

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 9 MAY 2013

COUNCIL CHAMBER, BRIGHTON TOWN HALL

AGENDA



Brighton & Hove
City Council

Council Meeting

Title:	Council
Date:	9 May 2013
Time:	4.30pm
Venue	Council Chamber, Brighton Town Hall
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Rabbi Dr Andrea Zanardo
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.

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- 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

113. 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.

114. MINUTES

1 - 34

To approve as a correct record the minutes of the last Council meeting held on the 28th March 2013 (copy attached).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

115. MAYOR'S COMMUNICATIONS.

116. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented by Members and/or members of the public to the Mayor at the meeting.

117. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 2 May 2013 will be circulated separately as part of an addendum at the meeting.

118. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 2 May 2013 will be circulated separately as part of an addendum at the meeting.

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119. WRITTEN QUESTIONS FROM COUNCILLORS.

35 - 36

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
Ward Affected: All Wards

Tel: 29-1006

120. ORAL QUESTIONS FROM COUNCILLORS

37 - 38

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
Ward Affected: All Wards

Tel: 29-1006

121. REPORTS OF COMMITTEES.

- (a) Call over (items 122 - 125) 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.

122. RESPONSE TO TRANS SCRUTINY PANEL RECOMMENDATIONS

39 - 134

Extract from the proceedings of the Policy & Resources Committee meeting held on the 2nd May 2013 (to be circulated), together with a report of the Assistant Chief Executive (copy attached).

Contact Officer: Emma McDermott
Ward Affected: All Wards

Tel: 29-6805

6.30 - 7.15PM 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.

123. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2013/2014

135 - 162

Extract from the proceedings of the Environment & Sustainability Committee meeting held on the 27th March 2013, together with a report of the Strategic Director; Resources (copies attached).

Contact Officer: Nick Wilmot
Ward Affected: All Wards

Tel: 29-2157

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124. CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS & CODE OF CONDUCT FOR EMPLOYEES 163 - 198

Report of the Head of Law & Monitoring Officer (copy attached).

Contact Officer: Oliver Dixon

Tel: 29-1512

Ward Affected: All Wards

125. AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS 199 - 216

Report of the Head of Law & Monitoring Officer (copy attached).

Contact Officer: Abraham Ghebre-Ghiorghis

Tel: 29-1500

Ward Affected: All Wards

126. NOTICES OF MOTION. 217 - 228

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

- (a) **Blacklisting of Construction Workers.** Proposed by Councillor Morgan.
- (b) **Protests in Brighton and Hove.** Proposed by Councillor G. Theobald.
- (c) **Public Service Delivery and Staff Led Mutuals.** Proposed by Councillor Wealls.
- (d) **Independent Commission on Whole Person Care.** Proposed by Councillor Mitchell.
- (e) **Government 'Land Transfer Scheme'.** Proposed by Councillor Buckley.
- (f) **Brighton and Hove – A One Planet City.** Proposed by Councillor Littman.

127. CLOSE OF MEETING

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

Note:

1. *The Mayor will put the motion to the vote and if it is carried will then:-*
 - (a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*

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- (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

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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 - Tuesday, 30 April 2013



Penelope Thompson
Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 28 MARCH 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Randall (Chair), Meadows (Deputy Chair), Barnett, Bennett, Bowden, Brown, Buckley, Carden, Cobb, Cox, 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, West and Wilson.

PART ONE**95. DECLARATIONS OF INTEREST**

- 95.1 Councillors G. Theobald, A. Norman, K. Norman, Hyde, Smith, Carden and Hamilton declared a personal but non prejudicial interest in Item 111(f), Notice of Motion concerning a National Evacuees Memorial as they were all members of the Royal British Legion.
- 95.2 Councillors Mitchell and Jones declared a personal and prejudicial interest in Item 111(d), Notice of Motion concerning Hospital Food as they were employed by the National Health Service and would therefore leave chamber when the item was considered.
- 95.3 Councillors Rufus and Buckley declared a personal but non prejudicial interest in Item 108, a report on the Admissions Arrangements for Brighton and Hove Schools 2014/15 as they had children at school.
- 95.4 No other declarations of interests in matters appearing on the agenda were made.

96. MINUTES

- 96.1 The minutes of the last ordinary meeting held on the 31st January 2013 were approved and signed by the Mayor as a correct record of the proceedings subject to the inclusion of a noted at the end of paragraph 80.72 on page 24 to show that the Conservative Group abstained from voting on the City Plan; and

- 96.2 The minutes of the Budget Council meeting held on the 28th February 2013 were approved and signed by the Mayor as a correct record of the proceedings subject to the inclusion of a note at the end of paragraph 90.25 on page 43 to show that the Conservative Group voted against the 2013/14 General Fund revenue Budget.
- 96.3 Councillor G. Theobald raised a point of order and sought clarification from the Monitoring Officer in regard to the two Notices of Motion appearing on the agenda, Items 111 (a) and (b) which referred to 'Bedroom Tax,' and queried whether they should be accepted as they referred to a non-existent tax and having regard to a recent briefing from the Section 151 Officer on the welfare reforms, he questioned whether the second notice of motion from the Green Group was contrary to the advice of the Section 151 Officer. He also noted that the Conservative Group had been advised that their proposed amendment to the notice of motion on free school meals, Item 111(c) should be changed so as not to be deemed political and to take out the reference to 'Labour'.
- 96.4 The Monitoring Officer stated that both notices of motions had been accepted and that the Green Group's motion merely requested the relevant committee to give consideration to the matter and therefore was not substantive in nature. The question of the use of political party references had been previously raised with the Whips and agreed that such references should only be made where they were necessary for the point in question, otherwise they should not be included. In regard to the Conservative Group's amendment the advice given was that the reference to 'Labour' should be removed as the term 'Previous Government' was sufficient. He noted that the Housing Act 1986 Section 2 made reference to not engaging in aspects of a party political nature and that this had to be balanced with the Human Rights Act Article 10, where views around the well-being of residents and the city could be expressed within the chamber. He hoped to be able to discuss the matter and composition of notices of motions with the Whips in the future so that agreement could be reached on the nature of such motions. However, as things stood both motions were acceptable under the council's constitution.
- 96.5 The Mayor noted the comments and thanked the Monitoring Officer.

97. MAYOR'S COMMUNICATIONS.

- 97.1 The Mayor I stated that he was sure that all Members would join him in offering the council's condolences to Councillor Carden on the recent loss of his wife Merle, who had been a wonderful Mayoress during Councillor Carden's time as Mayor; and it is with this in mind that he wished to ask councillors to stand to hold a minute's silence in memory of Merle."

A minute's silence was then held.

- 97.2 The Mayor stated that he was pleased to announce that Brighton & Hove City Council had achieved the gold standard after signing up to a WWF pledge to ensure all the wood and timber products purchased were from legally felled timber within well managed forests. The Council received top marks when it signed up to the gold pledge for wood procurement as part of the WWF 'What Wood You Choose?' campaign in

January 2012. The council was only the second authority in the United Kingdom to have been awarded the WWF UK gold pledge certificate, and he invited Catherine Vaughan, Director of Finance and Councillor Littman, Deputy Chair of Policy & Finance Committee to come forward to receive the award.

- 97.3 The Mayor informed the council that he had recently received a party from the British Red Cross who had held their annual assembly at the Brighton Centre, and he was pleased to say that the feedback from them on how well staff and the centre had accommodated the conference had been excellent and so much so that they had booked to return for the next two years.
- 97.4 The Mayor noted that he had been invited to speak at a conference in Finland on Future Cities and that the Dome Foyer was now being used for a number of events. He also noted that the Mayor of Dieppe was due to attend the Children's Parade and walk in the parade as part of the opening on the Brighton Festival.

98. TO RECEIVE PETITIONS AND E-PETITIONS.

- 98.1 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.
- 98.2 Councillor Barnett presented a petition signed by 315 residents, concerning their objection to a planning application for the change of use of a shop in Hangleton.

99. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 99.1 The Mayor reported that five written questions had been received from members of the public and invited Ms. Ferguson to come forward and address the council.
- 99.2 Ms. Ferguson thanked the Mayor and asked the following question; "We appreciate that the Transport Committee has a mandate to ensure traffic moves in a safe manner at 7 Dials and that a public consultation exercise was undertaken in relation to the new proposals. However, the tree campaign highlights other aspects of life in the city, such as the need to maintain the character of the area, health and well-being, and sustainability of the environment.

Given the strength of feeling to retain the Elm Tree, will the council agree to a multi-disciplinary approach to review the proposed plan, consult further with residents and secure an alternative plan that will save the Elm Tree and achieve improved traffic control?"

- 99.3 Councillor J. Kitcat, Leader of the Council replied; "The Council's cross party Transport Committee unanimously agreed the plans on the 15th January 2013 to make the Seven Dials Roundabout safer for everyone including motorists, pedestrians and cyclists. This followed the extensive public consultation exercise where the majority of those who responded indicated they were in favour of the proposals. The detailed plans included the intentions to remove the tree on the corner of Vernon Terrace and to do that would provide a wider pavement area for disabled users. The Council also

proposed to plant ten new mature trees in the area and this was supported by all parties on the Council as well as the Council's arboriculturalist and that was mentioned at the committee meeting where the decision was taken.

However I recognise, very much, that since the Committee decision was taken and the work was about to begin, there was a very clear local and community concern about the future of the tree therefore the officers implementing the Committee's decision have suspended any works that could affect the tree until a conclusion could be come to and later on, on the agenda in this meeting we will be discussing a petition from the campaign and I will be proposing an amendment to the recommendation so we'll seek to bring it back to the Transport Committee where I'm hopeful a compromise position could be found that could save the tree whilst retaining the safety improvements."

- 99.4 Ms. Ferguson asked the following supplementary question; "One of the problems with the Seven Dials process was that the main Transport Committee report did not mention that a tree was meant to be felled. The news was buried in an appendix and nowhere in the report was it stated that the tree was an Elm.

Will the Council ensure that all future reports to the Transport Committee and its successor should specifically state if a tree is to be felled or substantially cut back? And if the tree is an Elm or other noteworthy species; the report should adequately describe the species."

- 99.5 Councillor Kitcat replied; "The report including its appendices did very specifically point out that the tree was going to be felled and it indicated that on the diagram and further more that was projected on to a large screen and verbally referred to by officers at the committee. I accept it didn't specify the species of the tree but it did clearly indicate that in writing and in all the other forms of presentation that a tree was to be felled and I believe that the committee made a fair and correct decision at that time. There are over 17,000 trees on the City Council's highways alone, that's beyond the trees that we have in our parks and gardens, so there are a very significant number of trees and I think officers always have to take a balance on how they present things to make it as appreciable and understandable for everyone involved but I think in this case the report was very clear about the future of the tree should a decision be taken. However we fully understand the concerns of the community which is why we are going to be recommending it goes back to the Transport Committee and I hope that recommendation will get support from the Council later on."

- 99.6 The Mayor thanked Ms. Ferguson her questions and invited Mr. Furness to come forward and address the council.

- 99.7 Mr. Furness thanked the Mayor and asked the following question, "Regarding the proposed felling of the elm tree at the Seven Dials, could you please tell us, Councillor West, whether;

- 1) The Arboriculture Department under the watchful eye of Di Morgan were consulted; and
- 2) Whether this department had made you aware that the elm in question is a Wheatley Elm – the rarest form of elm in the world?"

- 99.8 Councillor West, Chair of the Environmental & Sustainability Committee replied; “For the first part my answer is that the arboriculture department was consulted on the proposal to remove the elm tree at Seven Dials and were asked to provide up to ten new trees in the immediate vicinity of Seven Dials. They agreed providing ten trees in place of the single elm tree would result in a significant improvement to the area. On the second point, I have been made aware that an arboriculturalist has confirmed that this is indeed a Wheatley Elm.”
- 99.9 Mr. Furness asked the following supplementary question, “It may surprise you to know that I fully back you on this Council’s bid to declare or to have declared a biosphere zone in the Greater Brighton area but I fail to see how the way that the Council is managing the environment, I fail to see how this gives us any grounds whatsoever. The Arboriculture Department, you say they were consulted; I would like to know if the Arboriculture Department are being allowed to do their job properly? Because I’m getting, calls from people over this city that trees are disappearing at a remarkable rate on a daily basis. It’s like a slash and burn policy and now I see that Friends of the Earth are saying that the elm tree should come down; with friends like that the Earth doesn’t need many enemies.”
- 99.10 Councillor West replied, “With regard to the biosphere I thank you for pointing that out and for your clear support for that initiative. There are different aspects of the Biosphere bid. Two key parts of it really are the social economic benefits of a Biosphere and the relationship of people and nature and we will have to look at many different aspects of life within the city and it is important as with the work we’re doing at Seven Dials, to improve the conditions for people to be able to get about properly and that is the entire purpose of that initiative and I think the work fits very well with the concept of the Biosphere because it’s promoting sustainable transport and meeting in the wider principles of what a Biosphere is.

With regard to trees disappearing around the city, we do actually have an awful lot of trees that become casualties every year, street trees have a very hard life and that they have to be cut down if they become diseased otherwise they will infect the rest of the population. It is obviously sad when they are lost but that is necessary to do. We have to keep the tree population healthy.

I’ve got a few interesting statistics, the Leader of the Council mentioned the number of street trees we have which is considerable. I understand in the case of Elms there are actually 19,000 elm trees within the city of which 1400 are Wheatley elms like the one at Seven Dials. So it isn’t a lone-survivalist tree but I think we do need to get things in to perspective and the wider benefits of the scheme and in particular the intentions around that tree were well taken by the Transport Committee and we had to weigh up the benefits to the public, in particular, people with mobility disabilities and the sight impaired, but I understand that there is a petition debate today and we are going to be offering a recommendation to take another report to the Transport Committee to consider any potential options there are to save that particular tree.”

- 99.11 The Mayor thanked Mr. Furness for his questions and invited Ms. Paynter to come forward and address the council.

- 99.12 Ms. Paynter thanked the Mayor and asked the following question, “How many street trees has Brighton & Hove City Council planted in Brighton, Hove and Portslade in each of the financial years since the Green Party took over the Administration of the city and have any of them been Wheatley Elms?”
- 99.13 Councillor West, Chair of the Environment & Sustainability Committee replied, “Tree planting is carried out between December and March of each year and a number of street trees have been planted in the two financial years since the Green Party took over administration. So between December 2011 and March 2012, 346 street trees were planted and in 2012/2013 the number is 213 trees planted. These are the figures for street trees however we have planted a considerable number of trees within parks and public open spaces. During this period we have planted 4 Wheatley Elms in Preston Park but Council no longer plants Wheatley Elms as street trees due to the long term problems caused by roots to the infrastructure of the highway.”
- 99.14 Ms. Paynter asked the following supplementary question, “You’ve given me an extremely small number of tree plantings for the time you’ve been here. Victorians and Edwardians planted a staggering number of street trees and park trees in a much smaller space than the city occupies at present. It’s a wonderful legacy, they got the ball rolling. This is an area in Hove where there were virtually no trees to begin with, according to Judy Middleton in the trees of Hove article on her ‘Hove, Portslade and Brighton in the past’ website there are today more elm trees in Brighton and Hove than in the rest of Britain altogether. That’s quite a legacy and that was all done in the past before there was any such thing as a Green Party or an environmental movement per say. I do wonder how tree conscious the Green Party are having morphed from environmental activism towards the embrace of quite pc hard left politics. I’m wondering if the Green Party has any intention whatsoever of putting together a tree policy which involves preservation of mature trees?”
- 99.15 Councillor West replied, “I would certainly need to check what exactly the existing tree policy is, I’m sure we have one, we have policies on just about everything in this Council. I don’t agree with you that we are not planting many trees; I did read out the numbers that we are planting. I think 2000 got planted in Stanmer Park in the last couple of years as well. We are certainly committed in that way and I think I can probably better respond to you after I have asked officers about specific policies. I would just like to re-iterate that the matter of this particular elm was dealt with by the cross party Transport Committee who considered, very well, and openly and were fully aware of the matter of the tree and the decision was made.”
- 99.16 The Mayor thanked Ms. Paynter for her questions and invited Mr. Kemble to come forward and address the council.
- 99.17 Mr. Kemble thanked the Mayor and asked the following question, “At a meeting of the Transport Committee on 15th January 2013 a number of representatives from the Taxi Forum were in the public audience. During the debate on the 20mph speed limit across the City, Councillor Davey publicly stated that the taxi trade had been consulted. However there is no mention of this in the minutes of the meeting. Would Councillor Davey now publicly state what consultation was carried out?”

- 99.18 Councillor West as Chair of Environment & Sustainability Committee replied on behalf of Councillor Davey who was absent from the meeting, "I appreciate that the Taxi trade are currently seeking an injunction on 20mph. The report that went to the Transport Committee that agreed the 20mph scheme does set out in detail the consultations that took place. In particular of the case of the taxi trade, the concept of the 20mph scheme was set out in paragraph 3.5 of the report and that mentions the fact that there were discussions in 2010 at the Taxi Forum and there were also discussions at the Transport Partnership which the Taxi Forum are members of. Then specifically talking about the first phase of the 20mph scheme, meetings were held between officers and representatives of the Taxi trade to discuss the detailed proposals of phase 1 area on the 26th November, the 10th December and the 9th January. I think that it could be said that Taxi Trade was very aware of the proposals and there was certainly a great deal of contact and consultation with them."
- 99.19 Mr. Kemble asked the following supplementary question, "In the Taxi Trade Forum minutes of the 6th December when the 20mph limit was discussed, a response by a Council Officer, who I will not name, to the issue of lack of consultation within the trade is recorded as saying, "I realise that this had been an oversight and apologise to the Taxi profession not being properly consulted." Perhaps you would like to explain that Councillor West?"
- 99.20 Councillor West replied, "I'm not in the position to comment on that, I'm sure that Councillor Davey would be in a better position than I. I will respond in writing."
- 99.21 The Mayor thanked Mr Kemble for his questions and invited Ms. Shepherd to come forward and address the council.
- 99.22 Ms. Shepherd thanked the Mayor and asked the following question, "As residents of Roedean we overlook the Marina and most of us visit regularly for shopping, eating, sailing and to enjoy the marina environment. In the light of the many points raised by expert witness, Professor John Watts one of the architects involved in the construction of the Marina, we are concerned as to the future safety for residents and visitors alike if the planned development should proceed. In particular we ask where the RNLI station will be relocated and when bearing in mind this provides a vital service not only to this Marina but other communities along the coast."
- 99.23 Councillor Bowden replied, "The planning permission granted in 2006 relocated the lifeboat station or the boathouse on the West Quay, neither of the current undetermined applications for minor material and non material amendments to the 2006 approval change the location of these facilities to ensure the retention of this important facility, the Section 106 legal agreement relating to the 2006 planning approval ensures that a temporary RNLI lifeboat station will be provided before a new one is built so that there is no break in service during the development. The Council will seek similar requirements should the current application be approved."
- 99.24 Ms. Shepherd asked the following supplementary question, "Bearing in mind that Brighton and Hove City Council's City Plan aims, and I quote, 'to protect and enhance areas of Marine character and the role for Marine related leisure, recreation and employment opportunities and secondly to balance uses with an emphasis towards

boating, surfing, leisure and recreation. How does the Council justify the loss of 80 berths in Brighton Marina which is part of the current development plan?"

