the End Fuel Poverty Coalition; (1)
- Calls on Secretary of State Ed Davey to recommit to the target that no household should be living in fuel poverty by November 2016;

- Calls on HM Treasury to use the funds raised from carbon taxes (the Emissions Trading Scheme (ETS) and the Carbon Floor Price) to invest in a national programme to improve the heating and insulation standards of low income and fuel-poor households.

Proposed by: Cllr Ollie Sykes

Seconded by: Cllr Lizzie Deane

Supported by: Cllrs Bowden, Buckley, Davey, Duncan, Follett, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Phillips, Powell, Rufus, Shanks, Wakefield, West.

(1) Text available here: <http://bit.ly/QFeVZG>

NOTICE OF MOTION**GREEN GROUP****FRACKING**

“This Council notes with concern the effects of unconventional shale gas extraction, namely the case of Blackpool where minor earthquakes followed as a result of drilling in the area. (1).

This activity has also been linked with the contamination of local water sources such as aquifers, which provide about 30% of the UK’s water. This puts both local communities who rely upon these water supplies, and the local environment at risk.

There are as yet no plans at present to extract gas in this way in Brighton and Hove - however Quadrilla, an American company, has already gained planning permission to use hydraulic fracturing or 'fracking' nearby in Balcombe, East Sussex. This could have an unquantified detrimental impact on the surrounding area including our city, and there are fears that any subsequent earth tremors could be a threat to the crucial London to Brighton railway route.

Fracking uses massive volumes of water, 1 million gallons(1) for each frack, which is also of great concern in a region only recently taken out of drought conditions. Methane gas produced at drilling sites is a significant contributor to climate change – far more potent a greenhouse gas than carbon dioxide.

This Council also notes that the production of hard-to-reach fossil fuels is incompatible with efforts to achieve statutory UK carbon targets. A focus on gas extraction detracts from and delays investment in renewable energy sources.

The European Parliament is due to report shortly on the Environment, Public Health and Food Safety impacts of shale gas and shale oil extraction activities. There is considerable concern across Europe with Bulgaria having banned it and moratoriums have been put in place in France, New South Wales and Westphalia (a German state). A citizens’ petition has also been initiated on the subject.

Further to the above, this Council:

- Asks Policy & Resources committee to resolve that Brighton and Hove should become a ‘frack-free’ zone;

- Asks the Chief Executive to write to the Secretary of State for the Environment calling on him to impose a moratorium on onshore and offshore exploration, development and production of Coal Bed Methane, Shale Oil and Shale Gas, at least until a full independent environmental impact of the processes involved has been carried out;
- Calls on the Government to make it easier for co-operatives such as the Brighton Energy Co-op, housing associations and local authorities to generate their own renewable energy.”

Proposed by: Cllr Phillips

Seconded by: Cllr Hawtree

Supported by: Cllrs Bowden, Buckley, Davey, Deane, Duncan, Follett, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Phillips, Powell, Rufus, Shanks, Sykes, Wakefield and West.

(1) BBC News, 2nd November 2011: <http://www.bbc.co.uk/news/uk-england-lancashire-15550458>

(2) Figure from Tyndall Centre on Climate Change report of last year. Gasland & Josh Fox suggest the actual amount is higher.

Council

25 October 2012

Agenda Item 43

Brighton & Hove City Council

Subject: Extract from the Proceedings of the Adult Care & Health Committee Meeting held on the 24 September 2012 – Learning Disabilities Service Accommodation

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: **Mark Wall** Tel: **29-1006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

Action Required of Council:

To receive the item referred from the Adult Care & Health Committee:

Recommendation:

1. To note the decision of the Adult Care & Health Committee and the report.

ADULT CARE & HEALTH COMMITTEE

4.00 pm 24 SEPTEMBER 2012
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor Jarrett (Chair), Councillor Jones (Deputy Chair), Barnett, Marsh, Meadows (Opposition Spokesperson), Mears, K Norman (Opposition Spokesperson), Pissaridou, Shanks and Wakefield.

PART ONE**23. ITEMS REFERRED FOR INFORMATION**

- 23.1 **RESOLVED:** That Item 17 be referred to the Council meeting on the 25th October, 2012 for information.

17. LEARNING DISABILITIES ACCOMMODATION

- 17.1 The Committee considered a report of the Director of Adult Social Services/Lead Commissioner People which reminded members that a report had been presented to the Committee in June following a three month consultation which recommended the re-

modelling of the council's accommodation for people with learning disabilities. The Committee decided to defer a decision pending consultation with the service users and additional information being provided. The report set out the additional information requested by the committee, and the proposals now based on that additional information.

- 17.2 The Director of Adult Social Services/Lead Commissioner People thanked staff and members of the public for attending the meeting. She explained that officers had to decide how to make savings year on year. A consultation had been carried out with staff and families regarding the proposals for re-modelling the service. The Director stressed that the learning disability service had high unit costs. Brighton & Hove had the 12th highest unit costs in the country as the units were very small. Officers were also mindful of young people coming through transition from Children's services into adult services.
- 17.3 The Head of Adult Care & Health (Provider) informed the Committee that officers were tasked with delivering a service that was cost effective and sustainable. The in house learning disability service was high quality and high cost. The budget for the service was based on £840,000 savings over the next two years.
- 17.4 The Head of Adult Care & Health stressed that she wanted to make the best use of the in house service. A three month stakeholder consultation had been brought to the June meeting of the Committee. The committee decided to defer consideration of the report in order to obtain additional information. The outcome of the consultation with service users was attached as appendix 2 in the report and the additional information requested by the committee in June was provided within this report.
- 17.5 Information in the Report now being presented to Committee on the planned moves was set out in paragraphs 3.3 and 3.4 of the report. The proposal in option 1 in this Report was to re-model the accommodation service including reducing the number of homes by 2. This option would maintain an in house service, and would allow existing staff to move with the service users. It would result in a more efficient and sustainable service and would make the required savings. Alternative options included outsourcing the service. This would not be acceptable to relatives who wanted the council to continue the service. A further option was to expand the service. That option would not deliver the required savings or meet commissioning requirements to deliver improved value for money which would make the council's services financially un-sustainable when compared to the private or voluntary sector.
- 17.6 Councillor Mears referred to paragraph 1.2 in relation to Ferndale Road. She had visited the excellent service there. Councillor Mears was concerned at the wording of the paragraph and asked for clarification as to whether a report on the future of Ferndale Road would be taken to a future meeting.
- 17.7 The Head of Adult Social Care explained that officers had carried out further work due to the concerns raised about the closure of Ferndale Road. Officers had decided that because they had been unable to identify suitable alternative housing for the two service users whose families wished to remain living together, they had removed the closure of this house from the recommendations and instead proposed to deliver savings and efficiencies without the closure of this home.

- 17.8 Councillor Mears thanked the Head of Adult Social Care for her time in taking her round the homes. She asked for reassurance that Ferndale Road had a long term future. Councillor Mears referred to the report submitted in June and stated that she was aware that Ferndale Road was partly funded by East Sussex County Council who contributed £150,000 to its running costs. This information was not clear in the report.
- 17.9 The Director of Adult Social Services agreed that the cost of the service versus income was not clear, and apologised for this omission.
- 17.10 The Chair reassured Councillor Mears that there were no proposals to close Ferndale Road at this stage.
- 17.11 Councillor Meadows asked how many users were coming into the service. The Head of Adult Care & Health replied that approximately an additional five service users would join the service. During the next 18 months to 2 years, officers would look to increase capacity in homes by 1 or 2 people where practicable.
- 17.12 Councillor Wakefield referred to the proposed transfer of service users from Old Shoreham Road to Windlesham Road which would be an all women service. She asked for reassurance that if the move was made attention would be paid to the exact layout of rooms. Service users would want their surroundings to be in the right place and the right order.
- 17.13 The Head of Adult Social Care explained that there were very few women in the service. If the proposal was agreed, Windlesham Road would be a women's service. The move would be carefully planned with families and staff, and the property would be adapted to the individual needs of service users before they moved in. It was anticipated the timescale would be 3 to 6 months.
- 17.14 The General Manager, Integrated Learning Disability Service explained the way the proposed move would be managed. A team was working with families and staff to prepare for the move. Advice was also being sought from the Behavioural Support Team. Officers wanted to work in a person centred way and to work with families in the detailed planning involved. The General Manager had every confidence that officers could support a good transition for people.
- 17.15 Councillor Marsh stated that she had looked at the proposals in an open minded way and had been moved and changed by what she had seen. She stressed that the service users were vulnerable adults and that the council had a corporate responsibility for them. She considered it would be a cynical cost cutting exercise to go ahead with the proposals. Councillor Marsh acknowledged that the service users could not be consulted about the changes and that they became very distressed at any mention of change.
- 17.16 Councillor Marsh stated that she had seen the importance of the home environment for the service users. It had taken a dedicated team to settle them and make them comfortable.
- 17.17 Councillor Meadows thanked the Head of Adult Social Care for an interesting visit to the homes. Councillor Meadows remembered her first visit to Old Shoreham Road when it was new. She had been told at the time that small homes were the right way forward.

Councillor Meadows stated that the women in Old Shoreham Road were all progressing far better than expected.

- 17.18 Councillor Meadows questioned the need for an all women service as there was a mixed gender group of service users at Beaconsfield Villas, where separate flatlets were provided. Councillor Meadows considered that too many lives were being disrupted for a cost cutting exercise. Councillor Meadows asked why properties were being closed when more people were coming into the service. She stressed that Windlesham Road needed a great deal of adaptation. Meanwhile, New Church Road had only just been furnished and seemed very comfortable.
- 17.19 Councillor Meadows made the point that the total savings from the proposal in one year would be £600,000. She stressed that without information about the cost of the adaptations to Windlesham Road they could potentially cost £600,000 and queried how that could be seen as a saving. Councillor Meadows was concerned at the loss of 8.78 staff, and asked what would happen when staff went on leave and cover was needed. Councillor Meadows stated that officers should come back with a model that supported the needs of all service users, including those coming through transition from Children's Services. Councillor Meadows suggested that finance for the service could be found by moving finance from other projects.
- 17.20 Councillor Mears stated that she considered Option 1 to be flawed. She stressed that Windlesham Road was an expensive area and said she would be interested to know the value of the property. Councillor Mears spoke of her visit to Windlesham Road and questioned the suitability of the house and explained that she had been out of breath when she had reached the top flat.
- 17.21 Councillor Mears considered Windlesham Road to be a depressing property and parking was £3.50 an hour in this area. She stressed that there was no detail on the cost of the adaptations required at Windlesham Road.
- 17.22 Councillor Mears raised the issue of children coming through transition. She stated that Adult Care & Health should be working with Children's Services on this issue. Vulnerable children could not be transported to school in large groups yet it was proposed to place them in larger homes.
- 17.23 Councillor Mears agreed with Councillor Meadows' comments regarding funding. Other areas of the budget could be reviewed. Councillor Mears stated that she would not support the proposals.
- 17.24 Councillor Shanks stated that it was right to think about the transition of young people into the adult service. She stated that savings had to be made and the proposals were necessary. She assured members that the moves would be planned and would lead to more available space. She supported the proposals.
- 17.25 Councillor Jones stated that he had visited the homes and been impressed by the quality of care. He agreed that 267 Old Shoreham Road was a beautiful home and that the residents were very happy. However, he had looked at the figures and had been concerned at what might happen in 2 to 4 years time. Councillor Jones considered that if the changes were made now, the service users would be able to move with their

dedicated staff group and would be in a new property which could be adapted in an appropriate manner. He supported the proposals.

- 17.26 The Director of Adult Social Services stated that the proposals were about maintaining quality homes and planning for transition. The proposals would provide a local service for the most vulnerable. One off capital funding from a separate budget would be used to carry out the adaptations to Windlesham Road. With regard to staff, vacancies had been held open and agency staff had been used. The proposals would not lead to any redundancies.
- 17.27 Councillor Norman thanked the General Manager, Integrated Learning Disability Service for taking him around the service. Councillor Norman referred to comments about the proposals being a cynical cost cutting exercise. He stressed that the service had to rely on government funding and had to work within those limits. Councillor Norman stated that he was sure that the council would not place people in shared space if it was not appropriate.
- 17.28 Councillor Norman stressed the need for single sex accommodation. There was a need to move forward to provide for the needs of the city, not just for now but for the future. Councillor Norman had noticed that there are areas of the existing homes that needed to be upgraded. He believed the proposals would improve the service to give vulnerable people security. The carers he had met bar one had seemed happy with moving with their service users.
- 17.29 Councillor Norman stated that Windlesham Road would be adapted with capital funding that was available to improve the property and bring it up to a higher standard than before. He stressed that it should be possible to alter the internal structure of the building. Councillor Norman mentioned that there was an empty building next door and suggested that that building could be used as well.
- 17.30 Councillor Norman stressed that he would not want to support anything that was not in the best interest of the residents. If the proposals were agreed it would be the start of a development to improve the service for the residents in the longer term.
- 17.31 Councillor Meadows noted that five new service users needed to be accommodated but asked why those who were happy and comfortable should be disrupted. She stressed that more space was required not less. She agreed it was a very expensive service but stressed that the council had a responsibility to ensure the service users were happy and reached their potential. Councillor Meadows thought that the move would not achieve that aim.
- 17.32 Councillor Meadows referred to funding. She asked how savings could be made if the property needed adapting. She considered that the finances did not add up. Councillor Mears concurred and stated that there was insufficient financial information in the report in order to make a decision.
- 17.33 Councillor Pissaridou stated that she could not support the proposals. She congratulated Brighton & Hove Council for achieving what they had with the current service. She asked why the council was proposing to edge back to having institutions.