99.25 Councillor Bowden replied, "The City Plan also sets out a housing need, so there is also another balance to take into account and I'm sure when this application re-emerges, if it does, then this City Plan will be take in to account what it says about housing as well as other leisure activities so watch this space."

99.26 The Mayor thanked Ms. Shepherd for her questions and noted that this had concluded the item.

100. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

100.1 The Mayor reported that one deputation had been received from members of the public and invited Professor Watts as the spokesperson for the deputation to come forward and address the council.

100.2 Professor Watts thanked the Mayor and stated that:

"This deputation is brought by the below named Societies and Associations on behalf of their members and by individuals in the public interest of all residents of Brighton who are concerned for the preservation and protection of the amenity provided by the Brighton Marina. The deputation is consequent upon amendments to planning permission BH2006/01124 sought by a current S73 planning application BH2012/04048.

The Brighton and Hove City Council are the superior landlord and the freeholder of Brighton Marina and as such have Corporate Responsibility under the Brighton Marina Act 1968 Part V Section 58 (2) (b) for ensuring the safety of residents and users of Brighton Marina. This is separate to the granting of Planning Permission.

1. Reference the entrance to the harbour and alterations to the Spending Beach. The Marina was designed as a safe harbour for all boats and sailors of professional and amateur ability. The Spending Beach is made up of two parts – the shingle and the armouring. The armouring at Brighton Marina is the 'akmons' – the strange shaped concrete blocks. This absorbs the energy of the waves and prevents the waves from reflecting back on each other and increasing their energy. The applicant in the 2006 planning application introduced 'wave chambers' to absorb the energy and removed the armouring and said this was the best solution. The Council approved the application. Now the same applicant is proposing to remove the wave chambers and introduce over 300 piles into the Spending Beach necessitating the removal of all of the armouring. The applicant now says this is the best solution but in truth does not know which is the best solution because there is insufficient evidence that a model has been tested in a marine laboratory with wave machine. In order to push the application through the planning process it appears the applicant is willing to put the lives of yachtsmen and other sailors at risk. Before the Marina was built (1971-1979) a model was tested for three and a half years in the largest marine laboratory in Europe under all climatic conditions and the result has stood the test of time. Past experience indicates that driving a huge number of piles into the Spending Beach will fracture the original sea bed under the Spending Beach and could in a worst case scenario

destabilise the Western breakwater.

2. The applicant seeks to put an underwater car park in the tidal harbour. It is a huge structure, three storeys high and the area of two football fields. It will displace an estimated 53,000 cubic metres of water and take up 12% of the Outer Harbour. It is proposed to drive sheet steel piles into the sea floor to form a coffer dam and to pump out water in order to construct the car park structure. This will fracture the chalk sea bed and could destabilise the wall that keeps the tidal water from the reclaimed land. It could be termed an underwater hazard under Section 24 of the Brighton Marina Act. The structure will reduce the efficiency of sluice gates that serve to change the water in the Inner Harbour and the anaerobic conditions in the inner harbour could become an environmental concern. Access for emergency services to the car park appears not to comply with Section 35 of the East Sussex Act 1981.

3. The main drainage in the Marina is mainly gravity with three pumping chambers. The original design was for 850 dwellings, a hotel and retail etc. The standby capacity was 3.5 days. According to Southern Water the original pipes are now 40 years old and have been 'sleeved' twice reducing the size from 300mm to 200mm. Southern Water estimate the standby capacity is now 3.5 hours. Adding 192 dwellings to this is an environmental concern.

4. The micro-climate at the base of the proposed F1/F2 towers will be unacceptable. The applicant admitted in 2006 that pedestrians would not be able to stand around. The 'venturi' effect between the blocks in a westerly gale could be dangerous and pedestrians caught by wind could be injured. It appears that this has never been tested using criteria taken from the 'as built' Marina. Wind data is from Shoreham Airport.

The undersigned request that Brighton and Hove Council exercise their powers under the Brighton Marina Act 1968 Part V Section 58 (2) (b). We seek the Council's reassurance that all points raised will be rigorously tested by independent experts before any further development is considered."

100.3 Councillor Bowden replied,

"I understand that the purpose of the deputation is to bring to the Council's attention, non planning statutory provisions under the Brighton Marina act 1968 and the Marina and Coastal Access Act 2009. Consistent with previous practice, I would not expect the Company to submit plans to the Council under the 1968 Act unless and until such time that planning permission has been obtained. In other words if planning permission is granted that is entirely without prejudice to the separate requirements of the 1968 Act.

The Marine Management Organisation does not have any planning jurisdiction at the Marina but any additional requirements under the 2009 Act to have a license from the Marine Management Organisation will be dealt with by that body."

100.4 The Mayor thanked Professor Watts 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 Economic Development & Culture 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.

101. PETITIONS FOR COUNCIL DEBATE

- 101.1 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. He had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 101.2 The Mayor also noted that there was an amendment from the Green Group to the recommendation contained in the covering report on the petition, which Councillor Jason Kitcat would move during his response to the petition.
- 101.3 The Mayor then called on Ms. Ferguson to present the petition concerning the Elm Tree at Seven Dials.
- 101.4 Ms. Ferguson thanked the Mayor and stated that the petition sought to secure the future of the Elm Tree at Seven Dials and called on the Council to review the options in relation to the proposed scheme at Seven Dials so that the tree could remain rather than being destroyed. The petition had been signed by 4,318 people and it was only because of the vigorous campaign to save the tree that it has not been felled on the 7th March. She hoped that the council would reconsider and listen to the views of the local residents and find a way to save the tree. The petition stated, "There is an ancient tree at 7 Dials at the corner of Vernon Terrace. There is a plan to cut the tree. Why? The planners say that they want to replace the traffic lights in Vernon Terrace by a zebra crossing. If that happens then according to them, the elm tree which has been there for more than 100 years may obstruct visibility when people are waiting at the kerb for traffic to stop. The planners have decided to chop down the tree to open visibility. This action was not part of the consultation process for 7 Dials and therefore was not considered by residents who in any case find both zebra crossings and the removal of the tree unacceptable. It is better for the survival of this tree (and many users of the crossing at Vernon Terrace) to keep the traffic lights in Vernon terrace and scrap the zebra crossing."
- 101.5 Councillor J. Kitcat thanked Ms. Ferguson for presenting the petition and stated that he was pleased to report that the tree was in good health having recently been checked for any sign of disease. He hoped that a positive way forward could be found and moved an amendment to the report to add a further recommendation requesting officers to bring a report to the transport Committee on the 30th April outlining options for the proposed traffic calming scheme and the possible retention of the tree. He also noted that the Seven Dials area was the second most dangerous junction in the city and hence the consultation process on the scheme and the previous report to the committee in January.
- 101.6 Councillor Buckley formally seconded the amendment and stated that she was pleased to do so and hoped that a way to retain the tree within the scheme could be found. She noted that two other elm trees had been previously lost and therefore felt

that there was a need to look at saving the current one. She also noted that the last report to the Transport Committee in January had been approved unanimously and had included the felling of the tree; however she noted the public concern and hoped that a revised scheme could be identified.

- 101.7 Councillor Mitchell stated that she wished to pay tribute to the campaign to save the tree and she fully supported the amendment moved by Councillor Kitcat. There was a need for road improvements in the area but she hoped that changes could be made to save the tree within the scheme. She also noted that the previous report had made it clear that the tree had been designated to be felled and felt that officers had been unfairly treated. However she was now hopeful that a way forward could be found.
- 101.8 Councillor Cox stated that he also wished to pay tribute to the campaign and welcomed the comments of the Leader of the Council. The report had been clear on the proposed loss of the tree as part of the improvement scheme and there had been representations from the Federation for the Disabled on the dangers of the tree, and the need for it to be felled had been made clear at the public meeting on the scheme. He supported the proposed amendment and hoped that an alternative solution could be found.
- 101.9 Councillor Phillips stated that as a member of the Transport Committee she had received representations on aspects of the proposed scheme but not about the felling of the tree. However, she recognised that there was a large amount of support for the tree and that this should be taken into account and welcomed the opportunity to give the matter further consideration.
- 101.10 Councillor Mitchell noted that the consultation process reported to the Transport Committee in January had not been approved by the committee in the first instance.
- 101.11 Councillor Hawtree stated that he had recently spent some time at the request of the Federation for the Disabled going around the Seven Dials area blindfolded and with a guide dog, for which he had tremendous regard. It had been an illuminating experience and one which highlighted the dangers faced by disabled people in the area, albeit that he passed the tree unscathed.
- 101.12 Councillor C. Theobald stated that the elm tree had been saved in past from proposals to fell it and she believed that it should remain in situ. She noted that the improvement scheme did include additional planting of trees but did not think that it should be as a replacement to the felling of the elm tree.
- 101.13 Councillor Peltzer Dunn noted the concerns raised by the Federation for Disabled in regard to the dangers in and around the Seven Dials area and felt that these and the concerns over the tree should have been accounted for before the improvement scheme was agreed. He also noted that the city held the national elm collection and stated that this needed to be protected and therefore an alternative scheme should be considered.
- 101.14 Councillor Mears stated that it appeared from the level of support for the tree that the consultation process had not made it clear that the tree would be lost and welcomed the opportunity for further consideration by the committee in April.

101.15 The Mayor noted that Councillor Kitcat was happy to move to the vote and that an amendment had been moved. He therefore put the recommendations as amended to the vote which was carried.

101.16 **RESOLVED:**

- (1) That the petition be referred to the Transport Committee for consideration; and
- (2) That officers be requested to prepare a report for the 30th April Transport Committee, detailing alternative options for Vernon Terrace and Seven Dials that could retain the tree.

102. WRITTEN QUESTIONS FROM COUNCILLORS.

102.1 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 Morgan

102.2 “Will the city council install a marked no parking bay outside of Walter May House, a sheltered housing block on Whitehawk Road, to allow occupants with disabilities and wheelchair users to board minibuses and taxis safely? Since the introduction of controlled parking in the area the road outside has become congested with parked vehicles, meaning residents and day care staff have had to board transport in the road as traffic passes.”

Reply from Councillor Davey, Chair of the Transport Committee.

102.3 “I have asked officers to investigate this location and they did confirm that whilst there are no restrictions in place in this area, this does mean that vehicles for Walter May House residents can park here as well when parking is available. I appreciate that at certain times there may not be any free spaces making loading more difficult for residents and staff.

Currently, Traffic Officers are fully engaged on a full and extensive work programme and whilst the funding for minor traffic schemes such as this was withdrawn by Budget Council, I will discuss proposals with the Head of Transport to see how we can address these small projects in the future.”

(b) Councillor K. Norman

102.4 “How many expressions of interest have been received for the purchase of the mayoral number plate CD1 since it was put on the market last year?”

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

102.5 “There has been one formal expression of interest.”

(c) Councillor Janio

- 102.6 Concerns have been raised with me by residents about the rigid implementation by the Council of the policy of reducing the size of all allotments that become free from 10 rods to 5 rods. Will Cllr. West please look into this issue as part of the review of the Allotment Strategy in the coming months and consult with all interested parties to see if a more flexible approach might be possible?

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

- 102.7 “Thank you for your question. As you know allotments are very popular in the city and we simply do not have enough plots for everyone on the waiting list – that is around 2,000 people. Some people have been waiting for a plot since 2003. We are looking for additional land but there is no way we will be able to find and afford to provide plots for everyone. That is why, several years ago, the size of the plots were reduced to a size which still allows sufficient amount of cultivation for families and is more manageable. As you point out, we are working with the Allotment Federation and we are agreed that we must get more people growing. We will be exploring how we do that within our current budgets and we are more than happy to review all policies and look at the issues of plot size as part of that review.”

103. ORAL QUESTIONS FROM COUNCILLORS

- 103.1 The Mayor noted that notification of 8 oral questions had been received and that 30 minutes was set aside for the duration of the item. He then invited Councillor A. Norman to put her question to Councillor Shanks.

Music Service – Councillor A. Norman

- 103.2 Councillor Norman asked the following question, “An additional £50,000 for the Music Service was agreed at Budget Council, can you please confirm that this money will be available for music service provision in 2013/2014?”
- 103.3 Councillor Shanks replied, “I can confirm that and we’ve been in discussion with the excellent Head of Music. At the moment we have a subsidy of 80% for children who want free school meals, so we’re proposing to make that 100% subsidy which has been raised before in Children’s Committee so that all children who have free school meals will have free music lessons and we would also move to a 50% subsidy for those people are presently on 80% subsidy who are on other forms of benefit. We will then be able to allow an extra 70 children to take up lessons using that money. I think that’s a good use of those funds and I hope that we’ll have cross party support for that.”
- 103.4 Councillor Norman asked the following supplementary question, “I would like confirmation please that this additional money will be available for the Music Service to use in the way that the service thinks most appropriate. It should be for the Music Service to decide how it’s spent and I hope very much from Councillor Shanks’ initial answer that that is the case but could you please confirm that the Music Service will be

able to use this money to enhance music and study support provision in the City as that service thinks best?"

- 103.5 Councillor Shanks replied, "This was the reply that we had from the Music Service of how they thought this was best to use this. Of course one of the aims is to improve access to music for young people who can't afford it. That's how they feel they can best use this and obviously we will support that because that's one of the aims of the service and to have a national local subsidy to include that access."

Lewes Road

- 103.6 Councillor Marsh asked the following question, "It's on behalf of the beleaguered residents of Coombe Road Councillor West who are very fed up with the difficulties of accessing the Lewes Road from the Coombe Road but more especially about their road being used as a rat run which actually has happened before this latest set of traffic controls and they've come up with a couple of ideas and I would be very interested for Councillor Davey to consider these two ideas.

The first idea that they would like you to consider please, is that the Coombe Road area becomes an access-only area and that we have some signage put up which will discourage anyone except residents and those having genuine access to the area from using the area. So for example, Meadowview residents would come along Bevendean Road and then down Bear Road and people coming along Lewes Road would not be encouraged to zip off into Coombe Road and cause lots of queues and traffic mayhem. So that would be a nice consideration for us.

The second they've come up with which could be an addition or it could be a substitution is that there is a left turn permitted onto Bear Road from the Lewes Road which currently there isn't. Residents feel that perhaps because there isn't that's why people are zipping up Coombe Road and using it as a rat run and cutting off that corner, whereas if non-local traffic were actually able to access Bear Road from the Lewes Road and go up there, then this would actually make and enhance the area of Coombe Road very much and I would like some consideration given to that if you please."

- 103.7 Councillor West replied on behalf of Councillor Davey who was absent, "The question of access into Coombe Road, I understand at the moment the work on the Lewes is the junction at the bottom of Coombe Road and the way that that works with Saunders Park Avenue as well; obviously that is on temporary traffic lights and one would expect there to be a certain level of disruption. However I believe that is quite limited and officers, in response to your request, have been to have a look at the situation of people coming out of Coombe Road and they have increased the amount of green times to improve how many vehicles can move and I think that that should hopefully help people. It is going to be another 3 or 4 weeks before that work is completed. There was a problem with some utilities under the pavement which have extended the time of the works so you'll need to bear with us on that.

The issue on how to address rat running in that area and making it access only; well it is actually on a bus route and there would be knock on effect if we actually made Coombe Road just access-only. That would impact on Bear Road, Vogue Gyatory

and more widely perhaps, so although officers are mindful of what you are saying there would be a downside of that and I think the point about this, perhaps to understand is, the improvements that we're making on the Lewes Road; only about a third of people travelling down the Lewes Road corridor at the moment are in cars. An awful lot of people are travelling sustainably already and the work that we are doing investing in the Lewes Road is to actually increase the modal shift so that even more travelling sustainably. So the best way to address the traffic issues in the Coombe Road area are to support the investment that we are putting in to Lewes Road because that would make it so much easier for people to travel sustainably from those areas and that will have a positive effect on reducing traffic problems in the areas you represent"

- 103.8 Councillor Marsh asked the following supplementary question, "Councillor Davey has turned down this request but I would ask again on behalf of not only the residents of Coombe Road, Meadowview, Bevendean and Moulsecoomb that we do have a residents and local stakeholders regular meeting, say monthly, where issues can be taken up. Problems that arise during the improvement works can be looked on and tweaked and resident's concerns addressed. We're very appreciative of Robin Reed who was sitting there until a little while ago of sending us monthly updates about what's going on but that's a one way system, it doesn't enable residents to actually feed and it does mean an awful lot of work not only for Robin and his colleagues but my Ward Colleagues that the residents also try to pick up on these issues.

We did have for the AMEX Stadium, a Resident's Liaison Group, I know I've been turned down before but if you don't ask you don't get. Residents feel very strongly about this. It's a long-term situation; please can we have a resident's group?"

- 103.9 Councillor West replied,

"I know that Councillor Davey has actually been to look at the junction. First of all you were talking about the access problem which I understand are actually related to the works on Lewes Road and then secondly you were referring to rat running, Councillor Davey has been there along with officers to look at the access issue and as I say that situation has been improved.

We are doing major works along Lewes Road for good benefit so on has to bear with that. I know that officers are working incredibly to engage on a continual basis with the local community to make sure that the temporary issues that you're facing are dealt with as soon as possible but also that we remain focused on the great benefit that we will receive from the changes that we are highly investing in as an administration.

I do think many people that are in the community there are appreciative of the work we're doing and we'll be very grateful for when the work is complete."