- 17.34 Councillor Barnett stated that not one carer she had spoken to was happy with the proposals. She could not support the recommendations and would vote against them. The service users were happy and contented in their current homes.
- 17.35 Councillor Wakefield referred to the empty property next to the Windlesham Road home. 22 Windlesham Road had been handed over to Seaside Homes who would use it to convert to flats. The property had potential to be used for adults in supported care. Councillor Mears stated that she was surprised this very expensive property was being transferred to seaside homes. She thought it would have been better to sell the property and invest the money in houses.
- 17.36 The Head of Adult Care & Health stated that officers were working closely with colleagues in Children's Services to manage transition. The council were facing the challenge that their services were very expensive compared to the private sector. It would not be an option to expand the service whilst the unit costs remained so high - this was not sustainable when Adult Social Care budgets are reducing. There were no proposals to have institutions. The proposals were about retaining family houses. The Head of Adult Social care stated that she did not have the exact figures available on the cost of the adaptations but that these were funded through separate capital budgets.
- 17.37 The Chair read a letter from Councillor Stephanie Powell who was not able to attend the meeting; Councillor Sue Shanks was substituting for her. Councillor Powell wanted the committee to know that she did not support the proposals.
- 17.38 The Chair stated that the proposals would not lead to anything resembling an institution. There would be larger family homes. The intention of the proposals was to future proof the service. The Chair stressed the need to make savings in the Adult Care & Health budget and spoke about the anticipated reduction in funding to local government. The Chair stated that he wanted to maintain a high quality in house service.
- 17.39 At this point Councillor Meadows moved that the committee should vote on the recommendations without further discussion. Councillor Mears formally seconded this motion and it was carried by the committee.
- 17.40 **RESOLVED** – That it be agreed to re-model the council's accommodation for people with learning disabilities as set out in Option 1 (paragraph 4.1).

Subject:	Learning Disability Accommodation		
Date of Meeting:	25 October 2012 24 th September 2012 – Adult Care & Health Committee		
Report of:	Director of Adult Social Services/Lead Commissioner People		
Contact Officer:	Name: Karin Divall	Tel: 29-4478	
	E-mail: Karin.divall@brighton-hove.gov.uk		
Key Decision:	Yes		
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 A report was presented to the Adult Care and Health Committee in June 2012 following a three month consultation which recommended the re-modelling of the council's accommodation for people with learning disabilities. This committee decided to defer making a decision pending consultation with the service users and additional information being provided. This report sets out the additional information requested by the committee.
- 1.2 Following the June committee, as well as the additional work and information that the Committee requested, further work has been done to address some of the concerns raised at that time and during subsequent site visits which has resulted in changes to the original proposals. These changes are included in this report and include the removal of Ferndale Road from the current proposals, a reduction from 5 to 4 service users to be accommodated at Windlesham Road at this stage, a commitment to move service users together where this is important to them and/or their families, and a commitment to ensure consistency in service delivery and staffing to support any service user moves that take place.
- 1.3 The re-modelling of the in-house service is required to ensure a sustainable in-house service which can contribute to an increase in local services for people with challenging behaviour and other complex needs who are often at risk of being placed out of the City. The service currently provides some challenging behaviour services but at a significantly higher unit cost when compared with other local authorities. It is therefore proposed to remodel the in-house service by making some changes to the accommodation and further increasing staff skills and flexibility to improve value for money, and by focusing the in-house service on those with the greatest needs.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees to re-model the council's accommodation for people with learning disabilities as set out in Option 1 (paragraph 4.1).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS

3.1 Committee agreed to defer consideration of the proposals to a further meeting in order to enable the following information to be made available:

- The results of the consultation with service users
- Information on the number of service users affected, where they will be moving from and to which properties they will be moving
- More information on the properties proposed for closure and how they will be used in future.

3.2 The results of the consultation with service users.

The consultation with the service users directly affected by the potential closures involved four steps:

- A risk assessment to determine the likely impact of consulting with each individual and the most appropriate means of consultation
- Mental capacity assessment
- Use of photographs of existing and proposed new homes
- Visits by service users and their families to the proposed new homes.

The outcome of this consultation was that the risk in relation to the completion of a capacity assessment were assessed as high and that all the service users would be significantly distressed by the capacity assessment, this was a view confirmed by family members and the details of the process are attached in appendix 1.

3.3 Information on the numbers of service users affected, where they will be moving from, and to which properties they will be moving.

If option 1 is agreed then the following planned moves will take place:

- Old Shoreham Road- three people will move from this house to a larger registered home in Windlesham Road which will also be able to accommodate an additional young woman currently accommodated in children's services. Old Shoreham Road can not accommodate any additional women and there is no other women's service available for her. Windlesham Road is a larger house, is centrally located and will enable this young woman to move into her first home. If the service at Old Shoreham Road does not move to Windlesham Road then it is un-likely that we can provide a home for this young woman in our council service. Windlesham Road provides more flexibility for future use as a house to accommodate people with high level needs than Old Shoreham Road. Currently Windlesham Road has only one services user who has a planned move to a nursing home due to his continuing health care needs. The service users at Old Shoreham Road have individual day activity programmes which will continue at Windlesham Road.

- New Church Road currently accommodates three people, but will have a vacancy in January when one person has a planned move to more personally appropriate accommodation. The house is not large or flexible enough to accommodate a new person with high level needs. The vacancy would be suitable for someone with lower level needs but this is not what the service is required to provide for the future. It is planned that of the remaining two people, who do not have a specific need to live together, one will move to existing registered accommodation at Beaconsfield Villas and one person will move from New Church Road to registered council accommodation at Cromwell Road. The two men currently attend in-house day services and will be able to continue to do so.

3.4 More information on the properties proposed for closure and how they will be used in future.

If Option 1 is agreed then two properties will no longer be required by Adult Social Care. One of these in Old Shoreham Road is a terraced family home which forms part of the council owned housing stock within the Housing Revenue Account and will be returned for use as council family housing. One house in New Church Road is an end of terrace family home owned by a Housing Association and will be returned to them.

4. PROPOSED OPTIONS

The consultation included engagement with staff, families/carers and key professionals and service users about the principles of re-modelling to achieve efficiencies and deliver improved value for money, a focus for the service on accommodating people with high level needs, providing accommodation for people with high level needs who would otherwise be at risk of moving out of City, changes to staffing to further improve efficiency and ways of increasing the capacity of some homes in order to accommodate more people.

4.1 (Option 1) Re-model the existing Accommodation service by maximising the use of all our homes and focusing services on larger houses that can provide services for people with high needs and challenging behaviour in the future. To agree to relocate the service at Old Shoreham Road to Windlesham Road and to move the service users from New Church Road to existing vacancies in alternative council owned registered accommodation.

This option will potentially provide homes for an additional 5 people, uses two less houses than we currently do, achieves £400,000 savings for the accommodation service, saves £200,000 for the Community Care budget in a full year, reduces our unit costs, provides better value for money and focuses on services for people with complex and high level needs to prevent the need for people to live outside the City in future. It should be noted that adaptations will be required to some of our existing properties to facilitate this option in a way that ensures we meet service users' needs and sources of capital funding have been identified for this.

Whilst some of our smaller houses do meet the needs of the current service users, it is not sustainable going into the future to provide a personalised service focused on maximising independence for people with high needs and challenging

behaviour in small houses. By developing our service in larger houses we can provide bespoke accommodation that meets the needs of people into the future and that provides more personalised services for people with complex needs. The physical environment of the smaller houses proposed for closure do not provide for development of such bespoke individual accommodation.

If this option is agreed then the service users concerned will be assessed as to their capacity to make a decision regarding the home it is proposed they are to move to. In the event a service user is assessed as lacking capacity to make this decision a best interest decision will be made. This and the process of engagement with all service users who have to move as a result of the re-modelling will be undertaken sensitively and in accordance with their specific needs and Mental Capacity Act Guidance. Individualised transitions plans will be developed which take account of current needs, how they have adapted to previous transitions etc. These plans will involve the Behaviour Support Team where appropriate, key workers and managers of the services they live in and families. Core staff will be moving with the service users which will minimise risks in relation to increases in challenging behaviours. We will risk assess and minimise the identified risks in the case of Old Shoreham Road for example the risks are already reduced by the service moving as a whole so there will be familiar people and routines. The transition will be planned and include individual plans, building works to adapt the accommodation as required and any moves are unlikely to take place until early next year.

The next steps will also include staff and union consultation and there is likely to be a reduction in staffing of 8.78 full time equivalent posts, with between 8 and 13 less staff required for the new service (the number will vary according to the mix of full and part time employees). Having held a number of staff vacancies it is envisaged that all the staff can be relocated within the service if they so wish, and there will be no compulsory redundancies.

This approach provides a planned way to provide a more sustainable accommodation service. If this option is not agreed then the service is not sustainable going forward, and the result will be that as vacancies occur they will not be filled and over time some of the houses will be closed as they become empty which will affect staff morale in the interim, increase the risk in delivering these services and increase unit costs.

Current Provision affected by proposals

Service and capacity	Current Occupancy	Proposed occupancy	Property ownership	Service description	Comments
New Church Rd (current capacity 3)	3	0	Affinity HA	Registered Supported Living	X1 service user has planned move for early 2013 to live with relative. The two remaining service users do not need to remain together but need to ensure any new service meets their needs and that they are compatible with other service users living in the accommodation . x1 service user would benefit from ground floor accommodation. Both service users will need some staff who know them well to move with them and for their service to be in Brighton & Hove to maintain community links and friendships.
Old Shoreham Rd (current capacity 3)	3	0	BHCC (Housing)	Registered Care Home	3 female service users are well matched and would benefit from remaining together with a core group of staff that know them well. Any additional service users who may live with them need to be compatible. The accommodation needs to meet their assessed needs and their service to be in Brighton & Hove to maintain community links and friendships and ensure regular contact with family.
Windlesham Rd (current capacity 4)	1	4	BHCC (Transferred from NHS)	Registered Care Home	X1 remaining resident's health care needs have increased and there is already a planned move to a more appropriate service.

Proposed Provision

Service	Move to	Property ownership	Service description	How proposal needs identified needs
New Church Rd	X1 service user to 14 Beaconsfield Villas (this is a 5 person service with vacancy) X1 service user to Cromwell Rd (this will increase capacity from a 2 person service to a 3 person service)	Hyde HA Southern HA	Registered Supported Living	Compatibility assessments completed. & the service user who requires ground floor accommodation will have this at Cromwell Rd. Both service users will remain in the city to ensure community links and friendships are maintained and some staff who know them well will move with them to their new services
Old Shoreham Rd	Windlesham Rd (this will remain as a 4 person service)	BHCC (Transferred from NHS)	Registered Care Home	The x3 service users will remain together and all move to the new property. A core group of staff from Old Shoreham Rd would move with the service users to ensure consistency of support. Family members and staff would be involved in any remodelling of the physical layout and the property will be fully refurbished. The property is within a central location and easily accessible to shops, parks and seafront.

OTHER OPTIONS

4.2 The following options were considered during the consultation but are not being recommended because they do not provide an in-house service that in future will focus on people with the highest needs, provide homes and staffing that are flexible and adaptable, meet the commissioning requirements to deliver improved value for money or deliver the savings we are required to make:

4.2.1 Do nothing and continue to keep services running as currently.

Benefits:

- Feedback from families and carers has been very positive about the in-house service and in general they would prefer to see the service remain as it is so this would be popular with families
- There would be no staffing changes or reduction

Risks:

- The financial savings required by Council will not be delivered.
- The commissioning requirements to deliver improved value for money will not be achieved which will make our services financially un-sustainable when compared to the private or voluntary sector
- Our unit costs would remain high in comparison to other providers.
- The commissioning requirement to provide homes for people with high level needs could not be met in some of the smaller houses.

4.2.2 Retain the existing properties and increase capacity where practicable and move towards a service providing homes for people with complex needs and challenging behaviour

Benefits:

- This would require minimal change to staffing and accommodation
- This would improve efficiency and accommodate people with high level needs
- There would be some additional capacity to support people moving back into the City or through transition.

Risks:

- The financial savings required by the Council will not be delivered.
- The commissioning requirements to deliver improved value for money will not be achieved which will make our services financially un-sustainable when compared to the private or voluntary sector
- Some of the smaller houses are not suitable to be developed to accommodate more service users, or to deliver better value for money. Larger properties can be more readily adapted to provide personalised accommodation that enables service users to live more independently and to enable people with challenging behaviour to live alongside other service users, larger houses can in some cases also enable additional people to be accommodated to deliver better value for money.

4.2.3 To cease providing council accommodation for people with learning disabilities and tender the service with private sector providers.

Benefits

- Accommodation is provided in the private sector at a lower unit cost than council provision
- Required savings would be achieved over a period of time.

Risks

- The feedback from families, carers and staff was positive about the quality of the service provided by the council
- Many families and carers expressed that they wanted the council to continue to provide accommodation
- Staff would be subject to TUPE
- Provision of suitable accommodation for people with high level needs may not be available in the private sector
- There would be no service of last resort within the council

4.2.4 As a principle we will seek to increase capacity in our existing homes and where capacity arises then we will look to bring people back from out of City as appropriate. Since July 2012 a sub group has been meeting to look at the options for developing the service that would reduce the need for out of city placements in the future. This option on its own will not make the savings required by Council, but will enable the in-house service to operate on a more sustainable basis in future.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

Details of the consultation process with staff, family, carers, advocates and key professionals and the outcomes of this was presented to committee in June and the committee requested that additional consultation be carried out with the service users. This additional consultation has been completed and is detailed in Appendix 1.

6. OUTCOME OF CONSULTATION

6.1 A summary of the consultation undertaken with the five affected service users is attached at Appendix 1 and this provides a mix of views about the proposed accommodation changes. There was a detailed consultation with families, staff and other stakeholders which was reported in the June committee and a summary of this is attached as Appendix 2. In general the families were positive about the service that their family member received and wanted them to continue to live within a council provided service and would prefer the service to remain unchanged. If change were to happen consistent support from staff who know the service user well was the most important factor for most people and for some people remaining living with the people they currently live with was also important.

6.2 Further work has been completed in relation to the services users potentially directly affected by these proposals. See 3.2 above and Appendix 1 for details. The consultation with five service users affected by the proposal in option 1 involved five stages:

- A risk assessment
- A mental capacity assessment
- Use of photographs of current and proposed homes
- Visits by service users to the proposed new home
- Visits by families to the proposed new homes

A full risk assessment was completed for each individual by staff who work with them which took into account the views of their families. In each case, the outcome of the detailed risk assessment was that it would cause too much distress to the individual to carry out a capacity assessment or to use visual aids to discuss a move. Their families were invited to visit the homes and several of them did so. Full details are attached in Appendix 1.