Carbon Footprint

- 103.10 Councillor Janio asked the following question, "Would Councillor West agree with me that Brighton and Hove Council's shocking drop of 649 down the Carbon Reduction Commitment League last year was a sad reflection on the chaotic way in which this Council has been run over the last couple of years. And that a change of direction

propelling us back towards the top of the league will only be achievable under a future Conservative administration following the Local Elections in 2015?"

- 103.11 Councillor West replied, "No, I don't agree because the thing with this league table is that as we mentioned at Policy & Resources Committee, it's actually quite flawed. The organisation that actually came on the very top of the league table on this occasion is a construction company. It doesn't necessarily spring to your mind that they're going to have the best carbon footprint of all the organisations. They admitted themselves that the reason why they did so well out of it is because they no longer have to report the amount of fuel they were using. So this particular league table makes absolutely no sense.

One of the beneficial points about it is that it takes into consideration, early actions like the fitting of automatic meter reading which is something that we're introducing which yourselves didn't do, so the legacy that we have is that as a Council is that you weren't doing certain things before us that would have been beneficial to our standing within the league table. But if he wishes to look forward to an opportunity where a Conservative administration of this Council will improve our standing in the league table I'm afraid he'd be disappointed because his Government is actually scrapping this flawed system and we won't have this league table anymore."

- 103.12 Councillor Janio asked the following supplementary question, "Would Councillor West agree with me that until the Conservatives do form the next Administration it would be advantageous if a cross party consensus were to develop with a regard to the environmental policies across this city and that the recent decisions by the Labour Party such as refusing to support the Eco Show and a shameful lack of support for the Biosphere Reserve Conservative Initiative, supported by the Greens, is not only not helpful it is also extremely regrettable."

- 103.13 Councillor West replied, "I think the question was, am I very unhappy that the Labour Group didn't support the Biosphere Reserve? I think that it was regrettable that that was the situation; I think that, like with One Planet Living, the Labour Party have realised they need to catch up with the direction this city is going in, that we are collectively behind the various positive initiative that this Administration is putting forward and that it is in the best interests of the economy as well as the local environment of this city that we do these things. So I am very glad that the Labour Group is finally catching up and that at Policy & Resources Committee, last week, they actually supported the One Planet Sustainability Action Plan which they hadn't seen any value in before."

Grit Bins, Downs Park Estate, North Portslade

- 103.14 Councillor Gilbey asked the following question, "Downs Park is a Housing Estate; it has no shops no and no other infrastructure in my ward. It has one grit bin which is at the very end near Hangleton Bottom on Foredown Hill; it is a very hilly area there are 1000 people living there. It is about 200,000m² area and I would like Councillor West to give consideration to looking at the area to put another grit bin in."

- 103.15 Councillor West replied, "I'm sure we can have a look at the actual circumstances but I'm very aware that over the last few years since we've been having bad winters, as a

council, we've actually more than doubled the number of grit bins in the city. In fact an awful lot of them are in the hillier suburban parts of the city where snow has the biggest effect usually, though on this occasion the City Centre was quite badly affected.

We actually have more grit bins for our area as a City than many other councils and we have got to the point that that is the number that we can actually service when the weather is bad because you've got to be able to get out there to fill them up. So we're not looking to increase the number but I think we can probably look at the individual circumstance to see whether that merits an additional bin."

103.16 Councillor Gilbey asked the following supplementary question, "This area, as I say, only has one bin. I know other areas in the City need bins. The point is; the equipment is actually situated right up the northern end by Hangleton Bottom. It means that people have to walk a mile and a half just to get some grit and back. I did go up there after the snow and it was three quarters full which means people aren't actually getting there to access it. Would you like to come over to the west, Councillor West and have a look for yourself?"

103.17 Councillor West replied, "I will come and have a look but I'll bring an officer with me because there's more chance that something can get done then."

Traveller Costs

103.18 Councillor Barnett asked the following question, "Thurrock Councils' joint protocol with Essex Police for dealing with unauthorised travellers' encampments states, 'They will deem any individuals on any unauthorised encampment accountable for any litter or refuse left behind on the site of the unauthorised encampment and will seek to issue a fixed penalty notice and recover the costs.' Following the recent festival up at Devil's Dyke Road with the abandoned caravans and fly tipped rubbish, why did Councillor West suggest in the press, 'it's not legally possible to recover costs' when other Council's such as Thurrock are willing and able to do so."

103.19 Councillor West replied, "When you evict, you can't actually charge people for the leaving of things behind because it's under the eviction laws rather than if they have just fly tipped something by leaving an abandoned vehicle. I recall the response to that was about the legal differences. As far as whether it's worth pursuing enforcement and the cost of doing so, we obviously have to take a valued judgement on whether that is a good course and use of public money. What is true to be said is that over the past 5 years and not just the last 2 years the cost of the whole traveller service has actually been escalated, and the reasons behind that, and it's principally the cost of dealing with unauthorised encampments that has been going on, is because there are less acceptable and traditional places that Travellers stop now available for them to do so and so they're finding themselves in places where they are regularly going to be evicted and the costs are going up.

That is the symptom of the situation and the actual response to it, rather than throwing good money after bad, intensifying our actions upon unauthorised encampments, is in our proposals to bring forward proper provision which we are expected to do so by the Government. We're expected to provide the number of 16 spaces by 2016 and a

further 3 by 2019 which is exactly why we are planning to develop a permanent site at Horsdean and it will have a very positive effect for the Travellers who are seeking stability but also the settled community who clearly are very upset when unauthorised encampments occur in their area.”

103.20 Councillor Barnett asked the following supplementary question, “Is the Council taking any action to recover some of the £107,000 costs that were incurred when the group of Travellers, who are now camped unlawfully, at Withdean car park, broke into Horsdean Transit Site over the Christmas? We know who they are, they’re on council land and this is an ideal opportunity to get recompense for the Council Tax Payers. Councillor West, if you or I cause such criminal damage to public property the Police would be on to us straight away.”

103.21 Councillor West replied, “I’m sure if we have the evidence then we will be able to pursue individuals but that is always the problem and whether it is cost effective to do so as well, that matter will be weighed up. It was very unfortunate that we had trespassers on the site before Christmas but it was because we took swift action to bring about an eviction after Christmas that actually we limited the cost that we may have otherwise incurred.

I know there’s been some headline figures over spend against the Traveller Service that have come up in the TBM report and Policy and Resources Committee but actually the projected overspend is a lot more in trim than it was looking like a couple of months ago and that is because of the swift action that we have taken on that particular problem.”

Buses

103.22 Councillor Meadows asked the following question, “As a Ward Councillor for Moulsecomb and Bevendean, I am concerned about the declining BACA Student Role and some of that concern is around the lack of a dedicated bus route from other areas in the City to the school. So my question is will the Council support the local school by investigating and reconsidering the reinstatement of better transport links to BACA?”

103.23 Councillor Shanks replied on behalf of Councillor Davey who was absent, “We have had discussions with BACA about transport, the more the parents choose a school, the more popular a school gets. That’s part of the issue in terms of getting to the school but there have been discussions with BACA and we are looking at how we could support that. The main issue is making sure that children who have chosen a school and have got a place at the school can get there. We are continuing the 74 and 75 buses which go from that area up to Patcham.

We’ve been reviewing school transport as you know and the BACA issue; we’ve had discussion and I know Councillor Kitcat and our Chief Executive, Penny Thompson, have also been in discussions with BACA. We are aware of the issue but it is also an issue of parents choosing that school and we’d like to encourage parents to choose that school which is an improving school.”

- 103.24 Councillor Meadows asked the following supplementary question, “Parents are unlikely to choose a school if there are no transport links to access that school. Would you not agree with me that the re-instatement of a dedicated bus service like the number 90 which served Whitehawk, Queen’s Park, Elm Grove and the Lewes Road up to Falmer that this saved many young pupils multiple journeys to get to and from school and who can no longer stay on after school at extra curricular activities as they face long and complicated journeys home. Would you not agree with me that a dedicated bus service would inevitably increase pupil numbers, give confidence to parents and let their children attend this fantastic state of the art school?”
- 103.25 Councillor Shanks replied, “If you have enough pupils who choose the school; we need to make sure they can get there; an issue arises if we lay on a bus route and we still don’t get the applications to that school. We’ve just had a review of school buses, as you know, and we’re looking at the best ways of improving access to public transport for children so it is on our agenda.”

Council Assets

- 103.26 Councillor K. Norman asked the following question, “This historical vehicle registration number, CD1 was donated to Brighton in perpetuity and became a very important part of the mayoral system first in Brighton and more recently in Brighton and Hove. It’s an absolute disgrace, in my mind, that it is even being considered for disposal. The right thing to do should have been to transfer it to the current Mayoral Car for just £80 and, Councillor Kitcat, you and your colleagues will go down in history as being the political group that belittled the very high reputation that all Mayors of Brighton have built up over a century and a half.

What is the value of the current offer? When was it received and who will be making the decision regarding the acceptance or refusal of that offer?”

- 103.27 Councillor J. Kitcat replied, “Before this item came to Budget Council and Councillors will recall that the Conservative amendment to prevent the sale was lost and that it is the will of the Full Council for the sale of the number plate to proceed. There was an extensive search by officers to try and identify the source of the CD1 number plate and it appears to be urban legend that it has been donated. There is no evidence whatsoever that it was donated in perpetuity or anything else. There are lots of suggestions, lots of histories people try to re-tell but there is no documentary evidence whatsoever as to the provenance of the CD1 number plate and that is the case that it was checked extensively because we wanted to make sure that we would not be breaching any trust before it came to Full Council for a decision to make sure councillors made an informed choice.

I have to say, Mr. Mayor, that I think both yourself and Mayors beforehand, that the number plate on your vehicle plays little or no part in the reputation that you carry with you and I think that the role and your demeanour has a great part to play as well of course the ceremonial mace and the chains. So the CD1 is a number plate, it’s a piece of plastic which has no obvious connection with the Council or the City but there are plenty of 3rd Sector Charities crying out for cash as this Government reigns down its austerity cuts and the least that we can do is sell off a piece of plastic for the most that we can to support those who are in the greatest need in this City.

So it was put up for sale, while I did receive some informal offers at a recent business awards, they were somewhat short of our expectations. We have received, on the 19th March 2013, a formal offer of £80,000, we have asked and we have consulted with both of the other groups about this, we have proceeded to ask the agent to negotiate with this potential buyer to see if we could increase that price at all but £80,000 is a good sum of money which I'm sure would be much appreciated by the 3rd Sector in this City and it is the intention to proceed with that if possible."

- 103.28 Councillor Norman asked the following supplementary question, "Most of you are not Brightonians or Hovarians, you have come in to this City, a once great City of ours and you're systematically destroying it and the majority of the population will never forgive you for most of these things as they won't forgive you for your furious moves to paint '20mph' on every single street on our road. What are you planning to spend the £80,000 on should you agree to it and incidentally should my Leader agree to it as well because it seems that all 3 need to agree on this. What will you spend that £80,000 on which is less than half the asking price and who will be losing out because of the missing £95,000 on your original expectations?"

And currently at 15:30pm today, the plate was still for sale and 2 traders are offering it for sale, one is at £174,995 and the main trader at a £150,000. So there's discrepancy of £25,000 in those two asking prices. So what are you planning to spend that £80,000 because you've lost £90,000 if you take up that offer and the people you say you're going to help, won't get that money."

- 103.29 Councillor Kitcat replied, "It's somewhat conflictual for Councillor Norman to be lecturing me on whether people are going to lose the money when he's been lecturing me on not selling the number plate at all. So what do you want? Do you want the money for the 3rd Sector or not? Ultimately as, I'm sure, both Councillor Normans will recall, that at Budget Council the estimate was £120,000 but it's normal when you're trying to sell something to maximise the value so the sell price was above that estimate to try and maximise the offers. The buyer who has put in a firm bid is currently away so the negotiations haven't concluded hence it's still showing for sale. It's quite clear in the terms at Budget Council, that they would be used for capital support for the Voluntary and Community Organisations within the City and I know that Councillor Norman and others do spend a lot of time supporting those but I do have to say Mr. Mayor that talking 'Brightonians' and 'Hovarians' is completely unpleasant and it's not really becoming of this chamber. We all stand here elected by the people of this City and that's what we should be focusing on."

Corporate Risk

- 103.30 Councillor Mears asked the following question, "As we know Brighton Marina is a unique asset in the City. No tax payers money was spent in building the Marina, £56,000,000 of private money was invested this will be around £3,000,000,000 in today's money. As all Councillors know when a possible corporate risk is brought to their attention it is their responsibility to ensure that the issue is raised and as I am doing so today and as we heard earlier, through the deputation regarding the Marina. Following on from the changes in the Marine and Coastal Access Act 2009 which came in to force on 12 January 2011 the MMO has indicated that a particular target

will be developers who attempt to carry out large schemes of development by making a series of Licensing Applications to cover small phases of works, without informing the MMO of the over all scheme of development. Will the Leader of the Council take responsibility to ensure the Marine and Coastal Act 2009 is followed to protect the Marina?"

- 103.31 Councillor J. Kitcat replied, "An act of Parliament is a matter for Parliament but I'm very conscious of the responsibilities and am happy to respond in more detail to Councillor Mears as the issues progress."
- 103.32 Councillor Mears asked the following supplementary question, "I will wait for a proper written response because this is a very serious issue not only for this council but for the City and its residents. As I said the Marina is unique and needs protection and although; not a Planning consideration, the Marine licenses are important to protect and enhance the Marina, to this end will the Leader of the Council ensure that any development in the Marina goes before the Planning Committee for openness and transparency to ensure that not only the Council but the residents in this City can clearly see what decisions are made on the Marina?"
- 103.33 Councillor Kitcat replied, "I'm very supportive of the work that our Planning Department do and I know that they always conduct everything they do with openness and transparency and that all the applications brought forward to the Planning Committee will be done so in the most open and transparent and clear way and I'm sure that both officers, Ward Councillors and the developers will be seeking to engage with the community.

I certainly had conversations with Professor Watts who was here earlier, with the developers at Brunswick Developments and other interested parties but I'm very conscious and respectful of the fact that it is not in my ward and so I do want to ensure that we engage fully on that and have conversations and ensure that everyone who does wish to express a view has an opportunity to do so."

104. REPORTS OF COMMITTEES.

(a) Callover

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

- | | | |
|----------|---|---|
| Item 105 | - | Pay Policy Statement 2013-14 |
| Item 106 | - | Annual Update of the Council's Corporate Plan 2013/14 |
| Item 107 | - | Annual Investment Strategy |
| Item 108 | - | Admissions Arrangements for Brighton & Hove Schools 2014/14 |
| Item 110 | - | Review of the Constitution (March) 2013 |

(b) Receipt and/or Approval of Reports

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

- Item 109 - Expanding the Premises of Aldrington Church of England School – Final Decision.

(c) Oral Questions from Members

104.3 The Mayor noted that there were no oral questions in relation to those items that had not been reserved for discussion.

Note:

104.4 The Mayor then adjourned the meeting for a refreshment break at 6.30pm.

104.5 The Mayor reconvened the meeting at 7.15pm.

105. PAY POLICY STATEMENT 2013-2014

105.1 The Leader of the Council introduced the report and noted that it had been discussed fully at the previous Policy & Resources Committee meeting. He stated that the policy reflected an open, fair, equal and transparent process and recommended the adoption of the policy to the council. He also noted that with effect from the 1st April the Council would be a 'Living Wage' employer which would benefit 128 staff and was a welcome step forward.

105.2 Councillor G. Theobald noted that the policy proposed that the Appointments & Remuneration Panel should consider and make recommendations to the Chief Executive in regard to the payment of salaries over £100k, whereas government guidance recommended that it should be the full council that considers such matters. He suggested that it would not be a transparent process as the Appointments & Remuneration Panel met in closed session and therefore consideration should be given to ensuring that information was in the public domain. He noted that there had been three recent senior redundancies for which no information had been made public and suggested that the council should set the salary range for senior appointments prior to them being advertised and that all salary and redundancy packages are reported to the council after they have been offered and accepted.

105.3 Councillor Wealls stated that he wished to draw attention to paragraph 6 on page 61 which related to salary progression and suggested that it was not very satisfactory as it did not relate to performance which should be taken into consideration prior to any progression. He also referred to paragraphs 8 and 9 of the appendix to the report and queried the fair treatment of staff across the authority; as it appeared that both the Chief Executive and Executive Directors were able to have the cost of a professional association fee met by the council, whilst other staff were not. He had recently been a member of a Personnel Appeals Panel which had received guidance from HR officers that no employees were able to have a professional association fee paid for. Given that the Panel had then refused the appeal he suggested that this matter should be looked at and either apply to all or no-one.

105.4 The Leader of the Council noted Councillor Theobald's comments and stated that the matter had been discussed previously at the Leaders Group and again and the Policy & Resources Committee and therefore he was surprised by the change of view. He stated

that other authorities including neighbouring ones had chosen not to adopt the approach listed in the guidance as it was felt better to be able to discuss in full at a cross-party meeting rather than in general at a full council meeting. The guidance was not binding and other such guidance had been noted but not adhered to without any penalty. He believed that the Appointments & Remuneration Panel approach was the right one. In regard to the issue raised by Councillor Wealls concerning professional fees he was happy to look into the matter and consider any changes as necessary.

105.5 The Mayor noted the comments and that there was a slight amendment to policy to refer to the new role of Executive Director and therefore put the recommendation to the vote.

105.6 **RESOLVED:**

105.7 That the Pay Policy Statement 2013/14 as detailed in appendix A to the report (as amended) be adopted.

Note: The Conservative Group abstained from voting on the recommendation.

106. ANNUAL UPDATE OF THE COUNCIL'S CORPORATE PLAN UPDATE 2013/14

106.1 The Leader of the Council introduced the report and stated that he wished to thank councillors and officers involved in bringing the update corporate plan together and contributing to the progress made in achieving the majority of the objectives or taking them forward. He commended the new plan and objectives to the council.

106.2 Councillor G. Theobald stated that he did not feel that the objectives were realistic and wished to thank the officers for recording accurately his comments at the Policy & Resources Committee meeting. There was much emphasis on supporting and expanding the local economy and very little mention of improving the appearance of the city. In view of the reference to the proposed Traveller's site the Conservative Group would be abstaining from voting on the matter.