6.3 Following the consultation process communication has been received from a relative of one of the service users at Old Shoreham Road expressing her concern as to the potential effect of any move on the service user. In addition the relative raises a question regarding the financial implications involved in previously adapting Old Shoreham Road and the alternatives available to make the savings the council is required to make. The person's views form part of the consultation outcome for committee to consider and she has of course been advised of the availability of this report and the committee meeting.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The recommended option 1 is expected to deliver better value for money than current provision and reduce unit costs to bring them more in line with comparable authorities. This option has been analysed through a financial model and has the potential to deliver savings of £600k in a full year and will support the delivery of budget plans for 2012/13 and 2013/14.

Finance Officer Consulted: Name: Anne Silley Date: 05/08/12

7.2 Legal Implications:

As set out in the previous reports in January and June 2012 the Local Authority has to fulfil dual functions in meeting its statutory community care duties to people with learning disabilities in the context of central and local Guidance on individual choice and control, and its duty to the public purse.

In fulfilling its functions the Local Authority must have regard to the Human Rights Act 1998 and in particular in this case the Right to Family Life in accordance with Article 8 European Convention on Human Rights. The recommended option in this report describes the plans for individuals who have important relationships with fellow residents [and staff] to remain living together as a unit but within new locations in the city.

The Local Authority also has a duty to consult with all interested and affected parties including ensuring compliance with Equalities legislation. The Report describes comprehensive consultation with families, staff and unions. Advice from Advocact informed the Report to Committee in June 2012 where it was reported that given the level of vulnerability of the residents potentially affected that an attempt at a consultation exercise involving those individuals would be too distressing and damaging. Given this generic approach and on deferment of the decision at June Committee, officers agreed to undertake an individualised approach to consulting each of the individuals concerned.

As described in the body of the Report a staged approach was undertaken in the context of consultation with residents. Application of such an approach being necessary to ensure fairness, attention to the specific vulnerabilities of the individuals concerned and proportionality.

The Mental Capacity Act 2005 states that the starting assumption must always be that an individual has capacity to make a decision until there is proof that they do not. The individuals potentially affected by a decision to re-model the service necessitating their move to new locations have learning difficulties and significant and specific support and care needs as described in Appendix 1. There is reasonable cause to believe that the individuals concerned may lack capacity to make the decision to engage in a consultation exercise and express a view on the proposals for re-modelling the service. Therefore it was identified that all of those individuals affected would require an assessment of their capacity to decide to engage in the consultation exercise.

A person's capacity must be assessed *specifically* in terms of their capacity to make a *particular decision at the time it needs to be made*.

The Mental Capacity Act 2005 Code of Practice provides that in order to undertake an assessment of capacity the following questions need to be addressed:-

- Does the person have a general understanding of what decision they need to make and why they need to make it?
- Does the person have a general understanding of the likely consequences of making, or not making, this decision?
- Is the person able to understand, retain, use and weigh up the information relevant to this decision?
- Can the person communicate their decision (by talking, using sign language or any other means)? Would the services of a professional (such as a speech and language therapist) be helpful?

Therefore in order to undertake an assessment of each individual's capacity to engage in a full consultation the *possibility* of a move would have to be introduced within the context of the assessment. In order to determine the effect such a capacity assessment may have on each individual, as described in this Report, individual risk assessments were first undertaken.

It is incumbent on the Local Authority and those caring for the individuals concerned to ensure their emotional welfare and safety need are met. In pursuance of continuing to meet these needs a balanced approach was

adopted by first assessing the risk of undertaking an assessment of the individuals' capacity to exercise their right to engage in the consultation process should they choose to do so.

The outcome of the risk assessments in all cases [informed by family members' views] resulted in the assessed risk of a capacity assessment in the context of the decision to engage in a consultation exercise being too high to be proportionate to the outcome.

The result for Committee considering this Report is a consultation outcome that cannot include the direct views of the individuals potentially affected by the proposed re-modelling and closures due to the adverse impact of taking the vulnerable adults concerned through the required mental capacity assessment process.

The ascertainable wishes and feelings of the individuals potentially affected are highlighted in Appendix 1. Whilst not indicative of capacity to make a decision to engage and express a view in a consultation exercise they do provide Committee with evidence of the individuals' response to their current environments and care setting.

In reaching its decision it is necessary for Committee to properly consider all of the implications for the individuals concerned and the implications for the Council as a whole. Such consideration must include the views expressed via the consultation process. As the views of the potentially affected individuals have not been possible to obtain due to their vulnerabilities and the impact of an assessment of their capacity to decide to engage in the consultation process, it is suggested Committee adopts the position that those individuals, if able express a view in the context of a consultation process, would express that they would elect to remain in their current locations.

It is also suggested that Committee will wish to take into account the preferences and ascertainable wishes and feelings of service users as recorded in Appendix 1 in terms of whom they may wish to live with, the environment they enjoy and the aspects of home life that are important to them.

The decision to re-model the service, including closure of homes, is one for this Committee. If Committee agrees the recommended option and makes this decision the service users affected will clearly have to be told [in an appropriate manner tailored to their needs] of the plans for closure. Whether the service users wish to move to the proposed services outlined in the body of the report is a decision for them. That is a separate and distinct decision from a decision to contribute in a consultation exercise. Therefore assessments of the capacity of each individual service user to make a decision as to whether they wish to move to the proposed service will have to be undertaken. Where assessments conclude the individual service user lacks capacity to make such a decision then a best interests decision will have to be made on their behalf in accordance with the Mental Capacity Act 2005 and informed by their ascertainable wishes and feelings. In any event attention

must be given to meeting the expressed preferences of individuals in terms of their surroundings and home environment.

Lawyer Consulted: Name Sandra O'Brien

Date: 11 September 2012

7.3 Equalities Implications:

An Equalities Impact Assessment has been carried out for the re-modelling of the accommodation services and was appended to the report that was presented in June 2012 to Adult Care and Health Committee.

7.4 Sustainability Implications:

The consolidation of the service into fewer buildings will reduce fuel consumption and bills e.g. fewer food shopping trips, less vehicles.

7.5 Crime & Disorder Implications:

People living in larger housing accommodation may feel a greater sense of personal security. Use of assistive technology may also enable a greater sense of security for individuals e.g. alarms to inform door or windows left open etc.

7.6 Risk and Opportunity Management Implications:

The consultation has looked at the risks of consolidating our accommodation and working with people with complex needs and challenging behaviour. The risks will be mitigated by design and building adaptations where appropriate and by a training plan and staff support to ensure they have the skills to work with people with challenging needs.

7.7 Public Health Implications:

People living in our in-house accommodation are some of the most vulnerable people in the City and staff work proactively with health colleagues to improve residents health and well-being.

7.8 Corporate / Citywide Implications:

Accommodation services are currently provided in fifteen buildings across the City, and this will reduce to thirteen buildings under this proposal.

8. EVALUATION OF ANY ALTERNATIVE OPTION(S):

The consultation process explored alternative models of accommodation which could meet the needs of the service users whilst delivering improved value for money.

9. REASONS FOR REPORT RECOMMENDATIONS

The decision is sought following a full consultation with stakeholders in order to deliver a 2 year plan that provides a more cost effective service focused on supporting people with complex needs, and challenging behaviour, and supporting people to move-on and increase their independence.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Consultation with service users

Appendix 2: Consultation with stakeholders

Documents in Members' Rooms

1. Consultation Overview- process, documentation and summary of responses

Background Documents

1. None

Summary of Consultation prior to and after June 2012

Staff Consultation activity

How	Details of activity
Surveys	145 surveys were circulated and a total of 21 were returned (14.4%). This figure does not represent the actual contributions made, as staff largely opted to engage through different feedback opportunities, largely staff meetings and individual or some collectively written responses.
Staff meetings	A total of 19 staff meetings were held across all accommodation services 8 th Feb -10 th May. (Please note the meetings held during February were to discuss the content of letters sent to staff explaining the consultation process).
One off Group meeting	8 th May – a core group of staff met with managers to look at alternative options they wanted to be included in the considerations for future proposals. These originated from a number of staff suggestions put forward.
Staff Consultation Sessions	A total of 4 sessions were held for staff at various times and locations – to maximise accessibility. This provided the opportunity for 76 members to attend. A total of 9 members of staff took this opportunity to participate. Subsequently only one session took place along with smaller staff meetings for those that requested to take part (6 staff).
Staff Focus Group	A platform for open dialogue between managers, staff and Unions was set up to discuss openly any future proposed changes to service provision. With an objective to provide a consultative forum. The focus group meets on a monthly basis and consists of 4 managers, 1 HR Lead, 1 Admin Support, 2 Unions reps, 2 Resource Officers, 2 Senior Care Officers and 8 Homecare Support Workers.
Communications	Staff initially received personal letters outlining the consultation process. Monthly Newsletters issued – Staff Focus Steered content of Newsletter

Carers /Families Consultation activity

How	Details of activity
Surveys	47 letters and surveys were circulated and a total of 27 were returned (57.5%).

Log of Communications	Issues of concern family feedback <i>A summary table of issues of concerns : see table 2.2 [June Report]</i>
One off meetings	Through out the process 1:1 meetings have been made available
Family /Carers Consultation Sessions	A total of 4 events were made available with 23 places offered at a variety of dates, times and venues across the city. A total of 9 places were taken up. In total 7 groups of family members, friends and carers attended these sessions. Each session was facilitated by a member of the Commissioning Support Unit along with 1 or 2 managers from Learning Disability services.
Communications	Family/Carers have received a combination of letters, newsletters, emails and personal phone calls during the process.
Further Meetings with Families	Further meeting and visits to proposed new service locations / involvement in proposed adaptations have been held with families as appropriate.

Key professionals Consultation activity

Key professionals included in the consultation process: Advoact, Speak out, AMAZE, Carers Centre, Day Options, Children's Learning Disability Services, behaviour Support Services, Care Management Group, Speech & Language, Community Nursing, Psychology, Psychiatry, Psychotherapy & Occupational.

How	Details of activity
Surveys	All key professionals were given the opportunity to participate in a survey via the on-line Consultation Portal. A total of 6 people responded.
Meetings held	24 th January initial meeting with Advoact Subsequent meeting on 4 th May with Advoact Further meeting with Advoact 30 th July 2012
Communications	Learning Disability Accommodation Operations Managers have made themselves available to attend staff meetings.

Learning Disability further information: consultation/other engagement with people directly affected by any proposed moves. Collated Aug/Sep 2012

Service User affected by proposed changes	Service (home)	What the option is:- move, increase capacity or both	If moving: where to	Size of increased capacity if appropriate e.g. from 4>5	Risk Assessment date completed	Capacity Assessment completed	Visual Aids used/seen Yes/No (include date seen)	If person does not have capacity:- include further information on who has/will be consulted on their behalf i.e. family input etc (best interests)	Further evidence of ascertainable wishes and feelings expressed i.e. include information gathered by family, friends during the 3 month consultation period.	Compatibility Assessment Date	Relevant 'key' information from compatibility Assessment (summary) i.e. dislikes loud noise, living near to main road etc	Other relevant "key" information from person centred plans choices etc
1	OSR	move & increase capacity	VWR	3>4	30-8-12	NO Capacity Assessment completed	Visual Aids used/seen Yes/No (include date seen)	Parents (x2)	Parents-survey completed and consultation event feedback-current property on busy dual carriageway. Would support a move to W.R. as long as friends can move to the same place too (x3). Also important staff move into new accommodation.	30/7/12	Can be very vocal and annoy others has a hearing impairment When carrying out her 'home routine' could grab and push others if they are in the way Can sometimes strip naked in communal areas need to consider dignity with other service users Can grab others food Can go into others rooms and invade space	Enjoys the company of 2, makes her smile/likes linking arms with her. Continue to live with peers Continue to develop independence
2	OSR	move & increase capacity	VWR	3>4	17-8-12	Capacity assessments not completed due to outcome of risk assessments and family requests not to complete one unless a concrete decision has been made regarding any changes. Impact on completing could be too distressing for individuals	No visual aids used due to risk assessment outcome	Parent (x2)	1x Parent completed survey and attended consultation event- strongly opposes any move due to serious behaviour changes during past moves.	30/7/12	Direct eye contact from males can provoke Self injurious behaviour Must not have a loud noisy disruptive environment Must not have an environment with lots of glass Must have a quiet environment while eating Must have structured and predictable day Must have an environment that is clear of objects that can be swallowed/ live with others who will not leave objects around Could become withdrawn and isolated if others are too noisy in her space Needs access to outdoors/garden Needs support to access the kitchen/communal areas to prevent becoming agitated/ability to make choices becoming compromised Needs staff who know her well	Enjoys/is compatible living with 1./ giggles in her company. Appreciates a quiet environment when eating. Enjoys standing on the landing watching the staff and traffic. Enjoys using her bedroom and garden Needs to use her communication tools Direct eye contact from males can provoke SIB
3	OSR	move & increase capacity	VWR	3>4	16-8-12	Capacity assessments not completed due to outcome of risk assessments and family requests not to complete one unless a concrete decision has been made regarding any changes. Impact on completing could be too distressing for individuals	No visual aids used due to risk assessment outcome	Sibling (x1)	Direct family member (sibling)- survey completed but neither agree or disagree to move	30/7/12	Living with men could effect her dignity Will take control of the TV in the communal space that could annoy others Must have a quiet, predictable stable home environment Must have structured activities Must have reinforced glass Has routine self injurious behaviours daily that could upset other service users Needs a sound proof bedroom Bedroom needs to have walls that are pliable & soft	Needs sound proofed room. Needs bedroom to be replicated if to move to another house. Needs to be able to have space of her own In the morning likes to lie on the sofa Needs to control the TV therefore needs to live with people who don't mind what they watch in the communal lounge Living with men could effect her dignity
4	NCR	move	14 BV		15-8-12	Capacity assessments not completed due to outcome of risk assessments and family requests not to complete one unless a concrete decision has been made regarding any changes. Impact on completing could be too distressing for individuals	No visual aids used due to risk assessment outcome	Sibling (x1)	Direct family member completed survey- highlighted does not respond well to changes, difficult to relate to new carers.	31/7/12	Must have calm, quite environment, clear access, separate shower, large bedroom, access to garden and kitchen, quiet mealtimes, familiar trained staff, structures timetable, health checks, access to car and exercise, 1:1 time Bedroom needs to have walls that are pliable & soft	A nice bedroom, listening to music. Sitting in the garden in my swing chair. Day centre, other community activities and my computer. Staff support with my communication and health, and contact with my family.
5	NCR	move & increase capacity	CR	2>3	15-8-12	Capacity assessments not completed due to outcome of risk assessments and family requests not to complete one unless a concrete decision has been made regarding any changes. Impact on completing could be too distressing for individuals	No visual aids used due to risk assessment outcome	Half Sibling	Direct family member strongly disagrees to any move	30/7/12	Must have calm quiet environment, level access to building, downstairs room., Access to kitchen, outside space with seating, local shops and activities, walk in shower, familiar trained staff, communication board., family contact, structured timetable, 1:1 time	I like my house, my bedroom and en suite. I like to go out to be sociable, to engage in activities and attend my day centre. It is important to me that I see my family and befrienders and to keep healthy.