106.3 Councillor Mitchell stated that she fully supported the plan and was disappointed to hear that the Conservative Group would be abstaining. She believed that the plan sought to address the levels of inequality in the city and that it was right to focus on improving the local economy.

106.4 Councillor West welcomed the support from the Labour & Co-operative Group for the plan and stated that he believed it was a testament to the officers in enabling the achievement of many of the objectives and he welcomed the improvements made in terms of sustainability. He also questioned the Conservative Group's approach to the need to find a permanent travellers site in the city.

106.5 Councillor Pissaridou referred to page 95 of the agenda and stated that it was disappointing to note that the review of schools had not been achieved and queried what progress had been made in regard to the provision of a new school in Hove.

106.6 Councillor Shanks stated that the review was in progress and that officers were awaiting confirmation in regard to the provision of the new school in Hove and she hoped to be in a position to announce something shortly. She also noted that councils

across the country were having difficulty in meeting the projected levels of school places.

- 106.7 Councillor Powell referred to paragraph 4.1 on page 162 and asked that consideration be given to ensuring that staff were able to attend the various staff forums meetings as it had been brought to her attention that time off was not being allowed in some cases.
- 106.8 The Leader of the Council noted the comments and that the previous Conservative Administration had sought funding from the government for the provision of a permanent travellers site in the city. He stated that he believed supporting the local economy was important and that the equality and environmental aspirations would also help to improve this area. He wished to thank councillors and officers for their support and hoped that the new plan objectives would lead to further improvements across the council and within the city.
- 106.9 The Mayor then put the recommendations to the vote.
- 106.10 **RESOLVED:** That the refreshed Corporate Plan content (as detailed in appendix 1 to the report), including the new commitments for 2013/14 as included in the Budget be adopted.

Note: The Conservative Group abstained from voting on the recommendation.

107. ANNUAL INVESTMENT STRATEGY 2013/14

- 107.1 Councillor Littman introduced the report and stated that it represented an excellent piece of work and he wished to thank the officers concerned.
- 107.2 Councillor A. Norman welcomed the report and also thanked the officers for their work in ensuring that the council remained well placed.
- 107.3 The Mayor then put the recommendation to the vote.
- 107.4 **RESOLVED:** That the Annual Investment Strategy 2013/14 be approved.

108. ADMISSIONS ARRANGEMENTS FOR BRIGHTON & HOVE SCHOOLS 2014/15

- 108.1 Councillor Shanks introduced the report which outlined the proposed admission arrangements for the forthcoming 2014/15 school year. She noted that these did not include the proposed increase for Stanford Infant School as a result of the consultation process. However, it had highlighted the need to think further ahead in terms of admission levels and to consult earlier so that plans could be made.
- 108.2 Councillor Wealls suggested that there was a need to improve consultation with parents and to take account of the responses that are received more effectively, as was the case with Stanford Infants where 180 respondents had opposed the increase compared with 20 for. He agreed that there was a need to consult at an earlier stage and hoped that lessons would be learnt. He also suggested that consideration needed to be given to encouraging other school providers into the city and noted that the

London Borough of Redbridge had successfully provided a new school with the help of £40m government funding.

- 108.3 Councillor Hamilton referred to Item 109 on the agenda and stated that there was need to consider the situation in the west of the city in terms of school places and the impact on schools locally. He noted that in 2010 Benfield School had accepted two additional reception classes because of the situation in Hove, however now that additional places were being provided it would result in empty places at Benfield and other Portslade Schools. He questioned whether the impact was being taken into account and what action was proposed to support the schools affected.
- 108.4 Councillor Pissaridou asked for a restatement of the strategy previously agreed by the cross-party working group and queried whether it was necessary.
- 108.5 Councillor Gilbey noted that there was a significant investment being made into PACA and that the new Kings School was likely to take children that would have gone to PACA. She questioned whether there was a need for two secondary schools in Portslade.
- 108.6 Councillor Hyde suggested that the provision of free schools and academies enabled parental choice and noted that a number of pupils from her ward would be attending the Kings School as the local school was not performing to parental satisfaction.
- 108.7 Councillor Meadows noted that BACA was performing well and had capacity and therefore queried why this was not being utilised and investment made into the transport links to encourage more pupils to attend.
- 108.8 The Leader of the Council stated that detailed arrangements had to be put in place in regard to school admissions and government policy had led to the situation that was faced currently. The location of the Kings School was still under discussion and the intention had to be to enable schools to provide excellent services and facilities.
- 108.9 Councillor Janio stated that there was a need to allow for parental choice and that included the option to send their children to Free Schools or Academies and this should form part of the planning process for future admissions.
- 108.10 Councillor Simson stated that there was a need to have a suitable transport system available to support the movement of children to school and noted that there were a number of children in her Woodingdean that wanted to attend BACA.
- 108.11 Councillor Shanks noted that the proposed expansion of Stanford Infants had been turned down and she hoped that when the final admission figures came out there would not be a need to direct too many children to other schools as they had not been able to be offered their first choice. She stated that parents were not choosing BACA or PACA at present but hoped as the schools developed it would encourage more applications. However, because of the low numbers it was difficult to justify costly transport provision and therefore alternative methods had to be explored.
- 108.12 The Mayor then put the recommendations to the vote.

108.13 RESOLVED:

- (1) That the proposed school admission numbers set out in the consultation documents be adopted for the admissions year 2014/15, with the exception of Stanford Infant School which would remain at 90 rather than increasing to 120 as proposed;
- (2) That the admission priorities for Community Schools set out in the Consultation documents be adopted for all age groups;
- (3) That the final version of the Cardinal Newman Roman Catholic Secondary School and King's Church of England Free School admission arrangements (as amended in light of the Diocesan response and parental and school responses) should be reviewed to decide whether the council should comment further;
- (4) That the co-ordinated schemes of admission be approved; and
- (5) That the City boundary be retained as the relevant area for consultation for school admissions.

109. EXPANDING THE PREMISES OF ALDRINGTON CHURCH OF ENGLAND SCHOOL – FINAL DECISION

109.1 **RESOLVED:** That the statutory notice and expansion of the premises of Aldrington Voluntary Aided Church of England Primary School from September 2013 be agreed, subject to securing the necessary planning consent by the 31st August 2013.

110. REVIEW OF THE CONSTITUTION (MARCH) 2013

110.1 The Leader of the Council introduced the report and noted that the review had been delayed with the agreement of the Group Leaders to take account of the appointment of the Chief Executive. He wished to place on record his appreciation of the work by officers to enable the new committee system to be implemented with effect from last May and to thank the Members of the Working Group in helping to develop the new constitution. He stated that the current review tidied up aspects and took account of the changes in the officer structure and that of the committees, which resulted in the combining of the Environment & Sustainability and Transport Committees. Something which he did not support but recognised was the intent of the other two Groups. He also welcomed the change for the Corporate Parenting Sub-Committee to become a Board and noted that both he as Leader and the Chief Executive intended to play an active role on the Board in recognition of the importance of the council's role as a corporate parent.

110.2 Councillor Peltzer Dunn welcomed the Leader's comments and the report and stated that he wished to commend the officers for their work in enabling the council to move to the committee system as smoothly as it had. He noted that it would take time for the new system to bed-in and that regular reviews should be undertaken to ensure that the new constitution reflected the council's decision-making process and structure.

110.3 Councillor Morgan also welcomed the report and stated that he would have liked to have taken it through the Members Working Group and to have asked all Members for their comments on how it was working. He hoped that the next review would take on board some of the ideas expressed at the recent 'City Camp' event and as Chair of the Overview & Scrutiny Committee he reminded council of the ability to refer matters for policy development to the scrutiny process as a means of supporting the committees in their work.

110.4 The Leader of the Council noted the comments and stated that he was happy to ensure that the ideas raised at the City Camp were considered as part of the next review and noted the point about asking scrutiny to take a forward looking role on behalf of committees.

110.5 The Mayor then put the recommendations to the vote.

110.6 **RESOLVED:**

- (1) That the amended constitution documents set out at Appendix 1 (being those relating to committees, sub-committees and advisory bodies) be approved;
- (2) That the changes to the constitution summarised at paragraphs 3.4 to 3.26 and 3.28 to 3.32 of the report and related documents set out in Appendix 2 be approved;
- (3) That the Monitoring Officer be authorised to make consequential amendments as are considered necessary to give effect to the changes agreed at paragraphs 2.1 to 2.3 above;
- (4) That the Chief Executive be authorised to take any steps necessary to implementation of the changes agreed in the report;
- (5) That the Executive Director for Finance & Resources be authorised to make appropriate amendments to Financial Regulations and Standards Financial Procedures to reflect the Officer restructure and the changes relating to the corporate landlord function; and
- (6) That the amendments to the constitution set out in paragraphs 2.1 to 2.6 should come into effect immediately after the conclusion of annual Council on 23 May 2013, except any amendments relating to the terms of reference of the Health & Wellbeing Board and the Financial Regulations and Standards Financial Procedure, which should come into effect on 1st April 2013.

111. **NOTICES OF MOTION.**

- (a) **'Bedroom Tax'**
- (b) **'Bedroom Tax'**

111.1 The Mayor stated that as both notices of motion related to the issue of 'Bedroom Tax' he intended to take both motions together in one debate and to then put each motion to vote separately.

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

111.3 The Notice of Motion as detailed in the agenda was proposed by Councillor Duncan on behalf of the Green Group and seconded by Councillor Powell.

111.4 The Mayor then put the following motion from the Labour & Co-operative Group to vote:

“This council notes that the government will implement the ‘Bedroom Tax’ element of the Welfare Reform Act 2012 on the 1st of April 2013.

This council further notes:

- That the Bedroom Tax will place an intolerable financial burden on over 1,000 households across Brighton and Hove, many of whom include working or disabled occupants and children living in poverty.
- The Government’s rationale is for tenants who are under-occupying to downsize to alternate properties. However, there is not sufficient housing in Brighton and Hove to facilitate this.
- The provisions of the ‘Bedroom Tax’ are inconsistent and fail to consider the additional needs of many households with regards to disabilities; adaption’s made to homes, foster carers, and parents who share custody of their children.

This Council therefore resolves:

- 1) To urge the Secretary of State to amend the Welfare Reform Act 2012 in order to repeal changes to Housing Benefit, commonly known as ‘Bedroom Tax’.
- 2) To continue to support council tenants that may be adversely affected by the ‘Bedroom Tax’ by means that are legal, financially sustainable and fair.
- 3) To request that the Chief Executive write to the Secretary of State asking him to rethink his plans which would adversely affect 660,000 tenants nationally including over 1,000 of the poorest and most vulnerable in Brighton and Hove, and in the light of his recent U-Turn on those with a disability being excluded, speedily clarify this category of person in order to stop further anxiety and apprehension that this policy is causing.”

111.5 **The motion was carried.**

111.6 The Mayor then put the following motion from the Green Group to vote:

“This Council Notes:

From April 2013, the government is introducing a 'size criteria' which will limit how many bedrooms a family in council or social housing will receive benefit for- the so-called 'Bedroom Tax'.

If a household has more bedrooms than the Government says it needs, its Housing Benefit will be reduced: a 14% reduction in benefit for one 'spare' bedroom and a 25% reduction if a household has two or more 'spare' bedrooms.

This unjust change will affect an estimated 990 households living in accommodation owned by Brighton and Hove Council: resulting in a total reduction in Housing Benefit of some £750,000 a year.

These changes could force many households into real financial hardship, rent arrears – and ultimately, for some, homelessness. Many who are unable to prevent these outcomes may be forced to move home, in some cases away from the city.

This Council also notes the incredible work our officers and partners have been doing in preparing residents for welfare changes and acknowledges the difficult daily judgements they make to support those seeking their help.

This Council therefore condemns the 'Bedroom Tax' as an ideologically-driven attack on the least well-off in our society, and resolves to:

1. Request that the relevant Council Committee considers this motion with a view to ensuring that the Council and its partners work with all those affected by this Housing Benefit cut, and all other welfare cuts, to wherever possible prevent further expensive and socially disruptive homelessness such as through evictions;
2. Requests that the Chief Executive forward a copy of this motion to the city's three MPs, and asks them to raise the issue with Government.

111.7 **The motion was carried.**

(c) A Fair Deal for Brighton & Hove

111.8 The Notice of Motion as detailed in the agenda was proposed by Councillor Littman on behalf of the Green Group and seconded by Councillor Phillips.

111.9 The Mayor then put the following motion to vote:

“Brighton & Hove City Council supports the petition which calls on the Government to end its attack on local government and to reverse the public service cuts that unfairly target Brighton & Hove and will do so much damage to the city and its hard-pressed people.

Brighton & Hove is by far the worst-hit council in the south-east of England, when it comes to cuts in Central Government funding. It is, in fact, one of the most adversely affected in the country. This year, nationally, we have had the second heaviest reduction in terms of spending power of Upper Tier Authorities.

While all other councils in the south-east are being cut by less than £50 per head of population, Brighton and Hove faces cuts of more than £105; above other southern cities such as Portsmouth or Southampton, and far more than neighbouring authorities in Kent and East and West Sussex.

This comes at a time when Brighton & Hove, with its pockets of extreme deprivation, needs to be able to protect its low income people and families, who are facing iniquitous measures such as the 'bedroom tax', benefits cap, 1% freeze in benefits, and Council Tax reduction.

The Government is simultaneously making things harder for the vulnerable people of the City and reducing the City's ability to help these same people to cope with their changing circumstances.

If all Councillors, from across the political landscape, were to support this motion, it would help add strength to the petition from concerned local residents and put pressure on Government to give Brighton & Hove a fair deal.

Therefore this Council calls on the government to give Brighton & Hove a fair deal and requests the Chief Executive to write to the Chancellor of the Exchequer informing him of the council's support for the petition and calling on him to take appropriate action."

111.10 The motion was carried.

(d) Providing Locally Sourced Hospital Food

111.11 The Notice of Motion as detailed in the agenda was proposed by Councillor C. Theobald on behalf of the Conservative Group and seconded by Councillor K. Norman.

111.12 The Mayor then put the following motion to vote:

"This Council recognises the vital importance of providing patients with nutritious and healthy food during their stay in hospital and endorses the philosophy of the Brighton and Sussex University Hospitals NHS Trust that "food is treatment". Patients who receive good nutrition in hospital are likely to have shorter hospital stays, fewer post-operative complications and less need for drugs and other interventions.

High quality, locally-sourced hospital food can also deliver other benefits such as supporting and promoting local businesses and suppliers and reducing food miles. For example, more than 80% of the Royal Cornwall Hospitals Trust's food budget is spent with local Cornish companies, and sourcing food locally has also cut carbon emissions from road transport by two-thirds.

Therefore, this Council notes with concern that the Campaign for Better Hospital Food has estimated that: one in every ten hospital meals in England is returned to the kitchen uneaten; six out of ten patients rely on their families to bring them food due to the poor quality of hospital food; and three quarters of hospital meals would be given a red traffic light for saturated fat by the Food Standards Agency.

This Council welcomes the excellent campaign – Operation Hospital Food - led by celebrity chef James Martin to highlight poor practice in the production of hospital food and how its quality and variety can be transformed by using locally sourced, sustainable and nutritious ingredients.

Further, this Council welcomes the new Department of Health standards for NHS hospital food which are to be backed up by new patient-led assessments, the results of which must be published online. This is a positive step forward in addressing some of the concerns raised by patients and campaigners.

Therefore, this Council requests that the Chief Executive writes to the Chief Executives of the Brighton and Sussex University Hospitals NHS Trust and the Sussex Community NHS Trust requesting:

1. Details of where the Trusts and their contractors currently source their ingredients for patient meals at the Royal Sussex County and Brighton General Hospitals and details of any plans they have to improve local sourcing;
2. Details of, and progress on, the new patient-led food assessments, including when information will be made available to members of the public.”

111.13 **The motion was carried.**

Note: Councillors Jones and Mitchell having declared a pecuniary interest in the item withdrew from the chamber and took no part in the discussion or decision thereon.

(e) Support Free School Meals for All Children in Poverty

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

111.15 Councillor Wealls moved an amendment to the notice of motion on behalf of the Conservative Group which was seconded by Councillor Brown.

111.16 The Mayor noted that the amendment had not been accepted by Councillor Pissaridou and put it to the vote which was **lost**.

111.17 The Mayor then put the following motion to vote:

“For many pupils, the free school meal is the only hot meal they will eat all day. Without a proper breakfast, a hot lunch at school aids pupil concentration, boosts energy levels and increases ability to learn.

Nationally fewer than half of children in low income households receive a free school meal. 1.2 million children classified as living in poverty are not eligible for one.

Over six thousand children in poverty in Brighton and Hove are missing out on a free school meal; 1,400 in Brighton Pavilion Constituency, 1,600 in Hove and Portslade and 3,100 in Brighton Kemptown.

Under the rules as they stand, any household working more than 16 hours per week loses all entitlement to free school meals and the government has indicated that a similar situation will exist after the introduction of Universal Credit.

As well as the obvious nutritional and educational benefits, free school meals are an important household budget consideration for low income families, especially at a time of high food and fuel costs and changes to welfare. Facing the loss of these meals creates further barriers for families seeking to move into work or take on more hours. This situation runs counter to the government’s stated intention of Universal Credit making work pay.

Therefore this council:

- Pledges its support for the Children’s Society Campaign: ‘Fair and Square’ that calls on the government to ensure that all children in families receiving Universal Credit are eligible for free school meals.
- Requests that the Chief Executive writes to the Work and Pensions Minister calling on him to make free school meals available to the children of families in receipt of Universal Credit as plans for its introduction are finalized and as part of the government’s expected review of free school meals.”

111.18 **The motion was carried.**

(f) National Evacuees Memorial

111.19 The Notice of Motion as detailed in the agenda was proposed by Councillor Hyde on behalf of the Conservative Group and seconded by Councillor Peltzer Dunn.

111.20 The Mayor then put the following motion to vote:

“This Council applauds the work of the Evacuees Association in highlighting the story of the great evacuation that took place in vulnerable parts of the country at the start of World War 2. Brighton & Hove played a key part in the evacuation, initially as a safe haven for over 30,000 evacuees from London, many of whom settled with local

families. Then later, as the threat of a German invasion loomed, many of these children together with children from Brighton & Hove and other vulnerable people, were themselves evacuated to other safer areas of the country.

This Council welcomes the Evacuees Association campaign to establish a National Memorial to the Evacuation at the National Memorial Arboretum at Lichfield and notes the request from the local Royal British Legion Women's Section that Brighton & Hove City Council make a contribution to the appeal, as other councils such as Barking and Dagenham have done.

Therefore, this Council resolves to request that Policy & Resources Committee agree a donation to the appeal of £1,000 to act as a lasting commemoration to the unique role of the evacuees, foster parents, teachers, nurses, billeting officers and train/bus drivers who played such a key part in the city's history."

111.21 **The motion was carried.**

112. CLOSE OF MEETING

112.1 The Mayor thanked everyone for attending and declared the meeting closed.

The meeting concluded at 10.20pm

Signed

Chair

Dated this

day of

2013

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 G Theobald

“Will Cllr Kitcat please explain why Brighton & Hove was the only Council in Sussex to ignore official advice from the College of Arms and not fly the Union flag at half mast on the city’s civic buildings on the day of Baroness Thatcher’s funeral?”

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

(b) Councillor Mitchell

“Given the local opposition to the Government’s decision to site the King’s Free School on a permanent basis on the Brighton, Hove and Sussex Sixth Form College playing field, will Councillor Shanks undertake to make public the following information:

Confirmation that documents have been received by the council in relation to site searches for new Secondary Schools in the city.

The publication of any such site search documents and the council’s response to their individual proposals.

Council conducted site searches in relation to the provision of new Secondary Schools in the city with accompanying evaluations.”

Reply from Councillor Shanks, Chair of the Children & Young People 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 – King Alfred Leisure Centre

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

(b) Councillor Mitchell

Subject matter – Wildlife Sites in Brighton and Hove

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

(c) Councillor Wealls

Subject matter – MMR Vaccination

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

(d) Councillor Carden

Subject matter – Siting of Grit Bins

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

(e) Councillor Summers

Subject matter – Stanmer Park

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

(f) Councillor Mears
Subject matter – Housing Policy

Reply from Councillor Wakefield, Chair of the Housing Committee

~~**(g) Councillor Wilson**~~
~~*Subject matter – Right to Buy Receipts Scheme*~~

~~**Reply from Councillor Wakefield, Chair of the Housing Committee**~~

This question has been withdrawn

Subject:	Response to the Trans Equality Scrutiny Panel Recommendations		
Date of Meeting:	9 May 2013 2 May 2013 Policy & Resources Committee		
Report of:	Assistant Chief Executive		
Contact Officer:	Name:	Emma McDermott	Tel: 29-1577
	Email:	Emma.mcdermott@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 The Trans Equality Scrutiny Panel was set up in May 2012 to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change. It set out to find answers to the question: what needs to be done to make things fairer for trans people to live, work and socialise in the city?
- 1.2 The members of the Panel from the Council were Councillor Phélim Mac Cafferty, Councillor Warren Morgan and Councillor Denise Cobb. Jay Stewart of Gendered Intelligence¹ and Michelle Ross, a Trans Awareness Consultant & Counsellor at the Terence Higgins Trust, two noted national experts, were co-opted on to the panel. It also appointed a facilitator, Nick Douglas, of the LGBT Health and Inclusion Project (LGBT HIP) to help the Panel engage with as many members of the Trans Community and support groups as possible. LGBT HIP is funded through the Council's Communities and Equality Team who also supported the engagement and consultation process.
- 1.3 The council's Overview and Scrutiny Committee endorsed the panel's report on 28 January 2013 and forward it to all relevant decision making bodies for consideration. Due to committee scheduling it was not possible to bring a council response to committee before May.

2. RECOMMENDATIONS

- 2.1 That committee note the excellent process undertaken by the scrutiny team, assisted by the communities and equality team, to produce the Trans Equality Scrutiny Report.
- 2.2 That committee welcomes the scrutiny report and note the significance of its findings.

¹ Gendered Intelligence is a community interest company that runs arts programmes, creative workshops, and trans youth group sessions that looks to engage people in debates about gender

- 2.3 That committee accepts the recommendations relevant to the city council and agrees the responses to the individual recommendations as provided in appendix 1.
- 2.4 That committee notes those recommendations that are for either other or all public sector organisations, or third sector partners, and that the council will work in partnership to implement these recommendations.
- 2.5 That committee forward its response to Full Council for information.
- 2.6 That committee agrees to the Trans Equality Report and this committee report being shared with the Local Government Association and other appropriate local government peer groups/forums.

3. BACKGROUND/CONTEXT

- 3.1 The Trans Equality Scrutiny Panel was groundbreaking, being the first in the country to carry out, in a sensitive and effective way, a detailed investigation into the experiences and needs of Trans individuals and community in the city. It provides a firm and clear foundation for all public services to build on in terms of improving their understanding of and service provision to the Trans community. Much learning and awareness raising with service providers was achieved through the process. For example, during the panel process housing officers committed to commissioning trans awareness training and city services committed looking at the introducing more flexibility on honorific titles (such as Mr, Ms etc) within on-line forms.
- 3.2 Through providing a positive response to the recommendations the council wishes to signal its significant support for the Trans community and making positive and timely steps to improve their experiences. The council continually strives to improve its services ensuring they meet the needs of all individuals with protected characteristics. For example, it remains committed to carrying out equality impact assessments of its services, strategies and policies.
- 3.3 Nevertheless the findings of the Trans Equality Panel have highlighted that there has been inadequate awareness of the lives of trans people for too long. Further, that sensationalist media reporting coupled with a lack of understanding has led to trans people suffering undue discrimination, problems accessing services, and harassment.
- 3.4 Critically, the panel found that there is a lack of data on the number of trans people accessing services in Brighton & Hove, with the result that service providers are not necessarily aware or fully understand the needs of trans people. Hence, the recommendation for a needs assessment which involves trans people at every stage of the process, not only to ensure their voice is heard but also to help inspire the trust of the trans community and also recommendations on basic principles such as the importance of using appropriate pronouns to refer to someone: mistakes in gender-related speech can be very upsetting and can be easily avoided. The need for trans awareness training runs throughout the scrutiny report. The report challenges the council to be at the forefront of changing the perception of trans people in the city and using

its status and influence to tackle discrimination and reduce marginalisation of Trans individuals.

- 3.6 Given the importance of health issues for trans people, it is unsurprising that the scrutiny report makes a number of recommendations for health bodies, in particular the local Clinical Commissioning Group. Problems over accessing local appropriate and timely healthcare needs to be addressed. Whilst individual public bodies, are required to make their own response to the scrutiny report the council, through its public health mandate has take on responsibility to liaise with the clinical commissioning group and include a response to recommendations specific to the group. Similarly, the council has led a response to the recommendations that include both the Police and the Partnership Community Safety Team.
- 3.7 In addition the scrutiny panel found that Trans individuals were facing inadequate/inappropriate service provision in housing, adult social care, sports and leisure. Much of which could be resolved through staff training and development to raise awareness and sensitivity to the needs and experiences of trans peoples when teams are reviewing their services to ensure they meet all their service users needs.

4. COMMUNITY ENGAGEMENT AND CONSULTATION:

- 4.1 All relevant services in the council were asked to respond to the Trans Equality Scrutiny Panel recommendations. They were also shared and discussed with service areas at the council's equalities steering group (5 February) and with public sector partners at the City Inclusion Partnership (19 March). Other public sector bodies will respond to the scrutiny report through agreed channels.

5. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

- 5.1 Financial implications for each response within Appendix 1 will be determined by the Council or named partner as they are actioned. A number of the responses have been or can be delivered within existing plans and budgets such as the grant award and monitoring activity. The Clinical Commissioning Group will be responsible for funding the responses in their name. Actions requiring additional funding will need to be considered against priorities and agreed through the budget monitoring process in 2013/14 or included with the budget plans for 2014/15 for both the Council and partner organisations.

Finance Officer Consulted: Anne Silley

Date: 27/03/13

Legal Implications:

- 5.2 Any actions the council takes in implementing a response to the Panel's recommendations must comply with the Equality Act 2010, and must have regard to relevant guidance issued by (i) the Government Equalities Office and (ii) the Equality and Human Rights Commission

Lawyer Consulted: Oliver Dixon

Date: 02/04/13

Equalities Implications:

- 5.3 All new activity or significant service changes arising from the responses to the recommendations will require discussion with the Trans Community, working with and through the LGBT Health & Inclusion Project.

Sustainability Implications:

- 5.4 A sustainable community is an inclusive community in which diversity is valued and respected. In undertaking the scrutiny panel and providing a positive response the council is starting to explicitly tackle the exclusion and discrimination of Trans individuals and the Trans community.

Crime & Disorder Implications:

- 5.5 There are several recommendations (no 18 and 19) that pertain to improving the safety of Trans individuals.

Risk and Opportunity Management Implications:

- 5.6 A significant opportunity has arisen from the excellent work of the scrutiny panel and the positive response of the council to build a stronger and more open and trusted relationship with the Trans community in Brighton and Hove, to improve the council's understanding of Trans individuals needs and experiences of council services. On the reverse there is a risk that expectations of the Trans community have been significantly raised through the scrutiny panel process and that delivery of some of the recommendations may take some time although all will be considered as part of the council's annual budget setting process.

Public Health Implications:

- 5.7 There are several recommendations that pertain to improving the health and well being of Trans individuals.

Corporate / Citywide Implications:

- 5.8 The response to the scrutiny panel recommendations supports the council's corporate plan priority to tackle inequality and engage people who live and work in the city. The council has a clear role to ensure that the needs of the Trans community are heard and understood equally to those of other groups with protected characteristics, and to champion those needs and voice with its public sector partners.
- 5.9 Through monitoring progress against these recommendations and leading the needs assessment and development of an associated strategy (see recommendation 36) the council plays a key city leadership.
- 5.10 The scrutiny panel report has recommendations for other public bodies. These will provide a direct response to Scrutiny via agreed processes and channels. In addition, some of the recommendations include opportunities for joint work, for example, trans awareness training.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S)

- 6.1 No other options were considered as a response is required to a scrutiny panel report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 A formal response to a scrutiny panel is required. Therefore the committee is recommended to endorse the report and refer it to Full Council.

SUPPORTING DOCUMENTATION

Appendices:

1. Response to the Trans Equality Scrutiny Panel Recommendations
2. [BHCC Trans Equality Scrutiny Panel Report January 2013](#)

Background Documents

None

Appendix 1 – Response to the 37 Trans Scrutiny Panel Recommendations

No.	Recommendation	Response
1	<p>Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service.</p>	<p>Recommendation Accepted</p> <p>The council’s equalities monitoring form asks questions about all the legally protected characteristics. In the ‘Gender’ section the possible responses are ‘Male’, ‘Female’ and ‘Other – please specify’ (with a choice of ‘prefer not to say’).</p> <p>There is also a question about gender identity, informed by national best practice guidance. The question is: ‘Is your gender identity the same as the gender you were assigned at birth?’</p> <p>This form is the standard template which should be used by all services and it is accompanied by guidance which explains the purpose of equalities monitoring, how information is used (and kept anonymous), and what the questions mean.</p> <p>In addition Equality Impact Assessments (EIA) are used to identify (potential) impacts of services, policies and activities on all legally protected groups, including Trans people. EIAs consider data and community engagement to identify actions that need to be taken to improve the service to meet needs.</p> <p>(Communities & Equality Team)</p> <hr/> <p>The Corporate Procurement team will explore the possibility of including a request for "relevant and up to date information of the number of trans people using their service and what they require of that service" be included within Stage 3 Pre tender risk assessment document used in corporate procurement team. This would enable consideration to this need to be given and included in relevant procurement activities.</p> <p>Working with contract officers from across council services, the corporate procurement team will be exploring how equalities monitoring of contracts can be improved to adequately and appropriately ensure data about Trans service users is collected and used.</p> <p>(Corporate Procurement)</p>

2	<p>There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so.</p>	<p>Recommendation Accepted</p> <p>The Panel made a number of recommendations regarding training for front line and other staff in a range of council services and partners organisations as well as for members. The council's Workforce Development Team will support and co-ordinate training as need is identified. Initially awareness training will be offered, followed by more specific training as needs are identified. The procurement of Trans awareness training for housing staff is underway.</p> <p>The training will be used as a pilot and used to determined appropriate next steps for wide organisational provision in light of available funding including training for councillors. The team will also assess what if any training has already been delivered on the subject either by the council or public partners. It will also establish a consultative group to include representatives from equalities, police, community safety, and democratic services to explore joint working and avoid duplication. Future training and development will also be informed by the outcome of the needs assessment.</p> <p>(Workforce Development)</p>
3	<p>The council should ensure that all Councillors undertake trans awareness training.</p>	<p>Recommendation Accepted</p> <p>See response to recommendation no.2</p> <p>(Democratic Services and L&D)</p>
4	<p>Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the Local Area Team (LAT) of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given</p>	<p>Recommendation Accepted</p> <p>Fiona Makison has been identified as the lead for the Local Area Team.</p> <p>(NHS CB Area Team)</p>

	explicit responsibility for ongoing engagement between the LAT and the trans community.	
5	The Local Area Team should review current practices on how personal information is gathered and stored and, through the CCG, offer guidance on the correct procedures.	<p>Recommendation Accepted in Principle</p> <p>Lead officer will be exploring this recommendation with the Area Team.</p> <p>(NHS CB Area Team)</p>
6	The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, the Panel recommend that an action plan must be put in place to ensure that real change occurs.	<p>Recommendation Accepted</p> <p>The CCG recognises the importance accessible and welcoming general practice plays in the transgender community's experience of care. A half days training event for Excluded Groups which will include a specific focus on the Trans community will be delivered as part of the Protected Learning Scheme (PLS) training programme in 2013-2014. This will include all staff within the Surgery, ie Practice Nurses, GPs and reception staff.</p> <p>The CCG will explore the option for patient feedback on accessibility to be included in the updated balance scorecard of local Surgeries.</p> <p>A Lead Commissioning Manager for Excluded Groups has just been added to the CCG staffing structure. The remit of this post will be to ensure the needs of excluded groups (including a specific focus on the transgender community) are appropriately reflected in the CCG's commissioning plans and to liaise with the Area Team to ensure continuity of pathways.</p> <p>(Clinical Commissioning Group)</p>
7	The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one	<p>Recommendation Accepted in Principle</p> <p>Whilst this specific action is not within the ability of the CCG to mandate, it will be raised with the training event for GPs for their consideration.</p> <p>(Clinical Commissioning Group)</p>

	on NHS systems.	
8	Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans aware and understand their role in supporting patients on the care pathway.	<p>Recommendation Accepted in Principle</p> <p>The half day's training event will contain information on the health needs of the community and details on pathways of care for gender identify services.</p> <p>In addition the CCG's intranet (for member practices) will incorporate details on pathways of care and other local/national support services.</p> <p>(Clinical Commissioning Group)</p>
9	Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the Clinical Commissioning Group commissions an online resource and print resource to provide information for patients.	<p>Recommendation Accepted in Principle</p> <p>In addition to the Intranet for member practices the CCG is currently in the process of establishing a public facing web-site. We will ensure it incorporates information for patients and the public about gender identity pathways and support services.</p> <p>(Clinical Commissioning Group)</p>
10	The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition.	<p>Recommendation Accepted in Principle</p> <p>The responsibility for commissioning enhanced services such as this will transfer to the CCG on 1st April 2013. All current enhances services will be reviewed and this recommendation will be discussed and considered by the Primary Care Development Group.</p> <p>(Clinical Commissioning Group)</p>

11	<p>The Joint Strategic Needs Assessment (JSNA) should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support.</p>	<p>Recommendation Accepted</p> <p>Will be actioned in 2013 JSNA update by September 2013 (subject to approval of Health and Wellbeing Board)</p> <p>(Public Health)</p>
12	<p>Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning Board LAT and CCG to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics.</p>	<p>Recommendation Accepted in Principle</p> <p>This recommendation will be raised and discussed with the Area Team.</p> <p>(Clinical Commissioning Group)</p>
13	<p>The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning,</p>	<p>Recommendation Accepted</p> <p>Initial scoping to be considered at City Wide Needs Assessment Steering Group in May 2013. To be informed in advance by NHS CCG, BHCC public health, housing, leisure, employment, social care, equalities team, community safety, CYP services, LGBT Health & Inclusion Project. Scoping will include consideration of further community involvement.</p> <p>(Public Health)</p>

	implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information.	
14	The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report.	<p>Recommendation Accepted</p> <p>Health inequalities to be included in scope of Trans Needs Assessment (recommendation 13). Health inequalities to be included in scope of recommendation City Wide Trans Strategy (Recommendation 32).</p> <p>(Public Health)</p>
15	During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken.	<p>Recommendation Accepted</p> <p>In accordance with housing consultation and diversity policies it will be actively seeking the views of the trans community in relation to housing policy development and very much welcome information and evidence on detailed housing needs and requirements to help inform consultation and outreach work. Resourcing a specific Options outreach service will be explored.</p> <p>(Housing)</p>
16	The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote	<p>Recommendation Accepted</p> <p>See recommendation no. 2</p> <p>Housing will incorporate the housing needs, issues and legal protections concerning the</p>

	good practice within social and private landlords.	trans community into its learning and development programme for managers and staff drawing on available statistical evidence, results of consultation and outreach work to better understand the current housing requirements of communities of interest. (Housing)
17	Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council.	<p>Recommendation Accepted</p> <p>See response to recommendation no.2</p> <p>Housing will raise awareness and challenge potentially discriminatory practices and behaviours toward trans-gender people in its learning and development and personal development plans. It will seek to pay particular attention to service areas where trans-gender discrimination could potentially arise.</p> <p>(Housing)</p> <p>In regards to adult social care provision transphobia is addressed through the Personalisation agenda. Care is person centred and tailored to individual need. Celebration of diversity is key to service provision and integral within commissioned services. The outcomes of the scrutiny panel report have been shared within the Commissioning Support Unit and will inform the care governance arrangements of care services to ensure a focus on these issues.</p> <p>(Adult Social Ccare)</p>
18	The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex	<p>Recommendation Accepted</p> <p>Police and Casework Team to be requested to develop systems which identify recorded crimes and incidents reported by those who are transgender. That data and information to be managed in such a way that it can used to inform the quarterly and annual performance monitoring reports which are provided to the Safe In the City Partnership. The Casework Team, together with the police hate crime community engagement officers, has already taken action aimed at increasing trust and confidence and reporting of transphobic crimes and incidents. That work to be sustained and its effectiveness regularly reviewed together</p>