Key: OSR=267 Old Shoreham Road/NCR=228 New Church Road/WVR=Windlesham Road/BV= 14 Beaconsfield Villas/CR=Cromwell Road/RG=Rutland Gardens

Council

25 October 2012

Agenda Item 44

Brighton & Hove City Council

Subject: Extract from the Proceedings of the Audit & Standards Committee Meeting held on the 25 September 2012

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: Ross Keatley Tel: 29-1064

E-mail: ross.keatley@brighton-hove.gov.uk

Wards Affected: All

Action Required of Council:

To receive the item referred from the Audit & Standards Committee:

Recommendation:

1. To note the decision of the Audit & Standards Committee to adopt new arrangements for the investigation and hearing of complaints against Members and the report.

AUDIT & STANDARDS COMMITTEE

4.00 pm 25 SEPTEMBER 2012
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Hamilton, A Norman, Duncan, Follett, Lepper, Smith, Sykes and Wealls.

PART ONE**31. COMPLAINTS PROCEDURE**

- 31.1 The Committee considered a report of the Monitoring Officer in relation to the new arrangements for dealing with the investigation and hearing of complaints as part of the changes to the regulation of Standards of Conduct for elected Members brought in by the Localism Act 2011. The new arrangements provided a simplified process for dealing with complaints of misconduct and the actions which could be taken against a Member who is found to have failed to comply with the Code of Conduct. By way of introduction the Standards & Complaints Manager, Brian Foley, outlined the new procedure

- 31.2 In response to queries from Councillor Duncan it was confirmed that the right of appeal would apply to both the complainant, and the Member the allegation had been made against, and sanctions would only take effect after the period to request an appeal had expired.
- 31.3 Councillors Sykes and Lepper noted some minor typographical errors of the names of political groups, and asked that that some of the wording be amended to reflect the potential future political makeup of the authority; rather than the current political makeup.
- 31.4 Councillor Ann Norman noted that she and Councillor Lepper had been involved in Standards related work under the previous regime for some years, and she stated that Members should always approach the investigation of complaints of a neutral mind and in a non-political manner. The Chair echoed these comments, and highlighted the non-political regulatory nature of the Committee.
- 31.5 **RESOLVED:**
- (1) That the arrangements for the investigation and hearing of complaints about Member conduct as set out in Appendix 1 to the report and as illustrated in the flow chart in Appendix 2 to the report be adopted;
 - (2) That the adopted new arrangements be reported to Council for information;
 - (3) That the Monitoring Officer be instructed to develop technical procedures for the investigation and hearing of complaints to be used in conjunction with the arrangements; and
 - (4) That the Monitoring Officer be instructed to publicise the arrangements for the investigation and hearing of complaints by whatever means he considers appropriate.

25 October 2012

Brighton & Hove City Council

Subject:	Complaints procedure		
Date of Meeting:	25 October 2012 25 September 2012 – Audit & Standards Committee		
Report of:	Monitoring Officer		
Contact Officer:	Name: Brian Foley	Tel: 293109	
	E-mail: brian.foley@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Localism Act 2011 has brought into effect fundamental changes to the regulation of Standards of Conduct for elected members. The Act requires the Council to adopt arrangements for dealing with complaints about a breach of the Code of Conduct by both Council and Parish Council Members. Those arrangements replace the previous process administered under the Standards Committee (England) Regulations 2008.
- 1.2 On 26 June 2012 Audit and Standards Committee approved a recommendation to refer to Council a revised and much simplified arrangement for dealing with complaints about member Conduct.
- 1.3 On 19 July 2012 Council approved the recommendation.
- 1.4 The purpose of this paper is to set out in greater detail the new arrangements for dealing with the investigation and hearing of complaints. The paper consists of a short covering report; the new procedures are set out in the Appendix.
- 1.5 The new arrangements provide a simplified process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the Code of Conduct.

2. RECOMMENDATIONS:

It is recommended that the Committee:

- 2.1 Adopt the arrangements for the investigation and hearing of complaints about Member conduct as set out in Appendix 1 and as illustrated in the flow chart in Appendix 2.

- 2.2 Report the adopted new arrangements to Council for information.
- 2.3 Instruct the Monitoring Officer to develop technical procedures for the investigation and hearing of complaints to be used in conjunction with the arrangements.
- 2.4 Instruct the Monitoring Officer to publicise the arrangements for the investigation and hearing of complaints by whatever means he considers appropriate.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The proposed arrangements for dealing with complaints about member conduct are set out in Appendix 1. The overall approach is to set out the broad principles. Subject to Audit and Standards Committee agreeing the recommendations above, the Monitoring Officer will develop technical procedures for carrying out investigations and hearings.

4. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 4.1 The recommendations are expected to result in a minor reduction in the cost of Investigations and hearings. The simplified process should reduce the overall cost of administering each case referred for investigation which could have been the subject of four panel hearings and a third tier tribunal appeal.

Finance Officer Consulted: Anne Silley Date: 24/08/12

Legal Implications:

- 4.2 The council's duty to put in place arrangements for investigating and determining allegations that a member has failed to comply with the council's code of conduct is provided for in section 28(6) of the Localism Act 2011.

The Localism Act does not prescribe what the arrangements should consist of, except as follows:

(i) the views of the Independent Person must be sought and taken into account before it determines an allegation it has investigated (section 28(7)); and

(ii) where the council finds that a member has failed to comply with the code, it may have regard to the failure in deciding whether to take action in respect of the member, and what action to take (section 28(11),

These requirements are included in the Arrangements proposed in Appendix 1.

Lawyer Consulted: Oliver Dixon Date: 30 August 2012

Equalities Implications:

- 4.3 There are no Equalities implications

Sustainability Implications:

- 4.4 There are no Sustainability implications

Crime & Disorder Implications:

- 4.5 There are no Crime and Disorder implications

Risk and Opportunity Management Implications:

- 4.6 There are no Risk and Opportunity Management implications.

Corporate / Citywide Implications:

- 4.7 The new arrangements provide the opportunity to be transparent about the conduct of our members and therefore help to enhance reputation for honesty and openness.

SUPPORTING DOCUMENTATION

Appendices:

1. Arrangements for the Investigation and Hearing of Complaints
2. Flow chart describing the Investigation and Hearing of Complaints

Documents In Members' Rooms

1. None

Background Documents

1. The Localism Act 2011, Part 1, Chapter 7

Appendix 1

Brighton & Hove City Council and Rottingdean Parish Council arrangements for dealing with allegations of breaches of the Members' Code of Conduct under the Localism Act 2011

1 Context

These "Arrangements" set out how a person may make a complaint that an elected or co-opted Member of Brighton & Hove City Council (the 'City Council') or Rottingdean Parish Council (the 'Parish Council') has failed to comply with that authority's Code of Conduct, and sets out how the City Council will deal with allegations of a failure to comply with either authority's Code of Conduct.

2 The Code of Conduct

The City Council and Parish Council have each adopted a Code of Conduct for its respective Members which is available for inspection on each authority's website and on request from Reception at Brighton Town Hall, or from the Standards and Complaints Team

3 Making a complaint

If a person wishes to make a complaint, they should write to

The Monitoring Officer
c/o Standards and Complaints
Brighton & Hove City Council
Grand Avenue
Hove
BN3 2LS

Or email

Complaints@brighton-hove.gov.uk

Or use our web form

www.brighton-hove.gov.uk/complaints

The Monitoring Officer is a senior officer of the City Council who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.

To ensure that we have all the information which we need to be able to process a complaint, the complainant is asked to provide us with their name and a contact address or email address, so that we can acknowledge receipt of the complaint and keep them informed of its progress. If a person wants to keep their name and address confidential, they are asked to explain their reasons in the space provided on the complaint form. The City Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

We will acknowledge receipt of the complaint as soon as possible and within a maximum of 5 working days of receiving it, and will keep the person informed of the progress of their complaint.

The Member against whom the complaint is directed will be notified that a complaint has been received as soon as possible and within a maximum of 5 working days of receiving it unless the Monitoring Officer considers that doing so may prejudice any investigation into the complaint.

The Council aims to complete the complaint process within a maximum of three months from receipt of the complaint.

4 Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer will then inform the complainant and the Member of his decision and the reason for that decision.

Where the Monitoring Officer requires more information to help him reach a decision, he may ask for additional comments from the complainant and may request information from the Member against whom the complaint has been made.

The Monitoring Officer may decide a complaint does not merit investigation if:

- It is about someone who is no longer a member of the Council.
- The complaint if proven could not amount to a breach of the code.
- The complaint is vexatious or frivolous
- It would not be in the public interest to do so, which could for example include cases where:
 - There has been a long delay before the complaint was made.

- The complaint appears to be minor, politically motivated, malicious or not sufficiently serious to warrant further action.

This list is not intended to be exhaustive and the Monitoring Officer may decide that a complaint does not merit formal investigation for any other reason which appears to him/her to be relevant.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. An informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or some other action on their part. Where the Member makes a reasonable offer of informal resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

The Monitoring Officer has the discretion to refer the decision as to whether a complaint merits an investigation to the Standards Panel if it appears appropriate to do so.

If the complaint identifies conduct which, on the face of it, is a criminal offence or regulatory breach by any person, the Monitoring Officer may refer the matter to the Police or and appropriate regulatory body as well as or in lieu of an investigation by the City Council.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he will appoint an Investigating Officer, who may be another senior officer of the City Council, an officer of another local authority or an external investigator. The Investigating Officer will have discretion as to how the investigation is carried out.

The Investigating Officer would normally ask the complainant and the Member to provide their explanation of events, and will identify what documents he/she needs to see and who he/she needs to interview. In exceptional cases, it may be appropriate to keep the identity of the complainant, witnesses, or key documents confidential where disclosure might prejudice the investigation.

The Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give both an opportunity to identify any matter in that draft report which requires more consideration.

Having received and taken account of any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

Copies of the final report will be sent to the complainant and the member concerned.

6 What happens after the Monitoring Officer has received the Investigating Officer's report.

The Monitoring Officer will send the matter for a hearing before the Standards Panel.

Hearing

The Monitoring Officer will refer the Investigating Officer's report to the Standards Panel which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Monitoring Officer will require the Member to give his/her response to the Investigating Officer's report, to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Standards Panel (after consulting with the Monitoring Officer) may issue directions as to the manner in which the hearing will be conducted.

The Standards Panel may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

If the Standards Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Standards Panel will then consider what action, if any, the Standards Panel should take as a result of the member's failure. In doing this, the Standards Panel will give the member an opportunity to make representations to the Panel, but will then decide what action, if any, to take in respect of the matter.

7 What action can the Standards Panel take where a member has failed to comply with the Code of Conduct?

7.1 The actions the Standards Panel may take in relation to a member of the City Council who has failed to comply with its code of conduct include –

- (i) Publishing its findings in respect of the member's conduct;
- (ii) Writing a formal letter to the councillor found to have breached the code;
- (iii) Reporting its findings to Council for information;
- (iv) Formal censure;

- (v) Recommending to the member's Group Leader that he/she be removed from any or all committees or sub-committees of the Council;
- (vi) Recommending the Monitoring Officer to offer appropriate training.

7.2 Where the Standards Panel finds that a member of the Parish Council has failed to comply with its code of conduct, the Standards Panel may make a recommendation to the Parish Council as to whether to take action in relation to the member, and what action to take. However, the actual decision as to whether to take action against the member, and what action to take, rests with the Parish Council.

Should the Parish Council decide to take action against a member who has failed to comply with its code, the actions available to them include those listed in 7.1 above except for items (iii) and (v).

7.3 The Standards Panel has no power to suspend or disqualify the Member or to withdraw members' basic or special responsibility allowances.

8 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Standards Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Standards Panel resolves to take (or recommends that the Parish Council take in relation to a Parish Council member).

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Panel, send a copy to the complainant and the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Audit and Standards Committee.

9 Who are the Standards Panel?

The Standards Panel is a Sub-Committee of the Council's Audit and Standards Committee. Membership will consist of one elected Member from each of the Political Groups represented on the Council, and an Independent Person who will attend the meeting in their statutory advisory capacity. Its membership will be drawn from Audit and Standards Committee and will be based on member availability. The Panel will elect one of its members to act as Chair.

The Independent Person is invited to attend all meetings of the Standards Panel and his or her views are sought and taken into consideration before the Standards Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct.

10 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and has been appointed by a positive vote from a majority of all the members of Council. The statutory role of the Independent Person is set out in section 28(7) of the Localism Act.