	Police to address low levels of hate crime reporting including trans related incidents.	with information on reporting levels and performance against agreed indicators. (Partnership Community Safety Team)
19	The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team.	Recommendation Accepted The integrated community safety Delivery Unit and Neighbourhood Policing Teams to undertake transgender awareness training, linking in with activity of the workforce development team (see recommendation no.2). Discussions to take place with Sussex Police about the inclusion of transgender awareness within the comprehensive training plans for police officers. (Partnership Community Safety Team)
20	The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training.	Recommendation Accepted Healthy Schools and Allsorts are in the process of developing a Trans Toolkit for Schools which is being consulted on and will be launched in the Summer term. Building capacity within schools delivers a sustainable approach to on going trans awareness in schools. This is supported by bespoke support for individual schools as requested and from ongoing work of Allsorts, for example, Allsorts provide support to secondary age trans students and to parents and carers of primary and secondary age trans children and young people, joint delivery of teacher training in one school and a pilot workshop for Year 10 students on gender identity / trans at Varndean. (Children's Services) Allsorts have been awarded a three year strategic discretionary grant – £22,000 per annum 2013-2016. (Communities and Equality)

21	<p>The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions.</p>	<p>Recommendation Accepted</p> <p>Sports Facilities are exploring in conjunction with The Clare Project the establishment of a transgender swimming session at St Luke's Swimming Pool. This would be similar to the successful women only sessions established at St Luke's for the Muslim community.</p> <p>Signage on new or refurbished changing rooms and toilets is being reviewed and Sports Facilities are developing on-going consultation with representatives of the transgender community to ensure the most appropriate wording / symbols for this signage. In the longer term the needs of the transgender community will be considered as part of any specification for new-build facilities – for example the redevelopment of the King Alfred Leisure Centre which is a current live project.</p> <p>(Sport & Leisure)</p>
22	<p>There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people.</p>	<p>Recommendation Accepted</p> <p>Property and Design, in consultation with disability groups and the trans community will explore the possibility of existing accessible toilets in council public buildings being used as an inclusive facility for all.</p> <p>(Property and Design)</p> <p>Cityclean has been promoting inclusive public toilet provision in response to an Equality Impact Assessment on toilet provision in 2012 and in line with the Equality Act. Cityclean tries to make new public toilets fully accessible wherever space allows. The new designs tend to be single use cubicles and are larger than standard units to cater for accessibility. You enter directly from street level so that users are clearly visible and misuse and anti social behaviour is reduced. Where possible the service works with developers (large tourist developments) to advise on provision and would recommend the same design, recently working successful with i360 developers. The service also has a toilet user group and will be contacting LGBT HIP to explore how the Trans voice can be represented.</p> <p>(Cityclean)</p>

23	Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity.	<p>Recommendation Accepted</p> <p>See recommendation no. 21</p> <p>(Sport & Leisure)</p>
24	The council's Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new Toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition.	<p>Recommendation Accepted</p> <p>HR has already started reviewing the Transgender Toolkit and will have regard to the recommendations made by the Scrutiny Panel whilst carrying out that exercise and when re-launching the revised toolkit.</p> <p>(HR)</p>
25	B&HCC Human Resources, in partnership with the LGBT Workers' Forum and the Communities and Equalities Team, need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The B&HCC LGBT Worker' Forum is to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work	<p>Recommendation Accepted</p> <p>The LGBT workers forum has prioritised Trans engagement work and support for a number of years, having played a pivotal role in the instigation of the Trans Equality Scrutiny and will continue to do so. The forum continues to receive an annual budget and support from the communities and equality team to deliver its annual business plan, currently being worked on. Reaching out to trans employees has also been discussed at the workforce equalities group attended by representatives from all the workers forums, HR and communities and equality team.</p> <p>(HR, LGBT Workers Forum and Communities & Equality)</p>

	on this.	
26	The particular impacts on trans people of the government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council's strategy on financial inclusion.	<p>Recommendation Accepted</p> <p>The Council's new Financial Inclusion Strategy has recently been adopted. The specific needs of the trans community were considered as part of the needs and equality impact assessments and will be included in all elements of commissioning and delivery going forward. In particular advice providers have been asked to undertake service monitoring of trans clients and to undertake LGBT awareness training in relation to this. The new Community Banking Partnership commission will also include these actions.</p> <p>(Communities & Equality)</p>
27	When appointed, the Council's Trans Champion (see recommendation 36) should contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers.	<p>Recommendation Accepted</p> <p>The Council has recently adopted a new financial inclusion strategy which includes actions around working with high street banks. With this in mind it is proposed that the work on trans inclusion be added to this process.</p> <p>(Communities & Equality)</p>
28	All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people.	<p>Recommendation Accepted</p> <p>The council is incorporating the agreed recommendations of the Trans Equality Scrutiny into the Equality and Inclusion Policy Action Plan. This is updated and publicly reported every six month, and progress is reported to Overview and Scrutiny annually.</p> <p>The City Inclusion Partnership (an equality and inclusion forum for all the city's statutory organisations) has a focus in 2013 on identifying recommendations in the Scrutiny which would benefit from a citywide approach and on working together to implement the actions</p>

		and share best practice. (Communities & Equality)
29	City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis.	<p>Recommendation Accepted</p> <p>As in response to recommendation no.1 the council's equality monitoring form recognises non-binary gender identity and allows people to define their own identity. The questions and guidance for the form are based on guidance from Trans organisations. Guidance for staff on how to ask the questions appropriately and sensitively has also been produced.</p> <p>The council's HR team is updating its monitoring categories to reflect the corporate template and will use this to collect data. Monitoring data on staff is reported annually, and figures for Trans staff will be separated, where this does not risk identifying individuals.</p> <p>Equality information on service-users is also collected using the council form and this data is reported via the council's Equality Impact Assessment process. Summaries of these are published on the council's website as EIAs are completed and copies of the full EIAs are available on request.</p> <p>(Communities & Equality)</p>
30	The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly	<p>Recommendation Accepted</p> <p>The council is funding the LGBT Health and Inclusion Project for a further year (2013-14) in recognition of the excellent engagement and consultation it has delivered. The project is jointly funded by the council and clinical commissioning group, both of which will work with the project in 2013/14 to secure its sustainability.</p> <p>(Communities & Equality)</p>
31	Infrastructure services and the Transforming Local Infrastructure (TLI) project should continue to consider how to engage the city's trans community groups to ensure they	<p>Recommendation Accepted in Principle</p> <p>This recommendation has been fed back to the four voluntary organisations leading and delivering the new TLI project (funded by the Big Lottery) and as a member of the strategic working group advising the project the communities and equality team has championed the</p>

	<p>have an active voice in decision making.</p>	<p>need for the new organisation to explicitly explain how it will support equalities groups, including Trans groups, in the city. At time of writing the final paper on the services to be delivered by the TLI had not been released to the council by the project.</p> <p>The need to support Trans community groups has been explicitly included in the Community and Voluntary Sector Forum's contract for 2013/14 in readiness for its change into the new TLI organisation.</p> <p>TLI lead organisations (Communities and Equality)</p>
32	<p>Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36).</p>	<p>Recommendation Accepted</p> <p>Using the outcomes and recommendations from the needs assessment discussion will be had with the Trans community and public sector organisations about outcomes and recommendations that could appropriately be mainstreamed into existing strategies and the focus required for a specific Trans Strategy.</p> <p>(Communities & Equality)</p>
33	<p>Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion</p>	<p>Recommendation Accepted</p> <p>As a result of the Trans Scrutiny Panel findings, we will ensure that any future commissioning or support for cultural work addressing the Lesbian, Gay, Bisexual and Transgendered agenda takes on board fully the needs and aspirations of Transgendered individuals. In terms of the council's relationship with Pride specifically, the council does not commission Pride and currently does not fund the event directly, although Pride does receive support in kind from the council. Council officers responsible for liaising with Pride would be happy to broker discussions that might result in a greater inclusion of the Trans community in the event.</p>

		(Culture)
34	B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens.	<p>Recommendation Accepted</p> <p>The Communications team will tie in with partners across the city to support and champion the issues raised in the report and work taken forward in response. Wherever needed the team will lead on the publication of information which progresses the agenda of equality for local trans people.</p> <p>(Communications)</p>
35	The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them.	<p>Recommendation Accepted</p> <p>Online forms are being reviewed as part of the council's Web Improvement Project as more forms are automated. Each form will be evaluated before Mx is included as a standard title. This will ensure that where data is automatically put into back office systems it is compatible and Mx will be accepted as an option along with an option of leaving the honorific blank. Progress will be monitored and reported back to the Customer Access Programme Board.</p> <p>(City Services)</p>
36	The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within the Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the	<p>Recommendation Accepted</p> <p>The Executive Director for Resources, Catherine Vaughan has been appointed as the equalities champion for the Executive Leadership Team (ELT). This includes championing Trans issues. Progress on the responses to the recommendations will be reported in November to the ELT.</p> <p>The councillor Trans champion will be nominated as part of annual council process.</p> <p>(Communities and Equality)</p>

	trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a councillor should be nominated as the council's Trans-Champion (as distinct from the existing LGBT champion).	
37	The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in response to the expected call for evidence after the Trans Gender Equalities Action Plan.	Actioned by Scrutiny Team following report's endorsement by Overview and Scrutiny Committee end of January.



**Report of the Overview and
Scrutiny Committee**

January 2013

Trans Equality Scrutiny Panel

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Panel's Foreword

This Panel was set up to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change.

We set out to find answers to the question: what needs to be done to make things fairer for trans people to live, work and socialise in the city?

The answers are manifold: a step change is required before trans people can feel they are able to live their lives as they wish in Brighton & Hove. Nonetheless, we hope that as a result of this inquiry, steps can be taken that will result in significant change. Brighton & Hove is a diverse and vibrant city – we want it to be a place where everyone, irrespective of their gender or gender expression, can enjoy what the city has to offer.

During the Panel's inquiry, there was a substantial amount of incorrect and offensive media comment about trans people. The Panel released a strong statement that this sort of comment would not be tolerated. It is hoped that the work of this Panel will help address this misrepresentation and foster better relationships.

Nonetheless, there are many things the city does well, and many individuals and organisations working to mitigate the inequalities experienced by trans people. In addition, changes have begun since we started this inquiry in May 2012. As a result of our questions, and from listening to trans people in the City, the NHS Clinical Commissioning Group (CCG) have committed to a trans needs assessment in early 2013. They will also be organising trans awareness training for all CCG staff, clinical leads and GPs. Housing officers have started to commission trans awareness training and the sports and leisure team are looking at offering trans only swimming sessions. City Services are looking to introduce more flexibility on honorific titles (such as Mr, Ms etc) within on-line forms. The Panel warmly welcome all these actions. In addition, as a Panel we were honoured to receive an award from the Brighton & Hove City Council LGBT Workers Forum for our work on equalities.

The Panel would like to express their gratitude to all those who gave their time, and often very personal experiences, to help us in our inquiry. We have reflected on the evidence we received – although all recommendations remain those of the Panel.

We are very conscious that as a council we have not been as trans-aware or trans inclusive as we should be and should endeavour to rectify this situation. We commit to monitoring the recommendations in this report and to ensure that things do change.

In addition, the collaborative working behind this Panel, with the Scrutiny Team working in partnership with the Equalities and Communities Team and

LGBT Health Involvement Project (LGBT HIP) should be seen as a model of good practice.

Councillor Phélim Mac Cafferty, Councillor Warren Morgan, Councillor Denise Cobb, Jay Stewart, and Michelle Ross.

Terms and definitions

There is a full glossary at the end of this report but some frequently used terms are listed here. The definitions provided below are drawn from a number of sources. These can be found in the references section at the end of this report.

“Trans” is used in this report as an umbrella term for transgender. Trans individuals feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term trans man (or female to male - FTM) is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have completed transition to live as a man. Trans woman (or male to female - MTF) is a term used to refer to a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

“Acquired gender” refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were registered at birth.

“Gender Dysphoria” is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

“Gender Identity” refers to a person’s internal perception and experience of their gender.

“Gender expression” refers to the way a person lives, behaves, and interacts with others based on their gender identity.

The term ‘transitioning’ is used for the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

The term ‘Real Life Experience’ (RLE) refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE usually lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

‘Cisgender’ is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

Further information on the Equality Act 2010, the Gender Recognition Act 2004, and Gender Recognition Certificates is available in the glossary at the end of this report.

Executive Summary

There has been inadequate awareness of the lives of trans people for too long. Sensationalist media reporting coupled with a lack of understanding has led to trans people suffering undue discrimination, problems accessing services, and harassment.

This Panel has tried to engage actively with as many members of the trans community, support groups, and service providers as possible and has made a number of recommendations aimed at making life fairer for trans people.

There is a lack of hard data on the numbers of trans people accessing services in Brighton & Hove, with the result that service providers are not necessarily aware of the needs of trans people. This report recommends that, as a matter of some urgency, a needs assessment should be undertaken to identify the size of the trans community and its needs. This should involve trans people at every stage of the process in order to inspire the trust of the trans community. Following this, a city-wide trans equalities strategy should be developed by the council and its partners, including an action plan with clear leads and responsibilities led by a council 'Trans Champion'.

There are a number of recommendations in this report aimed at increasing awareness of the lives of trans people. Basic principles such as the importance of using appropriate pronouns to refer to someone need to be explained: mistakes in gender-related speech can be very upsetting and can be easily avoided. The need for trans awareness training runs through this report. Brighton & Hove City Council should be at the forefront of changing the perception of trans people in the city and there are a number of recommendations in this report to make this a reality.

Given the importance of health and health issues, this report makes a number of recommendations for health bodies, in particular the local Clinical Commissioning Group. Problems over accessing local appropriate and timely healthcare need to be addressed and the Panel trust that the relevant health bodies will take these recommendations on board.

During this Inquiry, the Panel asked "What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?" It is hoped that this report is the first step on a journey towards providing answers.

List of Recommendations

(Please note the recommendations are in the order they appear in the report not in order of importance – the page numbers refer to where the recommendations are in the report. These recommendations should be read within the context of the report.)

Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service (p24).

Recommendation 2 : There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so (p24).

Recommendation 3: The council should ensure that all Councillors undertake trans awareness training (p24).

Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the Local Area Team (LAT) of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the LAT and the trans community (p27).

Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the CCG, offer guidance on the correct procedures (p30).

Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, the Panel recommend that an action plan must be put in place to ensure that real change occurs (p30).

Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems (p30).

Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical

Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans aware and understand their role in supporting patients on the care pathway (p30).

Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the Clinical Commissioning Group commissions an online resource and print resource to provide information for patients (p30).

Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition (p31).

Recommendation 11: The Joint Strategic Needs Assessment (JSNA) should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support (p32).

Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning Board LAT and CCG to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics (p32).

Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information (p34).

Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report (p35).

Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken (p39).

Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords (p39).

Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council (p40).

Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents (p43).

Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team (p44).

Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training (p48).

Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions (p50).

Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and

accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people (p51).

Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity (p51).

Recommendation 24: The council's Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new Toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition (p53).

Recommendation 25: B&HCC Human Resources, in partnership with the LGBT Workers' Forum and the Communities and Equalities Team, need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The B&HCC LGBT Worker' Forum is to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this (p54).

Recommendation 26: The particular impacts on trans people of the government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council's strategy on financial inclusion (p55).

Recommendation 27: When appointed, the Council's Trans Champion (see recommendation 36) should contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers (p56).

Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people (p58).

Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis. (p59).

Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly (p59).

Recommendation 31: Infrastructure services and the Transforming Local Infrastructure project should continue to consider how to engage the city's trans community groups to ensure they have an active voice in decision making (p60).

Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36) (61p).

Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion (p63).

Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens (p63).

Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them (p65).

Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within the Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a councillor should be nominated as the council's Trans-Champion (as distinct from the existing LGBT champion) (p66).

Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in

response to the expected call for evidence after the Trans Gender Equalities Action Plan (p67).

Introduction

What do we mean by 'Transgender' or 'Trans'?

- 1.1 Transgender people have often been subjected to misunderstanding, harassment and discrimination. Social attitudes assume that there are only two genders (male and female) and make the presumption that a person's gender can not be changed. The lives of transgender people are often blighted by other people's ignorance. Indeed, even within the LGBT community, the 'T' is not always understood or accepted. Transgender people experience extreme discomfort and distress caused by the discrepancy between their sense of themselves as male or female and the gender they were assigned at birth (with all that goes with it).
- 1.2 **It is important to make clear at the very start of this report that gender identity is entirely separate from sexual orientation. Transgender individuals may be heterosexual, bi-sexual, lesbian, gay or asexual.**

Terminology

- 1.3 The terms 'transgender' and 'trans' are both used as umbrella terms for people whose gender identity and/or expression differs from their gender assigned at birth. In this report, the term 'trans' is used in place of transgender. Whilst acknowledging that not everyone is comfortable with the term 'trans', or may not want to identify with any gender terminology, this report is using the term broadly.
- 1.4 It is important to note that for some people their gender identity can be complex or fluid. Trans people may identify as transsexuals, cross-dressers or gender-variant people. They may identify as trans women (male-to-female/MTF) or trans men (female-to-male /FTM) or gender queer. They may choose to alter their bodies hormonally or surgically, or they may not. (There is a brief glossary of the terms used in this report on p5 and a fuller glossary at the end on p70.)

Why was this Panel set up?

- 1.5 Brighton & Hove has a reputation for inclusion and diversity, yet the trans community in the city faces significant discrimination, problems accessing services, and often health problems. In addition, trans people are significantly more likely to face mental health problems. The most recent analysis of the lives of trans people in Brighton &

Hove was *Count Me In Too* in 2008.¹ This report found that trans people:

*“are consistently one of the groups of LGBT people who are most vulnerable to marginalisation and exclusion on a number of measures”.*²

1.6 One of the starkest statements in this report was that:

“those who identify as trans are twice as likely to have had serious thoughts of suicide, more than three times as likely to have attempted suicide in the past five years, and over five times as likely to have attempted suicide in the past twelve months as non-trans people”.