11 Revision of these arrangements

The Audit and Standards Committee may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer the right to depart from these arrangements where he considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

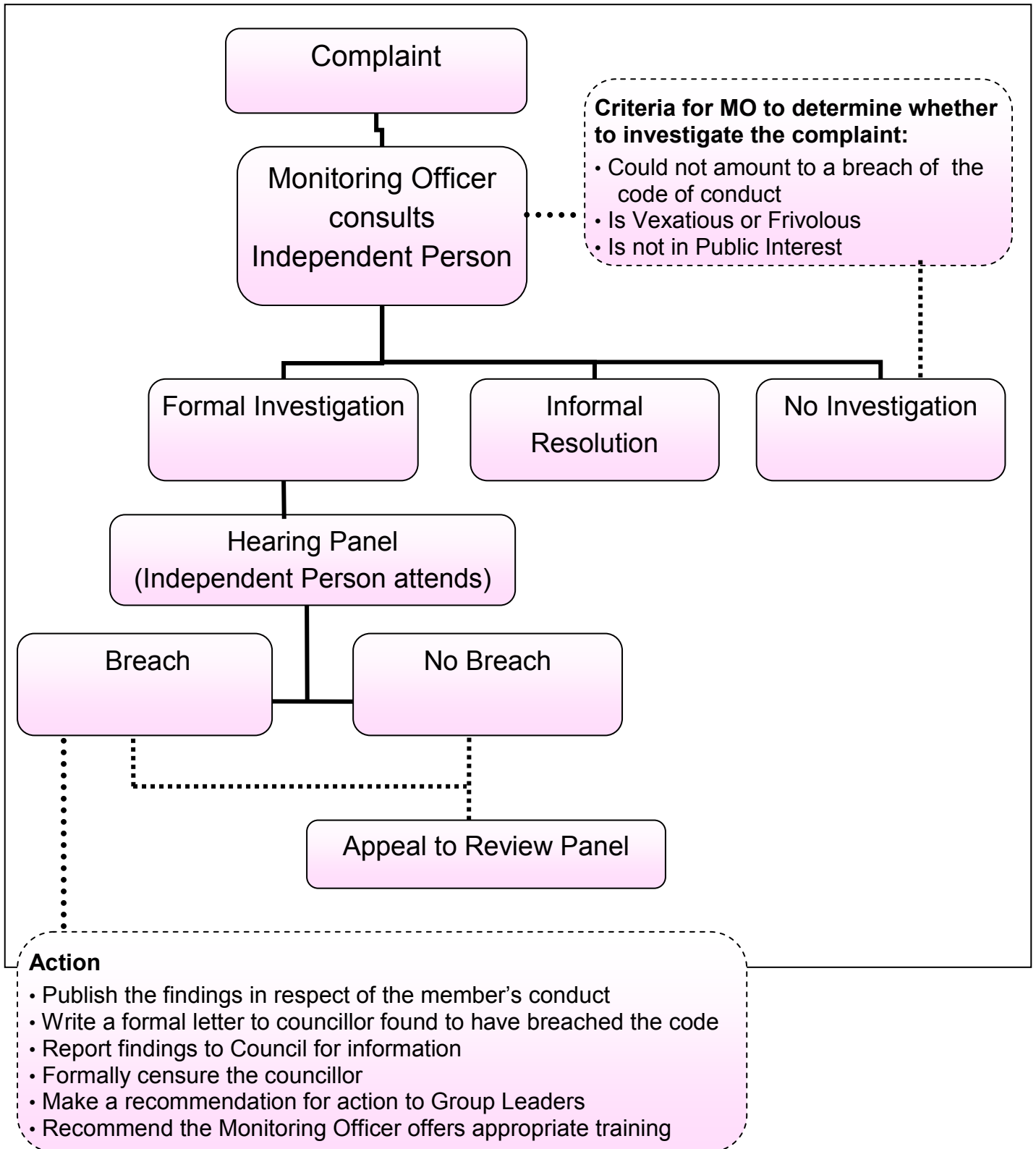
12 Appeals

There is a right of appeal for the complainant and for the member against a decision of the Standards Panel. This is without prejudice to the right of the complainant to refer the matter to the Local Government Ombudsman.

The complainant or member should write to the Monitoring Officer, stating they wish to appeal the Standards Panel decision, giving their reasons for doing so. A request for an Appeal must be received within 10 working days of the original Hearing.

A Standards Panel composed of different members to the one that heard the original case will consider the case. The Panel may dismiss or uphold the appeal. If they uphold the appeal they may substitute the original decision with a new decision on the proviso that the complaint was properly investigated. If the Panel considers that essential information was not included in the investigation they may refer the complaint back to the investigation stage.

Appendix 2 - Standards Complaints Procedure



Council

25 October 2012

Agenda Item 45

Brighton & Hove City Council

Subject: Extract from the Proceedings of the Special Policy & Resources Committee Meeting held on the 6th September 2012 – Senior Officers Structure

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: **Mark Wall** Tel: **29-1006**

E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

Action Required of Council:

To receive the item referred from the Policy & Resources Committee for information:

Recommendation:

To note the extract and the report.

POLICY & RESOURCES COMMITTEE

**4.00 pm 6 SEPTEMBER 2012
COUNCIL CHAMBER, HOVE TOWN HALL**

MINUTES

Present: Councillor J Kitcat (Chair); Councillors G Theobald (Opposition Spokesperson), Hamilton, Jarrett, Mac Cafferty, Mitchell (Opposition Spokesperson), A Norman, Peltzer Dunn, Shanks and Wakefield.

Other Members present: Councillor Mears.

PART ONE**6. ITEMS FOR INFORMATION**

6.1 **RESOLVED:** That Items 4, 5 and 7 be referred to the Council meeting on the 25th October, 2012 for information

4. SENIOR OFFICERS STRUCTURE

4.1 The Acting Chief Executive introduced the report which outlined various changes to the senior officer structure of the council to take account of the fact that a new Chief

Executive was being sought and the resignations of three Strategic Directors. She explained that it was necessary to put interim measures in place in order to enable the business of the authority to be managed effectively and allow for the recruitment process to be completed for the new Chief Executive. She also stated that she had been mindful of the budgetary position, the national situation and the need for the new Chief Executive to be able to formulate the operation of the organisation once they were in place. A consultation exercise with staff and the trade unions had been held and a further consultation process was to be undertaken in relation to the proposals affecting the service provision for Place.

- 4.2 The Chair welcomed the report and thanked the Acting Chief Executive for her work and also thanked those officers who were leaving for their services during their time with the Authority.
- 4.3 Councillor G. Theobald stated that the Conservative Group fully supported the proposals contained within the report and thanked the Acting Chief Executive for her work in this regard. He was also aware of the changes proposed in relation to Place and wished to thank the Strategic Director for his support, although he did have some concern in regard to the extensive remit that now came under the Strategic Director's responsibilities. He also suggested that for any future re-organisation it would be worthwhile having consideration for the appointment of a Director of Property or their equivalent as this was an important remit for the organisation.
- 4.4 Councillor Mitchell thanked the Acting chief Executive for her report which was supported by the Labour & Co-operative Group, and also wished to thank the officers who were leaving for their support and work during their time with the council. She also felt that the proposals struck a good balance in terms of service provision and areas of responsibility and stated that she would be looking carefully at the future recruitment process in relation to the budgetary position that had been agreed. She also asked that further information on the recruitment process be provided to either the Audit & Standards Committee or this committee in due course.
- 4.5 Councillor Peltzer Dunn welcomed the report and stated that he hoped it would be used a model for all future reports.
- 4.6 Councillor A. Norman welcomed the report and stated that her only concern was the need to ensure that necessary support arrangements were available to those senior officers who would be taking on a wider level of responsibility in the interim period.
- 4.7 The Chair welcomed the comments and stated that he believed appropriate arrangements would be in place to support staff and ensure that service provision was maintained. He then moved that the recommendations be agreed.
- 4.8 **RESOLVED:**
- (1) That the departure of the Chief Executive and 3 Strategic Directors in the coming weeks and the appointment of Catherine Vaughan as Acting Chief Executive with effect from the 10th September, 2012 be noted;
 - (2) That the need to make changes to the officer structure be noted and the general approach set out in the report, which seeks to balance the need for making

changes now, with the need not to unduly fetter the discretion of the incoming permanent Chief Executive, be agreed;

- (3) That subject to (4) below, the proposed changes set out in Appendix 1 and the changes to the Scheme of Delegations set out in Appendix 2 to the report be agreed;
- (4) That the proposed changes set out in Appendices 1 and 2 be agreed in principle, as they relate to the 5 proposed service areas under the Strategic Director; Place, (Housing; Transport; Planning and Public Protection; City Clean and City Parks; Economic Development, Regeneration, Major Projects and Sustainability); and that the Acting Chief Executive be authorised to implement the proposals, subject to any modifications as she considers necessary, following the completion of the consultation process;
- (5) That the transitional arrangements regarding financial management, performance monitoring and budgetary process set out in the financial implications paragraph of the report be agreed;
- (6) That the Acting Chief Executive be authorised to take all steps necessary or incidental to the implementation of the proposals as set out in the report, including the power to make any transitional arrangements she considers necessary;
- (7) That the Monitoring Officer be authorised to make amendments to the relevant parts of the Constitution to reflect the changes resulting from the foregoing paragraphs and make any necessary consequential amendments;
- (8) That it be agreed that the changes come into force on the 10th September, 2012, subject to any transitional arrangements and modifications referred to in paragraphs (5) and (6) above and subject to paragraph (9) below; and
- (9) That to the extent that any proposals involve changes to functions currently carried out by the Strategic Director; People, they shall not come into effect until the new Interim Director of Children's Services takes office and any changes relating to the proposed Place functions shall come into force on the 1st October, 2012 or after completion of the consultation process, whichever is later.

25 October 2012

Brighton & Hove City Council

Subject:	Senior Officer Structure		
Date of Meeting:	25th October 2012 6 th September 2012 – Policy & Resources Committee		
Report of:	Acting Chief Executive Designate		
Contact Officer:	Name:	Charlotte Thomas Abraham Ghebre-Ghiorghis	Tel: 29-1290 29-1500
	Email:	Charlotte.thomas@brighton-hove.gov.uk Abraham.Ghebre-Ghiorghis@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

1.1 As a result of the imminent departure of the council's Chief Executive and three Strategic Directors, appropriate arrangements need to be put in place to ensure that the council's business can be conducted effectively. Only Policy & Resources Committee has the powers to change officer delegations and this report seeks permission to reallocate certain powers as a result of the required structural changes. The Council has included in its General Fund Budget for 2012/13 additional savings from Management & Administration with an expectation that these are delivered from senior management costs. This report ensures that the target for the current financial year can be met through a series of permanent changes to the officer structure. The structure set out here is by necessity a transitional one, combining some interim and some permanent changes in order to balance the need for organisational stability and clarity with the desire to ensure that a permanent Chief Executive retains appropriate flexibility to shape the organisation as he or she sees fit.

2. RECOMMENDATIONS:

2.1 It is recommended that Members

- (i) Note the departure of the Chief Executive and 3 Strategic Directors in the coming weeks and the appointment of Catherine Vaughan as Acting Chief Executive with effect from 10th September 2012.
- (ii) Note the need to make changes to the officer structure and agree the general approach set out in the report, which seeks to balance the need for making the necessary changes now, with the need not to unduly fetter the discretion of the incoming permanent Chief Executive.
- (iii) Subject to paragraph iv below, agree the proposed changes set out in Appendix 1 to this report and the changes to the scheme of delegations set out in Appendix 2 to this report.

- (iv) Agree, in principle, the proposed changes set out in Appendices 1 and 2 as they relate to the 5 proposed service areas under the Strategic Director Place (Housing; Transport; Planning and Public Protection; City Clean and City Parks; Economic Development, Regeneration, Major Projects and Sustainability) and authorise the Acting Chief Executive to implement the proposals, subject to any modifications as she considers necessary, following the completion of the consultation process.
- (v) Agree the transitional arrangements regarding financial management, performance monitoring and budgetary process set out in the financial implications paragraph of the report.
- (vi) Authorise the Acting Chief Executive to take all steps necessary or incidental to the implementation of the proposals set out in this report, including the power to make any transitional arrangements she considers necessary.
- (vii) Authorise the Monitoring Officer to make amendments to the relevant parts of the constitution to reflect the changes resulting from the foregoing paragraphs and make any necessary consequential amendments.
- (viii) Agree that the changes come into force on 10th September 2012, subject to any transitional arrangements and modifications referred to in paragraphs (v) and (vi) above and subject to paragraph (ix) below.
- (ix) To the extent that any proposals involve changes to functions currently carried out by the Strategic Director People, they shall not come into effect until the new Interim Director of Children's Services takes office and any changes relating to the proposed Place functions shall come into force on the 1st October or after completion of the consultation process, whichever is later.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 During September and October the Chief Executive and the Strategic Directors for Communities, Resources and People will be leaving the Council. The appointment of an Acting Chief Executive has already been made by Full Council and the Director of Finance; Catherine Vaughan will assume this responsibility from 10th September 2012. This report is designed to ensure that appropriate arrangements are in place from that date to enable the council's business to be managed effectively with clear officer delegations and lines of accountability.

3.2 The proposals have been drawn up taking into account the following issues:

- organisational context
- the impact of national policy and funding changes
- the financial savings that have been set by Council for Management and Administration in 2012/13

The organisational context

3.3 The council's Corporate Plan sets out a clear commitment to commissioning, value for money and improving the customer experience. The council has had success in all of these areas over the last few years. Partners across the city have particularly welcomed the emphasis that commissioning has brought to understanding needs, focussing on outcomes and working jointly both internally across council services and sectors. The proposals contained in this report build on the well-established joint commissioning work, particularly across social care and health and aim to strengthen it further in some areas, for example through work to support Families in Multiple Deprivation.

3.4 However it is clear that in some areas the internal structural split between commissioning and delivery units has added a layer of complexity to the council's business and lines of communication have not always been as strong as they could be. The Chief Executive has already made some changes to line management arrangements to reflect this, building on some of the valuable feedback gained through the People Strategy. The proposals here take this further, particularly but not exclusively for services in the "Place" area.

National policy and funding changes

3.5 From 1 April 2013, responsibility for Public Health will transfer to local government. There is now an opportunity to build on the excellent joint working already in place by further integrating Public Health into the organisation and to make best use of the capacity, skills and experience that they are bringing to the council. There are also fundamental changes to local government finance on their way. The introduction of a local council tax support system to replace council tax benefits and the move to a business rates retention model have seen close working between Finance and Revenues & Benefits over recent months.

3.6 The business rates retention model brings both threats and opportunities to the city and, with long term funding reductions from central government for local authorities; the council will be increasingly reliant on growing our own resource base to support our priorities. This will mean delivering new housing to grow council tax revenues and to meet our strategic housing needs. The council will also need to support the development of new business in the city to provide additional business rates revenue and provide much needed jobs in the area. The limited availability of national funding for infrastructure means the council will have to be increasingly innovative to bring forward major schemes in the city. This all has significant implications for organisational priorities and it also provides opportunities to make the One Planet Living framework a key part securing sustainable growth for the city.

Financial savings

- 3.7 The budget for 2012/13 includes £450,000 management and administration savings in addition to those in the VFM programme for 2011/12. There is a clear expectation that most of this is achieved from the senior structure of the organisation and that it includes the removal of one Strategic Director post. These proposals have been developed on the basis that both the existing Strategic Director Resources and Strategic Director Communities posts are deleted from the organisational structure. However funding for a new Strategic Director, or appropriate alternative, will be retained in the budget to be used as the permanent Chief Executive sees fit. In the short term the post of Strategic Director People will not be filled but it will remain part of the council's permanent establishment at this stage. An interim Director of Children's Services will be appointed to provide sufficient capacity to ensure that the council's vital Safeguarding responsibilities are fulfilled and the other functions of the Strategic Director People will be transferred where appropriate to the Director of Adult Social Care or the Director of Public Health.

4. THE PROPOSALS

- 4.1 An outline of the proposed changes is attached as Appendix 1 to this report. Also attached, in Appendix 2 are proposed amendments to the scheme of delegations to officers which are necessary to give legal effect to the proposed changes.
- 4.2 It is proposed for most of the new arrangements to come into effect on 10th September to coincide with the departure of the Chief Executive and two Strategic Directors. The proposals relating to the Place function will require further consultation and it is proposed to bring these into force on 1st October or at the conclusion of the next phase of consultation which is required for these changes.
- 4.3 It is not proposed to remove the post of SD People permanently and the post, with related delegated functions, will remain in position until the permanent Chief Executive decides on future arrangements. There will be holding arrangements, including the appointment of an Interim Director of Children's Services, but these will not require changes to the scheme of delegations.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 The changes have been subject to consultation with affected staff and the feedback received has been incorporated into these proposals. In general staff welcomed the speed with which proposals were set out, although there was a range of views about the balance between permanent and interim arrangements. Some amendments have been made as a result of this, accelerating change in some areas and taking it more slowly in others. Further consultation is still required for the changes proposed in the Place area and this report requests flexibility to implement those changes following the end of that process.
- 5.2 The Trades Unions have been consulted and as a result of their feedback the consultation period was extended, which has had an impact on the timetable for despatch of this report.

- 5.3 A formal response to the consultation document has been issued to affected staff and the Trades Unions.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The General Fund Budget for 2012/13 included a full-year additional savings target of £450,000 from Management & Administration. These proposals have been developed to the extent that the part-year target (£275,000) can be met in 2012/13. Savings are expected to be approximately £295,000 and will therefore substantially contribute to the full-year target applicable from 2013/14 onward, however, the remaining savings (£155,000) and other organisational changes will be for the consideration of the incoming permanent Chief Executive as explained in the report.
- 6.2 The Council will continue to monitor and report on its budgets for 2012/13 according to the previous structures in order to ensure clarity during this transition period. This approach has been successfully adopted in previous structural changes that have taken place mid-year. The current Head of Financial Services and Deputy Chief Finance Officer (S151), Nigel Manvell, will act into the role of Director of Finance to provide the authority with an appropriately qualified and experienced Section 151 Chief Finance Officer. This person will also sit on the council's senior management team (SLT) to ensure compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) "Statement on the Role of the Chief Financial Officer in Local Government" (2010). A qualified and experienced Deputy Chief Finance Officer (S151) will also be selected from within the Finance Unit of the council.

Finance Officer Consulted: Nigel Manvell

Date: 30/08/2012

Legal Implications:

- 6.3 The proposed changes require amendments to the scheme of delegations to officers. Under the Council's constitution, this is delegated to the Policy & Resources Committee. Subject to the agreement of P&R, detailed amendments need to be made to the council's constitution to reflect the principles set out in this report.
- 6.4 In accordance with employment law and the Council's change management policies, there is a requirement to consult the staff affected before any changes are implemented. This has been carried out and any responses taken into account.
- 6.5 The proposals in this report comply with legal requirements. There are no adverse Human Rights Implications arising from the report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 29/08/2012

Equalities Implications:

- 6.6 The proposals affect a small number of staff and a high level equalities impact assessment has been undertaken to ensure that no group with protected characteristics has been disproportionately affected. Because of the small numbers of individuals involved a breakdown of the staff profile is not included in this report as it is likely to lead to particular individuals being identifiable. There are no compulsory redundancies as a result of these changes and no permanent changes to pay or terms and conditions are anticipated. There is no impact on service delivery to the public which is normally the key consideration in assessing equalities implications.
- 6.7 The proposals make changes to the reporting lines for the Communities & Equalities team and reduce some senior management capacity. In the interim period additional project management resource will be provided to ensure that key projects continue.

Sustainability Implications:

- 6.8 The proposals transfer the council's Sustainability team from the Policy Unit into the Place area. This is to ensure that the focus of the work is of integration of the council's well-developed policy into key projects, particularly in respect of the city's built environment and infrastructure.

Crime & Disorder Implications:

- 6.9 The proposals include changes to the delegations for Community Safety Commissioning.

Risk and Opportunity Management Implications:

- 6.10 The proposals are designed to ensure clear accountability and line management arrangements and therefore ensure effective risk management. Finance and Performance will continue to be monitored on the existing structures for the remainder of 2012/13 to ensure continuity.

Public Health Implications:

- 6.11 The proposals are designed to ensure that public health is a core part of the council's business, well connected into other council services.

Corporate / Citywide Implications:

- 6.12 The proposals are designed to ensure that the council is able to prioritise the delivery of its Corporate Plan.

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 7.1 A move to more permanent structural changes has been considered and discounted in order to provide appropriate flexibility to the permanent Chief Executive. Proposing only interim arrangements has been considered and discounted in order to provide stability where possible and deliver the agreed Management & Administration savings for 2012/13.

8. REASONS FOR REPORT RECOMMENDATIONS

- 8.1 To ensure clear delegations to officers as a result of required structural changes to the organisation.

SUPPORTING DOCUMENTATION

Appendices:

1. Detail of Proposals
2. Proposed Changes to the Scheme of Delegations to Officers

Detail of the Proposals

Acting Director of Finance (change effective from 10th September)

Nigel Manvell will act into the role of Director of Finance and Section 151 Officer which must be filled by a qualified accountant. Nigel is currently the Council's Deputy Chief Finance Officer (Deputy Section 151 Officer), a post which the council is required to have by statute. Nigel will also be Acting Chief Finance Officer for the South Downs National Park Authority. The Acting Director of Finance will be part of the Strategic Leadership Team (SLT).

Applications will be invited from within Finance to be Deputy Chief Finance Officer and any other required backfill arrangements.

Strategic Director – Resources (changes effective from 10th September)

It is proposed that the post of Strategic Director – Resources will be removed from the structure and permanent changes to the reporting lines made as follows:

- Heads of Policy and Performance, Communications and Legal and Democratic Services to the Chief Executive,
- Head of Sustainability to the Place area as set out below

It is also proposed that lead responsibility on SLT for civil contingencies will transfer permanently to the Director of Public Health but that the staff involved in delivery will remain within Planning and Public Protection.

In the short term, there will be a temporary holding position in relation to Policy and Performance, Communications and Legal and Democratic Services. One of those Heads of Service to take a lead role in line management, links to SLT and liaison with members.

It is proposed that as a temporary holding position the remaining Resources units will report to members of SLT as follows:

- Head of ICT to Acting Director of Finance
- Head of City Services to Acting Director of Finance
- Head of HR and OD to Director of Adult Social Services
- Head of Property & Design to Strategic Director - Place

Strategic Director – Communities (changes effective from 10th September)

It is proposed that the post of Strategic Director – Communities will be removed from the structure and the permanent changes to reporting lines made as follows:

- the post of Commissioner, Communities & Equalities be deleted from the structure and the team reports to the Head of Policy (the post-holder is fully aware of this proposal)

- the Commissioner for Community Safety to the Director of Public Health (staff involved in delivery will remain within Planning and Public Protection)

There will be a temporary holding position in relation to the Head of Tourism & Leisure and Commissioner for Culture and Commissioner for Sports and Leisure. One of those officers will take a lead role in line management, links to SLT and liaison with members.

Strategic Director - People (changes effective from 1 November subject to confirmation)

In order to provide stability and capacity in this critical service area particularly in relation to Safeguarding responsibilities an experienced interim Director of Children's Services will be brought in, this post will report to the Chief Executive. The scope of the permanent role has not been determined at this stage and the Strategic Director People post remains part of the permanent establishment.

It is proposed that the Lead Commissioner, Children, Youth and Families post be deleted from the structure. Many of the responsibilities within that role will transfer to the new Lead Commissioner, Families in Multiple Deprivation (funded by government grant for three years) and this post will report to the interim Director of Children's Services. The Head of Children and Families and Lead Commissioner - Schools, Skills & Learning will continue to report to the interim Director of Children's Services

During the interim period the Director of Adult Social Services and the Director of Public Health will report to the Chief Executive.

Place (changes effective from 1 October – subject to consultation)

It is proposed that the existing 5 posts reporting to the Strategic Director – Place set out below will be deleted from the structure.

- Lead Commissioner Housing
- Head of Housing and Social Inclusion
- Lead Commissioner - City Regulation & Infrastructure
- Head of Planning & Public Protection
- Head of City Infrastructure

They will be replaced by 5 posts covering the following areas:

- Housing
- Transport
- Planning and public protection
- City Clean and City Parks
- Economic development, Regeneration, Major Projects and Sustainability

A detailed consultation process is required in this area due to changes to the scope and nature of some roles.

PROPOSED CHANGES TO THE SCHEME OF DELEGATIONS TO OFFICERS

General Principles:

- a. Each Strategic Director, Director or, as the case may be, Interim Lead (collectively referred here as “Directors” for ease of reference) will have full delegated powers to exercise the functions described under the proposed arrangements below.
- b. Where Heads of a Delivery Units or Head of a combined delivery and commissioning units (referred to here collectively as “ Service Heads”) are referred to in the proposed delegations below, they will have **concurrent** delegations with the relevant Director.
- c. In exercising their concurrent delegated powers, Service Heads will be required to act in accordance with any instructions or guidance issued from time to time by the Director.
- d. The relevant Director may suspend the exercise of any function by the Head of Service.
- e. The exercise of any function by a Director or Heads of Service shall be in accordance with any instructions issued by the Chief Executive and in accordance with the outcome and other requirements stipulated as part of commissioning providing that non- compliance with commissioning requirement shall not, in itself, invalidate a decision taken under delegated powers.
- f. References in the definition section of the scheme of delegations to Chief Officers and Membership of the Strategic Leadership Broad shall be modified to reflect the principles in the covering report (including the addition of the Director of Public Health) and any arrangements the Acting Chief Executive may adopt.

Function	Current Delegations	Proposed delegations
1. City Services	a. SD Resources (except for libraries) b. SD Communities - Libraries c. Head of City Services (for delivery of all City Services)	a. Director of Finance b. Head of City Services regarding delivery
2. Policy, Performance and Analysis	SD Resources	Interim Lead for Policy, Comms and Legal & Democratic Services (PCL)
3. Corporate Communication	SD Resources	Interim Lead for PCL
4. Legal & Democratic Services	a. Head of Legal & Democratic Services (for functions that have to be discharged by the Head of Law and Monitoring Officer) b. Other functions, SD Resources	Head of Legal & Democratic Services (for Monitoring Officer and Head of Law functions) Others Interim Lead for PCL
5. Sustainability	SD Resources	SD Place
6. Civil Contingencies	a. SD Resources b. Head of Planning and Public Protection for delivery	a. Director of Public Health b. Head of Planning and Public Protection for delivery
7. ICT	SD Resources	Director of Finance
8. HR and Organisational Development	SD Resources	Director of Adult Social Services (DASS)
9. Property & Design	SD Resources	SD Place Head of Property and Design
10. Communities & Equalities	SD Communities	Interim Lead PCL (to be managed as part of the Policy Function.)
11. Community Safety and Drug Action	a. SD Communities b. Head of Planning and Public Protection (for delivery)	a. Director of Public Health b. Head of Planning & Public Protection (for delivery)

Function	Current Delegations	Proposed delegations
12. Culture, Tourism, Arts & Creative Services, Management of establishments, venues, archives, seafront and events.	<ul style="list-style-type: none"> a. SD Communities b. Head of Delivery Tourism and Leisure regarding delivery of services 	<p>Interim Lead for Culture, Tourism and Leisure</p> <p>NB: depending on who is appointed, there may be a need for concurrent powers for the delivery Head or for the commissioning lead</p>
13. Housing	<ul style="list-style-type: none"> a. SD Place b. Head of Housing Management and Inclusion (for delivery of housing management) 	<p>SD Place</p> <p>Head of Housing</p>
14. Highways and Transport	<ul style="list-style-type: none"> a. SD Place b. Head of City Infrastructure regarding delivery 	<p>SD Place</p> <p>Head of Transport</p>
15. Planning and Public Protection (other than Civil Contingencies and community safety)	<p>SD Place</p> <p>Head of Planning and Public Protection for delivery</p>	<p>As before</p>
16. City Clean and City Parks (functions comprised in the delegations to the Head of City Infrastructure excepting highways and transport)	<p>SD Place</p> <p>Head of City Infrastructure regarding delivery</p>	<p>As before.</p>
17. Economic Development and Regeneration	<p>SD Place</p>	<ul style="list-style-type: none"> a. SD Place b. Head of Economic Development, Regeneration, Major Projects & Sustainability

Council

25 October 2012

Agenda Item 46

Brighton & Hove City Council

Subject: Extract from the Proceedings of the Special Policy & Resources Committee Meeting held on the 6 September 2012 – Supported Bus Routes

Date of Meeting: 25 October 2012

Report of: Monitoring Officer

Contact Officer: Name: **Mark Wall** Tel: **29-1006**

E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

Action Required of Council:

To receive the item referred from the Policy & Resources Committee for information.