1.7 The Department of Health report *Trans: A practical guide for the NHS* says that 34% of 872 trans people responding to a survey had considered suicide one or more times before receiving professional assessment and support.³ The guide goes on to say that this is considerably higher than the risk in other groups and:

*“ should serve to underline that trans people would not subject themselves to such experiences unless, for them, there was no better option..... there is nothing trivial or capricious about permanently changing gender role”.*⁴

1.8 A recent report *Trans Mental Health Study 2012*⁵ found that out of 889 people, 84% had, at some point, thought about ending their lives.

1.9 Nationally, steps have been taken recently with the introduction of the new Public Sector Equality Duty (see later in this report) and with the publication by the Government of their paper *Advancing transgender equality: a plan for action*.⁶ However, there is more to be done. There has been no recent local needs analysis, no coherent attempt to understand the issues facing trans people locally, and consequently no reflection of their specific requirements in service design and delivery. In addition, given that gender reassignment only recently became a protected characteristic, there is no baseline of work to draw upon.⁷ This Panel was set up to try and understand the specific needs of this one part of the city’s population and to take steps towards addressing

¹ *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008

² *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008 (Pii)

³ Figures from *Engendered Penalties* (Whittle S, Turner L, and Al-Alami M, The Equalities Review, February 2007)

⁴ *Trans A practical guide for the NHS*, Department of Health 2008, p6

⁵ *Trans Mental Health Study 2012*, Jay McNeil, Louis Bailey, Sonja Ellis, James Morton, & Maeve Regan, September 2012

⁶ *Advancing transgender equality: a plan for action*. December 2011

⁷ Equality Act 2010 – see page 58 of this report for more information

the inequalities they face. This reflects not only a commitment to equality and human rights for trans people, but is intended to help to meet the legal obligation placed upon Brighton & Hove City Council as a public body under the Equality Act 2010.⁸

- 1.10 In addition, there has been a substantial amount of mis-representation of trans people and the issues they face in the media. In this report, the Panel attempts to redress the balance.

Facts and figures

- 1.11 There are no reliable figures available nationally or locally on the size of the trans population. Nor is there any central data on how many people request or receive gender reassignment services in England.⁹ How to obtain an accurate measure of the size of the trans population is a sensitive issue: some people do not wish to identify as trans, or once transitioned¹⁰ no longer identify as trans. Some people do not wish to be asked. However, the lack of information on the number of trans people accessing services makes it more difficult to ensure services meet needs (see Section 8 on monitoring).
- 1.12 The report *Engendered Penalties* stated that despite considerable work on estimating the numbers of transgender and transsexual people in the UK:

“Nevertheless, there is no substantive knowledge of how many people in the UK identify as transgender or transvestite, or use any other gender identity descriptor, but estimates vary considerably...”¹¹

About the Panel

- 1.13 On 23 January 2012, at the meeting of the Overview and Scrutiny Commission (OSC) Councillor Phélim Mac Cafferty requested that a Scrutiny Panel was set up to look at issues around trans equalities, discrimination and access to services. It was agreed that a report would be produced to enable OSC to make a decision on the need for, and potential focus of, a scrutiny panel on trans equality. At the following meeting on 27 March 2012, OSC agreed to set up a Scrutiny Panel to look at the issues facing trans people in the city.

⁸ Equality Act 2010 –see page 68 of this report

⁹ A review of access to NHS gender reassignment services (England only) Updated version – November 2011, Equality and Human Rights Commission p3

¹⁰ Transition refers to the process of moving from one gender identity or expression to another. See glossary

¹¹ *Engendered Penalties: Transgender and Transsexual People’s Experiences of Inequality and Discrimination*. Stephen Whittle, Lewis Turner and Maryam Al-Alami. The Equalities Review P7

- 1.14 The members of the Panel from the Council were Councillor Phélim Mac Cafferty, Councillor Warren Morgan and Councillor Denise Cobb. The Councillors were delighted that two co-optees, Jay Stewart of Gendered Intelligence¹² and Michelle Ross, a Trans Awareness Consultant & Counsellor at the Terence Higgins Trust, both of whom are noted national experts, agreed to join the Panel.
- 1.15 It is worth recording, that despite the invaluable expertise shared with the Panel by both Jay Stewart and Michelle Ross, they were not paid for their time. Often meetings were held outside office hours and this report acknowledges with thanks the time volunteered by all those who participated in the inquiry.
- 1.16 The Panel held its first scoping meeting on 31 May 2012, where Councillor Mac Cafferty was appointed Chair. The Panel agreed their remit was to look at the key issues facing the trans community in the city with a view to making recommendations for action. It was also agreed that, in order to ensure that the Panel heard from as many trans individuals as possible, a facilitator would be appointed to assist the Panel. Nick Douglas, of the LGBT Health and Inclusion Project (LGBT HIP) kindly agreed to help the Panel to engage with trans individuals and support groups.¹³ The Panel were very keen to use as many ways as possible of hearing the views of trans individuals in the city and devised a 'listening exercise' to enable them to do so. The Panel would like to record their thanks to Nick Douglas for all his excellent work in facilitating these meetings.
- 1.17 Before the Panel formally started this inquiry and in advance of the 'listening exercise', the Panel had an excellent private trans awareness training session.
- 1.18 During this inquiry, the Panel were supported by Brighton & Hove City Council (B&HCC) Scrutiny Team who worked in partnership with the B&HCC Equalities and Communities Team and LGBT HIP. This should be seen as an example of good practice in collaborative working.

'Listening Exercise'

- 1.19 The Panel were very keen to hear from as many trans individuals, support groups, friends and family as possible. A press release was

¹² Gendered Intelligence is a community interest company that runs arts programmes, creative workshops, and trans youth group sessions that looks to engage people in debates about gender

¹³ A number of organisations in the city have commissioned a project known as LGBT Health and Inclusion Project (HIP) to conduct engagement activities with local LGBT people. (See <http://lgbt-hip.org>)

issued¹⁴ and Panel members attended the annual Idahobit event on 16 May 2012 - the international day against homophobia, biphobia and transphobia. Nick Douglas set up an online survey which ran until November 2012 to allow people to contribute anonymously. The results of this survey have informed this report.

1.20 An open session for the Panel to hear from trans people, friends and family was arranged and facilitated by Nick Douglas on 10 July 2012. This was widely advertised on Twitter, by fliers distributed around the city, with an advert in the magazine GScene and on the council's and LGBT HIP's websites. This session was very well attended with around 50 people coming to give their views.

1.21 In first part of the session people were divided into six groups to discuss the question:

“What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?”

1.22 Each group talked about what are the issues, what is wrong, and what needs to change. This was carried out in a private safe space to ensure that those attending felt comfortable discussing their experiences and opinions and could be confident that they would not be publicly identified as trans if they did not wish to be.

1.23 Following this discussion, Panel members joined the meeting to listen to the feedback from the groups and ask (or answer) questions. This format of the initial private safe space followed by the Panel's attendance was repeated in four more sessions where support groups in the city kindly agreed for Nick Douglas to ask the same question to those attending their meetings. These took place as follows:

MindOut (the mental health project for lesbians, gay men, bisexual and trans people in Brighton & Hove) on 11 July 2012;

The Clare Project (a support group open to anyone who wishes to explore issues around gender identity) on 17 July 2012;

FTM Brighton (Female to Male support group) on 21 July 2012;

Transformers (the trans youth network) on 25 July 2012.

1.24 These five sessions gave the Panel a unique and detailed insight into the issues facing trans individuals in the city. **The Panel would like to record their thanks to all those who participated in these sessions and those who gave up their time for free.**

¹⁴ Volume 2 of this report contains the press notice, emerging themes paper and minutes of meetings. This will be available on B&HCC website.

- 1.25 Following these sessions, it was clear that a number of themes were emerging. A paper was put together and published on the Brighton & Hove City Council's (B&HCC) and LGBT HIP's websites.¹⁵
- 1.26 The key themes arising were (in no particular order): health; mental health; education; housing; homelessness; leisure and sports facilities; diversity and awareness; forms; hate crime; employment; domestic violence; confidentiality; information and misinformation; toilets; bullying; gender fluidity; counselling and support; grants; complaints; benefits, and intersectionality.¹⁶
- 1.27 Personal quotes taken from these five meetings are included in this report but, in order to ensure anonymity, it is not recorded who spoke or at what meeting.

Service provider meetings

- 1.28 The Panel held three further evidence gathering sessions on 20 September 2012, 25 September 2012, and 27 September 2012. The issues raised by trans individuals and support groups were discussed with health providers, the police, B&HCC officers from housing, schools support, community safety, public health, sports and leisure and human resources. During these meetings, the Panel also heard from support groups and from trans individuals with particular expertise in employment, disabilities, older people, and intersectionality.

B&HCC Staff

- 1.29 The Panel were informed at one meeting that council staff who identified as trans did not feel comfortable addressing the Panel in any of the meetings. Whilst there are obvious reasons why trans people may be wary of coming forward to discuss their issues, the Panel were concerned that council staff did not want to talk to them. The Panel were keen to try and ensure that the views of council staff could be fed into the inquiry – and their concerns communicated directly to the council's Human Resources team. This resulted in a separate facilitated meeting being held on 1 November 2012 for council staff

¹⁵ To view this report follow the link: <http://present.brighton-hove.gov.uk/Published/C00000741/M00004371/AI00030090/TransGroupsVisitsThemesAug2012pdf.pdf>

¹⁶ Intersectionality is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a Black or minority ethnic identity, or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.

who identified as trans. Working with the LGBT Workers' Forum, Nick Douglas arranged and facilitated this session. Unfortunately, despite wide publicity, this meeting was not well attended. It is worth noting that only 10 people identified as trans in the council's most recent staff survey. Whilst this is a low number, it is of concern to the Panel that staff did not formally come forward to take part in the meetings. The report looks at this later.

- 1.30 The full details of these meetings and the meeting notes can be found in volume 2 of this report.¹⁷

Structure of the report

- 1.31 This report is structured to follow the key areas that arose from the 'listening exercise', namely:

Training and awareness

Health

Housing

Community Safety and Hate Crime

Education and Schools

Leisure and recreation (including facilities)

Employment

The responsibilities of Brighton & Hove City Council (B&HCC)

¹⁷ Volume 2 will be published on B&HCC's website in due course.

Section 1 - Training and awareness

- 2.1 One of the main issues to arise out of the Panel's inquiry was the urgent need for trans awareness training, both within the council and elsewhere. Basic principles such as stressing the importance of using appropriate pronouns to refer to someone need to be explained. Mistakes involving pronouns and gender-related speech can be most upsetting for a trans person. If a person has altered their gender presentation they are asking to be regarded as the gender in which they are presenting. If there is uncertainty on how someone may wish to be addressed, then people need to act with sensitivity, asking the individual how they wish to be addressed. Of all the things that are likely to upset and offend a trans person and make them feel misunderstood and distrustful, mistakes (intentional or not) involving gender-related speech are amongst the most upsetting. Yet, as noted by the guidance published by the NHS, they are potentially the easiest to pay attention to getting right.¹⁸
- 2.2 Training needs to go far beyond gender-related speech, however. Trans awareness involves not only using terms preferred by the individual, but not making assumptions about a person's gender, and showing respect.
- 2.3 Comments to the Panel included:
- "Training is needed generally so that the general public can interact normally with all trans people and recognise that trans people are a part of the constituency."*
- "Training for all staff and services is needed. Trans people seem invisible in policies and services and need to be integrated and 'on the agenda' throughout."*
- "People don't understand our lives or experiences and don't know how to respond. This is probably to do with training – people need to have information on how to talk to trans people to save the awkwardness."*
- "There can be very subtle discriminations, such as a raised eyebrow. There should be mandatory training for council staff"*
- "When I explained (to a utility company call centre) that I had transitioned and wanted to change my contact details, they told me to call back 'when he comes home.'"*
- 2.4 Several people made the point that they feel that they frequently have to educate others about trans issues, which can add to the stresses of

¹⁸ Trans: A practical guide for the NHS (p12)

transition. If the first point of contact a trans person meets gives the wrong or unclear information, things become unnecessarily difficult.

2.5 In all the service areas the Panel considered, the issue of training was central. If front line staff in organisations, be that the council or elsewhere, are not appropriately trained then trans people will never receive the service they require and deserve. **The issue of training arises in each section of this report.**

2.6 Charlotte Thomas, Head of Human Resources and Organisational Development, B&HCC, told the Panel that Human Resources officers received training in 2009 from the Gender Trust but have had no subsequent trans awareness training. The council has a Trans Toolkit and this is available for managers and staff.¹⁹ However, the Trans Toolkit is not actively promoted and there had been very few inquiries about it from managers. Charlotte Thomas told the Panel:

“If managers were asked they would not be aware of the Trans Toolkit but when they had an issue that is when they would go to the Wave [the council’s intranet site]: this is how the council’s managers deal with most HR policies.”²⁰

2.7 The Trans Toolkit is due to be revised shortly. The Panel have expressed concern at some parts of the Trans Toolkit and trust that this revision takes note of this report. This report looks further at this in Section 7 (Employment).

2.8 Mary Evans, Head of Communities and Equality, B&HCC, told the Panel that the council does not have a dedicated resource for trans awareness training. Each team in the council decides what training they require and then the Learning and Development team will liaise with the Equalities and Communities team to deliver the required training.²¹

2.9 It is also worth noting that there is an issue around that fact that training is often LGBT rather than specific trans awareness training. As one person put it:

“The training is often LGBT with the T lumped in and the training is not necessarily specialist”.

2.10 Specific trans awareness training would focus more closely on the complex issues that face trans people, rather than general equalities training.

¹⁹ The Trans Toolkit is the HR guidance for managers in B&HCC. See later in this report.

²⁰ By the time of publication, Charlotte Thomas had left B&HCC

²¹ Evidence 25 September 2012. By the time of publication, Mary Evans had left B&HCC

Intersectionality

- 2.11 The issue of 'intersectionality' was raised with the Panel. Intersectionality' is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a black or minority ethnic identity or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.
- 2.12 Whilst considering training requirements, it is important to bear in mind that people have complex and varied ways in which they interact with others. Camel Gupta of Queers of Colour²² told the Panel that there had been some credible training models in Scotland for intersectionality. Good work on intersectionality takes time but it can be done structurally or in one area at a time, building awareness of the multiplicity of identities as time goes on.

Available Information

- 2.13 The Panel heard repeatedly that there is little information on the numbers of trans people using services. Equalities information often shows that there is no data in relation to trans service users. However, the Panel are pleased to note that since the inquiry began, there have been four occasions when teams carrying out Equalities Impact Assessments in relation to budget changes, have specifically considered the impact on trans groups. In addition, for the first time the Community and Voluntary Sector Forum are setting up a specific trans group on the budget proposals. This is a welcome move.²³
- 2.14 This lack of data can make it difficult to tailor trans awareness training appropriately. Council departments could usefully carry out an audit of trans services users - with an assessment of their needs - in order to inform any future trans awareness training. This must, however, be done in an appropriate and sensitive way (see Section 8 of this report looking at monitoring). As part of this, work needs to be undertaken with the trans community to raise awareness of the need for monitoring

²² 'Queers of Colour' is a small community group for people of colour and LGBT,Q. 'Queer' is a term preferred by some gender-questioning people. The term 'people of colour' is an American term but it is regarded by some as a more inclusive one than Black and Minority Ethnic (BME) which is often used.

²³ Information supplied by Equalities and Communities team.

and why they should participate in it. Confidentiality and anonymity will be paramount.

Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service.

- 2.15 It is important that specific trans awareness training is commissioned from providers with experience and expertise in trans awareness training. It should also involve trans people directly.

Recommendation 2: There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so.

- 2.16 In addition to staff training, the council should ensure that all democratically elected members also receive relevant and up-to-date trans awareness training.

Recommendation 3: The council should ensure that all Councillors undertake trans awareness training.

Section 2 – Health

- 3.1 There are a number of health-related issues facing trans people. The pathway for health care is long and cumbersome; there is a lack of awareness by some GPs of trans people and their needs. The mental health pathway is not generally felt to be the most appropriate; there are no local gender re-assignment services and the waiting lists for the West London Gender Identity Clinic (also known as Charing Cross GIC) are lengthy.
- 3.2 Some of the things people told the Panel are reflected in the following case study.

Case Study - Health

“On health issues, I have no problems with medical professionals but I do have a problem with administrators. I was told I could not change my NHS number, though the PCT said I could. I was told I had to leave the practice and then re-register. The administrator did not know what to do. I had to have these conversations in public at the receptionist’s window.”

“The Health services seem to me like gate-keepers and I’m always made to feel as if I’m trying to queue-jump. As a guy I can’t self-medicate because testosterone is not available and I could be arrested for possession. But oestrogen can be taken. We know the health risks. But there is no proper system of informed consent and we have to try to jump through hoops. It took 6 months for me to receive consent forms but my paperwork was lost and now I probably have to wait at least until the end of next year. I can’t self-medicate and can’t alleviate my feeling of dysphoria. It is very frustrating.”

“It would be an amazing day if Brighton were ever to get its own clinic. We would not have to take a whole day off work (to travel to London), have to explain reasons for absence etc. There is also the issue of the cost to the local economy of travelling – we wouldn’t have to take a whole day off.”

“Yes people do self-prescribe because GPs block progress and being seen at Charing Cross takes so long. But that means you can’t get the 6 monthly blood test that shows if the liver is functioning properly.”

“We understand ourselves best. We don’t need someone to tell us who we are. To have our own GIC would be great. There are a lot of gender experts in Brighton & Hove and they could do something.”

- 3.3 To understand fully the health issues faced by trans people, the existing processes and systems need to be examined.