Recommendation:

That the extract and the report be noted.

POLICY & RESOURCES COMMITTEE

**4.00 pm SEPTEMBER 2012
COUNCIL CHAMBER, HOVE TOWN HALL**

MINUTES

Present: Councillor J Kitcat (Chair); Councillors G Theobald (Opposition Spokesperson), Hamilton, Jarrett, Mac Cafferty, Mitchell (Opposition Spokesperson), A Norman, Peltzer Dunn, Shanks and Wakefield.

Other Members present: Councillor Mears.

PART ONE**6. ITEMS FOR INFORMATION**

- 6.1 **RESOLVED:** That Items 4, 5 and 7 be referred to the Council meeting on the 25th October, 2012 for information

5. SUPPORTED BUS ROUTES

- 5.1 The Strategic Director; Place introduced the report and stated that it outlined the various responses to the resolutions that were approved by the Full Council at its last meeting in July. He also noted that due to the sensitivity of some of the contractual information, a similar report had been produced which would need to be considered in part two of the meeting.
- 5.2 Councillor Mitchell noted the report and stated that it had been a long journey to reach the position that existed today. She noted that various routes had now been retained and that the two school routes, No's 74 and 96 would continue for a further year. However, it appeared that the No.52 remained truncated and that the residents of Ovingdean remained without a direct service to meet their needs. She accepted that they could change at the Marina in order to pick up the Compass service, but questioned whether this would meet their needs and therefore could not support the resultant position as outlined in the report. She also referred to the paragraphs at the bottom of page 3 and queried how it would work and the top of page 4 and stated that it was a shame to find that the Government had chosen not to support mandatory operational cross-ticketing for bus services. She suggested that it was something that should be aimed for in view of the technological advances that were being made. She also queried why it was that parents were being asked to meet an extra £8.00 a week cost for the purchase of tickets on the No. 74 and 96 services to enable their children to get to and from school. They had previously been able to purchase Saver tickets which enabled their children to get into school early or from school having attended after-school clubs, as well as at the usual time, but now had to purchase a ticket from the council for the normal school-run service.
- 5.3 The Chair stated that having undertaken the procurement process, it had enabled both the council and the bus companies to identify those routes that the bus companies were able to continue to operate without a subsidy. In regard to the school bus services, it had been made clear in January that a review was required and that it could lead to services being provided in a different way. The charge of £8.00 per week was paid direct to the council for the cost of the service to enable children to get to and from school, rather than it being paid to the bus company. He agreed that operation cross-ticketing should be mandatory and noted that information held by the current 'smart' card operated by Brighton & Hove Bus Company could be made available to others but that the company chose not to do so.
- 5.4 Councillor Shanks noted that children could use their ID card to get cheaper fares and that they did not necessarily need to have a Saver ticket. She also noted that a number of children using the No. 74 and 96 services would be eligible for the scholar pass and therefore would not have to pay the additional £8.00 a week.
- 5.5 Councillor Mitchell queried whether the parents of the children who used either of the services had been consulted on the additional charge and suggested that they were effectively being charged twice.
- 5.6 Councillor G. Theobald stated that he felt parents been treated unreasonably in that they had been led to believe the two routes would continue for another year and yet they now found they were expected to meet an additional cost. He was also concerned about the No. 52 route and the fact that due to time-tabling changes, residents were

unable to get to the station and commute to London. It appeared that there was no link-up at the Marina with other services and he asked if the situation could be reviewed or the time-table changed to ensure that the previous early services were re-introduced.

- 5.7 Councillor Mears stated that she believed the residents of Ovingdean had been disregarded and were now the only community to not have a direct route into the city or the station. She believed that they had been unfairly penalised and were being forced to take alternative transport in order to get to work, get their children to school and get into the city. She did not believe that people would want to have to change at the Marina and questioned why they would want to wait for a change especially in the winter months. She believed that there had not been sufficient consideration to the needs of residents in Ovingdean and hoped that something could be done to help.
- 5.8 Councillor A. Norman stated that she wished to thank the Strategic Director and the officers for their work and in bringing the report forward. However, she was concerned about the No. 96 route and noted that whilst viable options to support the route had been put forward previously they had not been accepted and the report lacked information on how this route would operate. She was concerned that most young people would already have a saver ticket to enable them to travel around the city and were now being asked to find an additional £8 a week to get to and from their school. She also noted that parents had been told the service would be kept as long as it was needed and yet they now faced an additional cost, which for some families would not be afforded and added further pressure on them. In view of the small amount of income that would be generated from the £8 a week charge she queried whether such a relatively small amount could not be covered by the council instead and asked for confirmation as to when parents were informed of the additional cost that was to be made.
- 5.9 The Lead Commissioner for City Regulation & Infrastructure stated that the through-ticketing agreement should provide for a wider choice and greater flexibility to enable travellers to get to their destinations. He stated that there was now an overlap between the No.47 and No.52 services and this provided more options. He suggested that officers could meet with Councillor Theobald to look at the time-tabling variations and identify how they could be utilised to meet the needs of commuters.
- 5.10 Councillor Hamilton noted that the annual saver ticket could still be used on some school routes and suggested that this should be explained as it was strange that only the No's. 96 and 74 were singled out in this way. He also queried whether the consideration had been given to the nature of the No. 47 and 57 routes which covered East Saltdean and whether they could have been combined to save costs and enable a direct No.52 service to be maintained.
- 5.11 Councillor Peltzer Dunn asked if the number of children affected on the two routes could be confirmed.
- 5.12 The Chair noted that saver tickets could be used on other routes and that it was only the No. 74 and 96 where the additional charge was being made. However, it was necessary in order to ensure that the routes were retained and stated that he would provide a written answer in regard to when parents were informed of the intention to make the charge.

- 5.13 The Lead Commissioner for City Regulation & Infrastructure stated that the No. 47 and 57 routes had been listed as separate routes within the contract documents and therefore could not have been regarded as a single operating route as part of the tender process.
- 5.14 Councillor Shanks stated that she was not able to confirm the number of children affected on the two routes, but would do so in writing and noted that there had been around 35 last year using them. She also noted that the £8 a week was effectively only an extra cost if a saver ticket was also purchased.
- 5.15 Councillor Peltzer Dunn suggested that based on the information provided at the meeting the total cost to the council would be approximately £9,600 if the cost of all the children using the two routes was to be met by the council. He suggested that it should be possible for the Authority to find the necessary resources to meet the cost for a year.
- 5.16 Councillor Jarrett stated that he believed the procurement process had been effective and had enabled the authority to reduce its subsidies as routes had been identified which the bus companies would continue to run even without a subsidy. The difficulty caused with the No.52 and for residents in Ovingdean was the outcome of the process and not through choice but rather based on a financial basis.
- 5.17 Councillor Shanks noted that the original intention had been not to run the No. 74 and 96 routes but having taken account of the views of residents and the petition, and in reviewing the process these had been included and parents had been informed that a charge may also be required to enable the routes to be maintained.
- 5.18 Councillor G. Theobald queried whether the time-tabling of routes could be looked at again or altered.
- 5.19 The Lead Commissioner for City Regulation & Infrastructure stated that it was not possible to revisit the time-tabling of routes as this had had to be submitted to the Traffic Commissioner and published. However, discussions could be held with the bus companies and any changes agreed and then raised with the Commissioner to see if a revised time table could be approved.
- 5.20 The Chair noted the comments and put the recommendation to note the report to the vote, which was carried with his casting vote.
- 5.21 **RESOLVED:** That the action taken by officers as detailed in the report following the resolutions approved at the Full Council meeting on the 19th July 2012 be noted.

Subject:	Supported Bus Routes		
Date of Meeting:	25th October 2012 06 September 2012 – Policy & Resources Committee		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Nick Mitchell	Tel: 29-2481
	Email:	Nick.Mitchell@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 At Full Council on 19 July 2012 a number of proposed amendments to the Supported Bus Services Network Report were submitted. This report contains responses to various resolutions passed at Full Council with the exception of those relating to exempt information, which are contained in Part 2 of this agenda.

2. RECOMMENDATIONS:

- 2.1 That the Committee note the action taken by officers following the resolutions passed at Full Council on 19 July and approves the responses as set out below.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 19 July Full Council considered a report on the Council's supported bus routes and passed a resolution in response to a number of proposed amendments and a petition. Extracts of the proceedings are attached in Appendix 1.
- 3.2 Where necessary/appropriate, officers have taken action in pursuance of Council as set out below. The resolutions are in bold and responses in normal type. The numbering of each reflects the numbering actually proposed in the amendments received at Full Council.

Resolutions of the Supported Bus Routes Report:

- 1.1 That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;**

Response.

No further action required

1.2 That the moves from Brighton & Hove City Council and Brighton & Hove Bus Company to enable the majority of the bus services previously threatened with service reductions to continue running be welcomed;

Response

No further action required

1.3 That officers be requested to seek to identify the necessary funding and maintain discussions with the bus companies with a view to running a direct service connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee as to how this can be achieved;

Response

In order to allow sufficient time for the Contract and route registration formalities to be dealt with and to enable contracts to be operational by September, a contract award notification letter has been sent to Big Lemon in relation to the short route 52. The Contract is likely to be in place by 6th September. Officers have not been able to identify additional funding to bridge the gap within existing allocations for transport.

Discussions with Compass, Brighton & Hove Bus Company and Big Lemon have enabled re-working of timetables for service 52 and 47 to provide a through service via the Marina to the City Centre at no additional cost to the Council or passengers.

Council officers have brokered discussions between Big Lemon, Compass and Brighton & Hove Bus Company to agree acceptance of Saver tickets and through ticketing arrangements on supported buses and commercial services, as well as bigger buses on the 47 and extended services at no additional cost.

Officers propose that the operation of the short service be monitored and the numbers of passengers changing bus services at the Marina ascertained.

A more detailed response relating to the commercially sensitive data is contained in Part 2 of this agenda.

1.4 That officers be requested to consider including in the new contract for the service 52 (if not already included and subject to legal advice) a requirement for low-floor, wheel-chair accessible buses to be used on this route;

Response

For service 52 from Ovingdean & Rottingdean to the Marina, the tender states that “vehicles used to provide the services in this tender are required to meet all of the minimum requirements in The Public Service Vehicles Accessibility Regulations (PSVAR) 2000. If a vehicle is incapable of meeting these minimum specifications, it will not be acceptable for the operator to use it on these services.”

The PSVAR state that a regulated public service vehicle shall be fitted with not less than one wheelchair space. All new buses introduced into service since 1st January 2001 have to be fully accessible.

Council officers will work with the operator to ensure that these conditions are met.

1.5 That officers be requested to consider including in the new contract for service 52 (if not already included and subject to legal advice) a requirement that the service 52 is incorporated within the 'Real Time' bus information system or any replacement similar system;

Response

The council is currently rolling out a new 'Real Time' information system that will provide a better service and wider coverage for the city, and all operators will have access to this as it will be more accessible and have a lower cost of entry. The new system will be live in the New Year. This requirement is covered in the Operators' Code of Practice and is also contained within the contract.

1.6 That officers be requested to facilitate discussions between the relevant bus operators to achieve 'through ticketing' agreements to be in place for the new contract for the service 52 so that Ovingdean residents are not further disadvantaged by having to pay two separate fares to access the city centre due to the new, reduced route terminating at Brighton Marina;

Response

Following meetings facilitated by council officers, all three operators of council-funded bus services (Brighton & Hove, Compass and The Big Lemon) are keen to make things as straightforward as possible for the passenger. Cash fares will be in line with fares charged on the main bus routes. On council-funded services it is a condition that all types of Saver tickets can be issued and accepted – but there is a technical problem with accepting tickets bought on a Key (smart)card.

Brighton & Hove Buses confirm that they will accept Compass and The Big Lemon on-bus issued 'Saver' tickets on their commercial services. This extends to the full range of 'Saver' tickets that B&H would themselves issue on-bus (i.e. it does also include Bus ID Savers).

Brighton & Hove Buses have offered to swap Key cards for conventional printed Saver tickets (at no extra charge) for those residents living on Council-funded routes – and they will continue to offer 3 Month and 1 Year versions of the 'paper' ticket to those residents in future. This will ensure that residents on supported routes can still take advantage of cheaper longer period tickets.

Brighton & Hove Buses will place notices on-bus on the council's supported services immediately, advising residents in the areas affected that they can swap their Key cards for paper tickets at One Stop Travel shops (only).

All operators will brief their staff on the full range of tickets that will be valid on their services.

The scheduled connections between service 52 and service 47 at Brighton Marina will be promoted.

The Competition Commission recommends new statutory powers for local authorities to introduce mandatory multi-operator ticketing schemes. It calls for such tickets to be competitively priced with single-operator tickets.

At this moment in time the government has indicated that it is not considering introducing powers that would allow local authorities to introduce mandatory schemes.

The Commission's wish to see authorities pursue voluntary agreements ahead of legislation may prove difficult to realise, in Brighton as much as anywhere, as Brighton & Hove Bus and Coach Company has considerable market share with its Saver tickets.

Future technological changes with smartcards should make the introduction of a multi operator ticket easier.

It may be possible to bid for funding from central government to explore this issue in greater depth and to set up a scheme if it is required.

There is currently no funding or resources allocated within the council to pursue a pilot scheme, voluntary or mandatory.

1.7 That Officers be requested to report to the Policy & Resources Committee on the progress regarding 1.4 to 1.6 above.

Response

This report outlines progress regarding paragraphs 1.4 to 1.6.

Resolutions of the Supported Bus Routes Report:

2.1 That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;

Response

The petition was noted.

2.2 That the Council welcomes moves from Brighton & Hove City Council and Brighton & Hove Bus Company that enable the 21B, 22, 24, 26, 27, 81A, 81, 74 and 96 bus services to continue running;

Response

No further action is required.

2.3 That officers be requested to report to the Policy & Resources Committee at its next meeting confirming the completion of contracts to run the 81, 81A, 21B, 96 and 74 services;

Response

Contracts for all of these services have now been issued.

2.4 That, in addition to 2.2 and 2.3, officers be recommended to seek to identify the necessary funding and continue discussions with the bus companies with a view to running a direct service, with through ticketing, connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee with an Urgency meeting taking place if necessary due to the short timescales;

Response

In order to allow sufficient time for the Contract and route registration formalities to be dealt with and to enable contracts to be operational by September, a contract award notification letter has been sent to Big Lemon in relation to the short route 52. The Contract is likely to be in place by 6th September.

A more detailed response relating to the commercially sensitive data is contained in Part 2 of this agenda.

Discussions with Compass, Brighton & Hove Bus Company and Big Lemon have enabled re-working of timetables for service 52 and 47 to provide a through service via the Marina to the City Centre at no additional cost to the Council or passengers.

Council officers have brokered discussions between Big Lemon, Compass and Brighton & Hove Bus Company to agree acceptance of Saver tickets and through ticketing arrangements on supported buses and commercial services, as well as bigger buses on the 47 and extended services at no additional cost.

All three operators of council-funded bus services (Brighton & Hove, Compass and The Big Lemon) are keen to make things as straightforward as possible for the passenger. Cash fares will be in line with fares charged on the main bus routes. On council-funded services it is a condition that all types of Saver tickets can be issued and accepted – but there is a technical problem with accepting tickets bought on a Key (smart)card.

Brighton & Hove Buses confirm that they will accept Compass and The Big Lemon on-bus issued 'Saver' tickets on their commercial services. This extends to the full range of 'Saver' tickets that B&H would themselves issue on-bus (i.e. it does also include Bus ID Savers).

Brighton & Hove Buses have offered to swap Key cards for conventional printed Saver tickets (at no extra charge) for those residents living on council-funded routes – and they will continue to offer 3 Month and 1 Year versions of the 'paper' ticket to those residents in future. This will ensure that residents on supported routes can still take advantage of cheaper longer period tickets.

Brighton & Hove Buses will place notices on-bus on the council's supported services immediately, advising residents in the areas affected that they can swap their Key cards for paper tickets at One Stop Travel shops (only).

All operators will brief their staff on the full range of tickets that will be valid on their services.

The scheduled connections between service 52 and service 47 at Brighton Marina will be promoted.

Officers propose that the operation of the short service be monitored and the numbers of passengers changing bus services at the Marina ascertained

2.5 That officers be requested to seek to ensure that any new contract approved for the service 52 contains a requirement (if it doesn't already do so and subject to legal and procurement advice) for wheelchair accessible buses to be used on this route and that it is integrated into the 'Real Time' bus information system or a suitable alternative system and to report back to the Policy & Resources Committee on the outcome of the contract negotiations.

Response

For service 52 from Ovingdean & Rottingdean to the Marina, the tender states that "vehicles used to provide the services in this tender are required to meet all of the minimum requirements in The Public Service Vehicles Accessibility Regulations (PSVAR) 2000. If a vehicle is incapable of meeting these minimum specifications, it will not be acceptable for the operator to use it on these services." Council officers will work with the operator to ensure that these conditions are met.

The PSVAR state that a regulated public service vehicle shall be fitted with not less than one wheelchair space. All new buses introduced into service since 1st January 2001 have to be fully accessible.

The Council is currently rolling out a new 'Real Time' information system that will provide a better service and wider coverage for the city and all operators will have access to this as it will be more accessible and have a lower cost of entry. The new system will be live in the New Year. This requirement is covered in the Operators' Code of Practice and is also contained within the contract.

For a temporary period, some services will not show countdown times on the real time screens but it is intended that they are able to be shown with timetable times, until the new system goes live. We are working with operators to ensure a smooth transition to the new system.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

This report is a response to amendments and does not require further community engagement.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the approval of the responses in this report to the amendments proposed at Council on 19 July.

Finance Officer Consulted: Heather Bentley

Date: 24/08/12

Legal Implications:

- 5.2 The legal risks as contained in Part 2 of this agenda.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 29/08/12

Equalities Implications:

- 5.3 The provision of safe, accessible, affordable and reliable public transport provides travel opportunities for all sectors of the community without access to private transport. The contracts specify that, where a whole route is funded, the vehicles used must be wheelchair accessible. Equalities Impact Assessments have been conducted on the supported bus routes to gain knowledge of the profile of bus passengers using the service.

Sustainability implications

- 5.4 The provision of Council supported bus services in areas where there is no commercial bus provision provides a sustainable alternative to car use, with benefits to congestion and air quality. The contracts specify that, where a whole route is to be provided, the vehicles used must meet Euro 3 emissions levels.

The council will continue to promote bus services to increase bus patronage which will result in improved carbon efficiency.

Crime & Disorder Implications:

- 5.5 It is not considered that there are any adverse implications for crime and disorder arising from the recommendations in this report.

Risk and Opportunity Management Implications

- 5.6 It is not considered that there are any risks to the City Council associated with this report. The successful contractor(s) will be paid four-weekly in arrears for services already delivered.

Public Health Implications

- 5.7 It is not considered that there are any Public Health Implications arising from the recommendations in this report.

Corporate / Citywide Implications

- 5.8 The availability of safe, accessible, affordable, reliable and frequent public transport services is key to meeting each of the Brighton and Hove City Council's core objectives. Most of the bus routes covered in this report represent the only routes serving certain communities, and without these routes there would be significant social exclusion.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This report contains responses to amendments which are considered to be alternative options.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To report and consider the resolutions.

SUPPORTING DOCUMENTATION

Appendices:

1. Extract of Resolutions following Full Council 19 July 2012

Documents in Members' Rooms

1. N/A

Background Documents

1. N/A

SPECIAL POLICY & RESOURCES COMMITTEE MEETING

6th September 2012

Appendix 1 to Agenda Item 5

Brighton & Hove City Council

Subject: Subsidised Bus Services – Extract from the Council Meeting held on the 19 July 2012

Date of Meeting: 6 September 2012

Report of: Strategic Director: Resources

Contact Officer: Name: **Mark Wall** Tel: **29-1006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

BRIGHTON & HOVE CITY COUNCIL

**4.30pm 19th July 2012
COUNCIL CHAMBER, HOVE TOWN HALL**

DRAFT MINUTES

Present: Councillors Randall (Chair), Meadows (Deputy Chair), Barnett, Bennett, Bowden, Brown, Buckley, Carden, Cobb, Cox, Davey, Deane, Duncan, Farrow, Fitch, Gilbey, Hamilton, Hawtree, Hyde, Janio, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Lepper, Littman, Mac Cafferty, Marsh, Mears, Mitchell, Morgan, A Norman, K Norman, Peltzer Dunn, Phillips, Pidgeon, Pissaridou, Powell, Robins, Rufus, Shanks, Simson, Smith, Summers, Sykes, C Theobald, G Theobald, Wakefield, Wealls, Wells and West.

PART ONE

7(A). SUBSIDISED BUS SERVICES

- 7.1 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of an e-petition concerning Subsidised Bus Services.
- 7.2 The Mayor invited Ms. Hill to present her petition.
- 7.3 Ms. Hill thanked the Mayor and stated that a total of 1,789 people had signed the combined paper and e-petition which read as follows:

"We the undersigned petition the council to continue the current funding of subsidised bus services in Brighton and Hove.

Bus services exist so that people can get around without the need for a car, and reducing subsidies will make it more difficult to reduce car ownership and usage. The proposed cuts will mostly affect those who cannot afford a car, cannot walk far, or cannot pay for a taxi. We urge the council to find the modest sums required to continue bus subsidies from other projects and avoid this backwards step.”

- 7.4 Ms. Hill stated that she hoped the council would find a way to ensure that the bus services were maintained and that a solution would be found for the No.52 service that served Woodingdean.
- 7.5 The Mayor noted that there were two amendments to the report’s recommendations and stated that he would therefore called on Councillor Robins to move the Labour & Co-operative Group’s amendment followed by Councillor G. Theobald to move the Conservative Group’s amendment.
- 7.6 Councillor Robins moved the Labour & Co-operative amendment which sought to add further recommendations to the report.
- 7.7 Councillor Mitchell formally seconded the amendment.
- 7.8 Councillor G. Theobald moved the Conservative Group amendment which also sought to add further recommendations to the report.
- 7.9 Councillor A. Norman formally seconded the amendment.
- 7.10 Councillor J. Kitcat noted that all parties had voted for the budget in February which had included revisions to the bus services and noted that had the amendment moved at the June Policy & Resources Committee been carried, the £1m saving achieved since then would not have been made. Having set out the council’s position the independent operators had chosen to maintain a number of services on a commercial basis and following the information presented at the last Policy & Resources Committee, it was possible to subsidise a number of the other routes so that they were available. There was a need to look at the school routes and to find a more flexible alternative to simply continuing with the subsidy in view of the falling numbers of pupils.
- 7.11 Councillor Mitchell stated that she believed it was appropriate to lobby for the retention of services and noted that the previous Labour Administration had worked closely with the bus company to improve services and provision such as accessible bus stops and real time bus information.
- 7.12 Councillor Davey stated that he could not support the proposed amendments as elements would require retendering of the contracts and this could not be achieved within the required timescales of the Traffic Commissioner.
- 7.13 Councillor Mears suggested that the current Administration had placed ideological views above the interests of the city. She noted that the owner of the Big Lemon had contacted ward councillors to say that buses would be sourced to meet the requirements of the contract, but she suggested that this should have been done in the first place. She also questioned the process which had resulted in the report to the July P&R Committee which identified an error in the contract award that had resulted in the No.52 service being awarded to the Big Lemon and a saving that was used to subsidise

other services. She hoped that an explanation would be forthcoming on how such an error could have been made.

- 7.14 Councillor G. Theobald stated that he would be seeking further discussions to see if the full route for the No.52 service could be supported as it was the only service that enabled residents of Woodingdean to get in to the centre of the city and to the main hospital. He hoped that the Conservative amendment could be supported as there was a need to ensure that contract requirements for low-floor buses and through-ticketing could be met by the provider.
- 7.15 Councillor West referred to the One-Planet Living project and noted that the council and the city needed to reduce their carbon footprint and water-usage and that the funding allocated for the project would enable savings to be generated and then used to support other services such as the bus routes. The decision to adhere to the procurement process had been vindicated as a saving had been achieved and services maintained.
- 7.16 Councillor Brown stated that the retention of the No.81 service had been welcomed by residents of Hove Park Ward as they would have been left with no service at all.
- 7.17 Councillor Simson referred to the No.52 service and queried whether in reviewing the contract the number of students from the Language School using the service had been taken into account, as this was on the increase, but was likely to go down if the restricted route was the only one available. She also noted that it would cost bus users more as they would have to purchase a second ticket once their journey ended at the Marina and therefore it was likely to discourage more people from using the service. She believed that there was a clear need for a full No.52 service that covered Woodingdean and Ovingdean and did not require having to change at the Marina.
- 7.18 Councillor Peltzer Dunn queried why there had been a need to discover an error in the award of the contracts to provide a solution to the situation that had been created and why so many people had been put through a period of worry only to find that there had been no need to do so.
- 7.19 Councillor Smith stated that he believed residents of Woodingdean, Ovingdean and Rottingdean had been treated as second class and denied equal accessibility to a service that enabled them to get to the centre of town or to the hospital. He did not believe that many would be willing to change at the Marina and therefore it was likely that more people would enter by car and thereby increase numbers in the city.
- 7.20 Councillor Jarrett stated that the budget proposals had been voted on by all Groups and it was normal practice for a successful contractor to have the necessary equipment in place at the time the contract came into operation and not before.
- 7.21 Councillor Kitcat stated that he was pleased to see that two new operators would be providing services within the city and that they would meet the contract requirements in regard to their fleet. He believed that the procurement process had shown that a number of routes could be maintained on a commercial basis and this would not have been the case had the decision in June been to retain all the subsidies as they were.
- 7.22 The Mayor noted the comments and thanked Ms. Hill for attending the meeting and presenting the petition. He then put the Labour & Co-operative amendment to the

report's recommendations to the vote which was carried. He then put the Conservative amendment to the report's recommendations to the vote which were carried.

7.23 The Mayor then put the recommendations as amended to the vote which was carried.

7.24 **RESOLVED:**

- (1) That in view of the decision taken at the Policy & Resources Committee meeting on the 14th June, 2012 the petition be noted;
- (2) That the Council welcomes moves from Brighton & Hove City Council and Brighton & Hove Bus Company that enable the 21B, 22, 24, 26, 27, 81A, 81, 74 and 96 bus services to continue running be welcomed;
- (3) That officers be requested to report to the Policy & Resources Committee at its next meeting confirming the completion of contracts to run the 81, 81A, 21B, 96 and 74 services;
- (4) That, in addition to (2) and (3) above, officers be recommended to seek to identify the necessary funding and continue discussions with the bus companies with a view to running a direct service, with through ticketing, connecting Woodingdean and Ovingdean to the city centre and to report back to the Policy & Resources Committee with an Urgency meeting taking place if necessary due to the short timescales;
- (5) That officers be requested to seek to ensure that any new contract approved for the service 52 contains a requirement (if it doesn't already do so and subject to legal and procurement advice) for wheelchair accessible buses to be used on this route and that it is integrated into the 'Real Time' bus information system or a suitable alternative system and to report back to the Policy & Resources Committee on the outcome of the contract negotiations.

7.25 The Mayor then moved that the reports listed at Item 21 in the agenda and 21(A) in the addendum should be noted.

7.26 **RESOLVED:**

- (1) That the report (Item 21) be noted.
- (2) That the report (Item 21(a)) be noted.

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