National background – commissioning of services

- 3.4 The Health & Social Care Act (2012) abolished the current statutory NHS commissioners, the Primary Care Trusts (PCTs – that is, NHS Brighton & Hove), and replaced them with Clinical Commissioning Groups (CCGs). PCTs will be abolished from 1st April 2013. Until then, PCTs retain statutory responsibility for the bulk of NHS commissioning, contract management, quality assurance and local strategic leadership. CCGs will not become statutory organisations until April 2013 at the earliest. However, in order to achieve a smooth transition, CCGs have already been established in every local area. Technically they are operating as sub-committees of PCTs; but in practical terms they have actually taken over many PCT responsibilities for planning and commissioning services. CCGs are not mirror images of PCTs and will not undertake all the work that PCTs do – they will not, for example, commission primary or specialist healthcare, and they will not have quite the same role in systems leadership as PCTs.
- 3.5 Many of these non-CCG functions are currently still being undertaken by PCTs. In addition, PCTs have been ‘clustered’ on a sub-regional basis, with, for example, the four Sussex PCTs combining to form NHS Sussex.
- 3.6 The recently established national NHS Commissioning Board (NCB) is currently implementing a regional structure, and the sub-regional arm of the NCB, the Surrey & Sussex local Area Team will take on many of the roles currently residing within NHS Sussex. Formally, this will not happen until April 2013, but in practical terms the Area Team should replace the PCT cluster by late Autumn 2012.
- 3.7 Following a written question on the future strategy, Jo Scott (the then Assistant Director Mental Health, South East Coast Specialist Commissioning Team) explained that the local Area Teams will commission gender identity services and will facilitate the local relationship with CCGs. However, many other questions the Panel had asked were unable to be answered at this stage – the NCB strategy is not yet in place.
- 3.8 The written submission from NHS Sussex and Brighton and Hove Clinical Commissioning Group makes the point:

“It is essential to note when considering the gender reassignment pathway that the processes, assessments, requirements and core services included are agreed and designed on a national basis, and contracted on a regional basis. Prior to the current restructuring of the NHS, Primary Care Trusts in the South East contributed funding to the commissioning of the pathway, and this commissioning was delivered by the South East Coast Specialist Commissioning Group. In the new NHS structures, a national contract and

service specification for gender reassignment services is being developed by the NHS National Commissioning Board (NCB) and services will be commissioned and contracted for by regional offices of the NCB.”

3.9 The Panel heard from Geraldine Hoban, Chief Operating Officer for the Clinical Commissioning Group, and Jo Scott, the Associate Director Mental Health, South East Coast Specialist Commissioning Team and lead on Gender Identity Clinical Reference Group (CRG). At the same meeting, they heard from Dr Tim Ojo, Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist and Phil Seddon, Equality and Diversity Manager, NHS Sussex.

3.10 Geraldine Hoban explained to the Panel:

“The NCB would be responsible for gender services, primary care and GPs; CCGs will have a more generic role with responsibility for mental health, hospital and community services but not screening.”²⁴

3.11 Brighton & Hove has a unique status in the Sussex and Surrey area. The Panel heard that, because of the city’s reputation for diversity and inclusion, a greater proportion of the population is likely to be identifying as trans than elsewhere in the region. The Panel believe that it is imperative that local concerns are fed into the commissioning process. Whilst the Panel recognise that there will be a local Health and Wellbeing Board, it is important that the views of trans people living in Brighton & Hove can feed directly into the Sussex and Surrey LAT. There is a real fear that regionally commissioned services for specialised services will not be sensitive to local needs.

Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the local Area Team of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the local Area Team and the trans community.

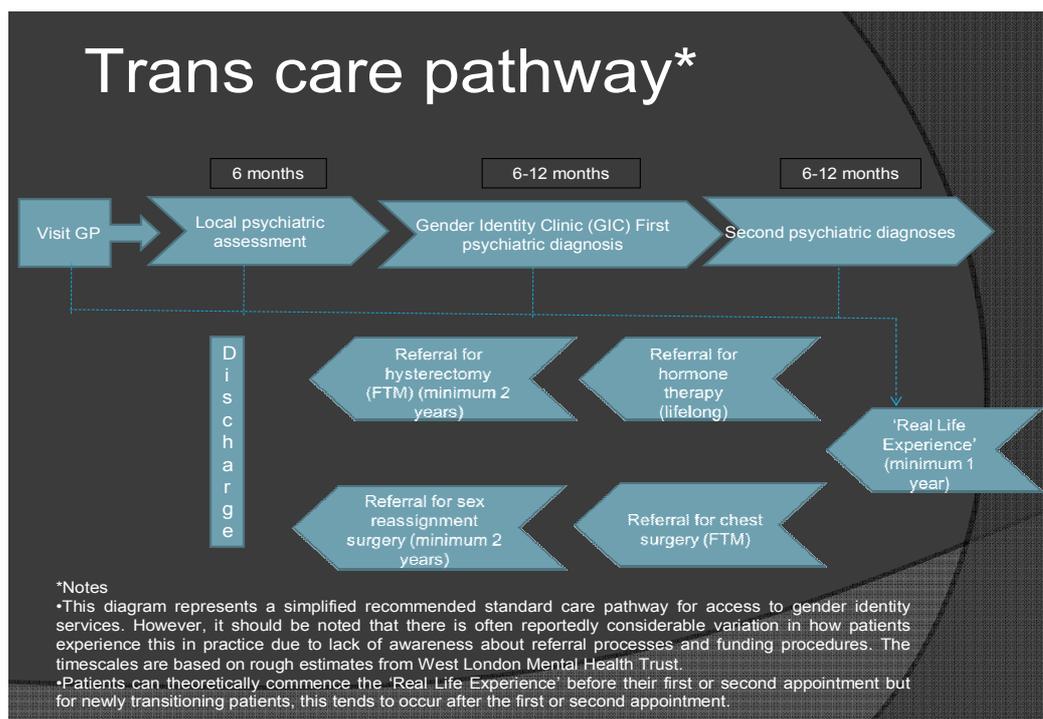
The NHS care pathway

3.12 A number of people raised concerns over the existing NHS care pathway. The submission from the NHS Sussex and Brighton and Hove Clinical Commissioning Group (CCG) summarises the health and wellbeing issues that relate to the gender reassignment process as:

²⁴ Mins 20 September 2012

location of specialist Gender Identity Clinic and lack of local provision; length of time on the gender reassignment pathway; lack of agreement as to which procedures are considered 'core' to the pathway; satisfaction, experience and trans engagement in the pathway; and psychological support and psychological assessment.²⁵

- 3.13 The existing NHS pathway for a trans individual is shown below. However, it should be noted that due to inconsistency and lack of awareness among healthcare providers, there is often reportedly variation in how patients experience this in practice.



- 3.14 As detailed above, the first point of contact for an individual who is questioning their gender identity is their GP. The Panel were told that there were mixed standards for GPs – some are fantastic, some are not helpful. One person told the Panel that they felt that some GPs do not want to get involved and can get 'freaked out'. There was a general feeling that GPs could benefit from specific trans awareness training – as could front line staff. One person commented:

“There are often inappropriate reception processes and people are often not handled in a sensitive or respectful manner. Trans people often find themselves arguing in a public place with someone who doesn't understand”.

- 3.15 The written submission from the NHS Sussex and the CCG states that as a result of local engagement and national research, the NHS is aware that:

²⁵ Written submission

“Trans people report often encountering difficulties in their interactions with health professionals that range from lack of awareness and understanding of their identities and gender status to outright hostility and prejudice from staff who have difficulty accepting gender reassignment or gender dysphoria as legitimate.”²⁶

- 3.16 In addition one person noted: *“Doctors and GPs have no understanding of trans bodies and trans issues”*. Geraldine Hoban told the Panel that the CCG had a responsibility to offer support to GPs and could arrange and encourage training. Following the Panel meeting, a number of written follow-up questions were asked. In response to a question on training, Geraldine Hoban wrote:

“The CCG will be organising awareness sessions for CCG staff and clinical leads from a range of equalities groups in early 2013. This will include trans awareness.”

- 3.17 The Panel welcome this commitment arising as it does from the Scrutiny Panel’s inquiry.
- 3.18 In response to written questions, NHS Sussex informed the Panel that the CCG was developing Equality and Diversity strategies for 2012-14. These are not yet published but:

“This strategy includes actions to improve the collection of patient protected characteristic data at both GP practice level and provider trust level in order to ensure that service development and commissioning is fully informed by the needs of local communities.”²⁷

- 3.19 The Panel look forward to seeing the strategies once they are published. The collection of patient protected characteristic data should be used to improve the experiences of trans patients.
- 3.20 Recording, monitoring and privacy are core issues for improving services for trans people yet the Panel has heard evidence from many trans people that information handling (including by health professionals) is often problematic for both the individual and for the service provider.
- 3.21 Trans people have clear legal protection from disclosure of their trans status and previous gender identities upon the receipt of a Gender Recognition Certificate (GRC). However, NHS Sussex stated they were aware that some NHS providers and GP practices are often unclear as how to store information on trans people prior to the receipt of the GRC and how information can be provided when required

²⁶ Written submission for NHS Sussex and Brighton and Hove Clinical Commissioning Group, p4

²⁷ Answer to written question

without revealing a person's trans status. This can cause anxiety for trans people and NHS staff.

Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the Clinical Commissioning Group, offer guidance on the correct procedures.

- 3.22 The point was also made to the Panel that trans people will sometimes face the assumption that their health needs are inextricably linked with their trans status and find it difficult to access generic advice and treatment without their gender identity being considered a causal factor in their health needs.²⁸
- 3.23 Clarity around these issues should be addressed through appropriate training and subsequent monitoring. It is not sufficient to provide training without then having the mechanism to ensure that real change occurs as a result.

Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, an action plan must be put in place to ensure that real change occurs.

- 3.24 The issue of check-in at GPs surgeries was also raised: on arrival, people have to input their date of birth and indicate if they are male or female with no option for non-binary gendered people. The Panel can see no reason why this cannot be amended to so people do not have to indicate a gender, or for this part of the check in to be removed entirely.

Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems.

Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans-aware and understand their role in supporting patients on the care pathway.

²⁸ Written submission NHS Sussex and CCG

Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the CCG commissions an online resource and print resource to provide information for patients.

Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition

- 3.25 Traditionally, the NHS pathway for trans individuals has been the mental health pathway. A number of people expressed concern that this pathway is too narrow and can be inappropriate. There was a perception that this leads to trans being seen as a mental illness. Dr Tim Ojo (Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist) was very clear that trans is not a mental health issue – he made this categorical statement. He went on to explain that whilst some people may have had a worse service than they should expect, when looking at health conditions it is important to ensure there are no underlying psychiatric issues.
- 3.26 Historically, the lead clinician in the trans care pathway has been a psychiatrist. However, Dr Tim Ojo was of the opinion that in a properly resourced service, this did not necessarily have to be the case. Mental health services do have an important role to play but there is no reason why it is solely a mental health pathway to gender services. Nonetheless, Dr Tim Ojo emphasised that the effect of the Real Life Experience on trans people should not be underestimated.
- 3.27 In addition, Dr Tim Ojo explained that trans people contacted the mental health services for different reasons. There are those people who wanted to go through the pathway to gender re-assignment ('instrumental' contact), those suffering depression due to discrimination and harassment, and those experiencing stress after transition (social issues).
- 3.28 The Panel heard that trans people on the trans care pathway are not always getting the mental health support they need. Gender Identity Clinics are oversubscribed and local services aren't meeting demand. All too often trans people are falling through the gaps in service provision. Mental health support provided locally for people on the trans care pathway – and those needing support prior to embarking on the pathway – needs to be considered.
- 3.29 The Brighton & Hove Joint Strategic Needs Assessment (JSNA) states that trans people were twice as likely to have thoughts of suicide and five times more likely to have attempted suicide in the past year than

LGB people.²⁹ The section of the JSNA looking at suicide prevention states that future local priorities will draw on the national draft strategy which identifies six key areas for action.³⁰ One of these areas is work to improve the health of groups at risk of mental health problems. The list in the JSNA includes “Lesbian, gay & bisexual people” but does not include trans people. It is important that the JSNA explicitly mentions trans people as a group at risk and not just LGB people.

Recommendation 11: The JSNA should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support.

Gender Identity Clinic (GIC)

- 3.30 Following a local psychiatric assessment, trans individuals are then referred on to a Gender Identity Clinic. For people in Brighton & Hove the nearest is the West London Mental Health Trust. There is no local provision. This need to travel to London creates an additional financial burden and, for those in work, more medical leave time. In addition, a number of people reported that there were lengthy delays for appointments.
- 3.31 It had been suggested to the Panel that a specialist from the West London GIC could travel to Brighton & Hove – for example, hold appointments locally once a month. This would mean that people did not have to travel to London so often, with the associated costs in time and money. In response to a question, Jo Scott, Assistant Director Mental Health, told the Panel that Brighton & Hove spends around £34,000pa on the West London GIC which is not enough to bring a specialist to Brighton. There is also a national shortage of clinicians so it would exacerbate the problem to spread them wider geographically. The problem of needing to carry medical records for trans people in paper form, rather than electronically, was also mentioned.
- 3.32 All things considered, the Panel do not think that it is unreasonable for the NCB to consider providing a local service at regular intervals in Brighton & Hove. The Panel appreciates that funding is problematic, but steps could be taken to bring some services locally.

Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning

²⁹ JSNA. Count Me In Too found that those who identify as trans are over five times more likely to have attempted suicide in the past twelve months than others.

³⁰ <http://www.dh.gov.uk/health/files/2012/09/Preventing-Suicide-in-England-A-cross-government-outcomes-strategy-to-save-lives.pdf>

Board (NCB) local Area Team and Clinical Commissioning Group (CCG) to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics.

- 3.33 A number of other concerns were raised with the Panel, including the problems of self-medicating, access to appropriate screening, and problems with NHS records and administration. There are also a lot of inconsistencies, for example, one trans man told the Panel that he was unable to get a hysterectomy from the local hospital without a letter from the GIC which delayed matters; a trans man at the same meeting had been referred directly by their GP with no problems. Single-sex hospital wards were cited as problematic for trans people who would prefer to be able to choose where they feel most comfortable.
- 3.34 Trans people need to have access to screening and services appropriate to their birth gender. However, trans individuals reported problems in accessing relevant screening services, for example, breast screening for trans men or prostate screening for trans women. This is an area that needs to be addressed by health professionals: there is no easy answer. A number of people reported problems with changing NHS numbers to reflect their gender identity. Geraldine Hoban told the Panel that a new NHS number effectively 'wipes' a patient's health history. This could be an issue for anyone with chronic health problems.

Accurate data

- 3.35 As mentioned at the start of this report, there is a lack of up-to-date data on the numbers of trans people in the city. In response to a written question, Dr Tim Ojo told the Panel:

"We currently do not have accurate data about those waiting to transition. However we do know that about 86 people on average each year have been accepted as referrals from our Trust to the West London GIC."

- 3.36 The Public Health Joint Strategic Needs Assessment (JSNA) relies on Count Me In Too (2008). In response to written questions following a Panel meeting, Geraldine Hoban of the CCG told the Panel:

"The CCG has committed to work in partnership with the City Council to commission a trans needs assessment for the city, to take place in early 2013."

- 3.37 The Panel welcome this commitment as a pleasing result of this scrutiny inquiry. However, some joined-up working will be required as it is important that the needs assessment is not restricted purely to health but also covers the areas of housing, leisure and employment needs.

Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information.

Public Health

- 3.38 The Panel heard from Becky Woodiwiss, Health Promotion Specialist in Public Health. The responsibility for public health is moving from the PCT to the council from April 2013. The majority of this public health role involved the commissioning of health and wellbeing services. Becky Woodiwiss told the Panel:

"It was important to get past the bi-classification of male and female. All general health population needs apply to trans people with some additional specific health issues that need addressing such as mental health, access to physical activities, maintenance of a healthy weight."

- 3.39 The Public Health team were keen to have a better dialogue and better monitoring throughout the commissioning process to enable all people to be able to access all services.

- 3.40 The JSNA 2012 states that one of the recommended future local priorities is to:

*"Await the outcome of the Brighton & Hove City Council Trans Equality Scrutiny review, which will examine aspects of health, safety, housing, employment & leisure services."*³¹

- 3.41 The Panel welcome this statement and recommend that the Public Health team first identify the health status of the trans population. As local authorities are now responsible for reducing health inequalities, in order to know whether they achieve this outcome for trans people, they

³¹ <http://www.bhlis.org/jsna2012>

must first know what the health status of the trans population is, what inequalities they face, and what actions are likely to address them.

Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report.

Section 3 – Housing

- 4.1 Access to appropriate and affordable housing was raised repeatedly with the Panel. Some young trans people or people who are transitioning may not feel safe in shared accommodation or with shared facilities. The Housing Options service completed an Equalities Monitoring Analysis in early 2012 - more information will be available from this later in the year. Initial headlines include the statement “*the transgender community have reported that they would not feel comfortable living in many of the supported projects that are currently available.*”³² Barriers for trans people accessing supported housing need to be explored in the LGBT Housing Strategy.
- 4.2 In addition, the Single Room Rate (SRR) restricts the maximum housing benefit certain claimants in the private sector can receive to the rate for a single room in a shared house (as opposed to a self-contained studio flat or one-bedroom property). Since January 2012 this has applied to claimants aged 35 and under – a change from the previous rules of applying to under 25s.³³ This change in the rules will have a particularly negative effect on trans people due to issues around privacy and safety. The Advice Strategy Partnership told the Panel that the Brighton Housing Trust had two recent cases where clients identifying as trans had reported this as a key barrier.
- 4.3 Although the SRR restriction is a matter of legislation, the Panel have been told that the council has an, albeit limited, ability to ‘top up’ local housing allowance payments for a period with ‘discretionary housing payments’. Housing officers need to be fully aware of the needs of trans people.
- 4.4 There is also the question of where people are housed – some trans people are being housed in areas of the city where they do not feel safe but find it difficult to move. The Panel heard that the high level of supported housing, the high student population, and the vibrant private rented sector, have led to high prices. People are then forced for financial reasons to the margins of the city, where they may not have chosen to live. One person said:
- “It’s very very difficult to live as a trans person in some places, for example, you can get unpleasant things put through your letterbox.”*
- 4.5 Another person told of “*problematic neighbours who had an unhelpful attitude during transition*”.

³² Written submission para 12.3

³³ Written submission Advice Strategy Project

- 4.6 The comment was also made that trans people are discriminated against when looking for rental accommodation. Private landlords and housing associations are not always welcoming to trans tenants.
- 4.7 Stephanie Scott of the Clare Project told the Panel that Brighton is seen as a 'haven' for trans people and every month people contact the Clare Project wishing to move here. However, if a person does not have a 'local connection' then they can only access the private rental sector which is expensive and in many cases inaccessible to those on benefits.³⁴ James Crane, Service Improvement Manager in the housing team, B&HCC, told the Panel that the local connection issue would be addressed in the upcoming Single Homelessness Strategy. The criteria used to review housing need and for assessment for the provision of assistance should be informed by the specific housing vulnerabilities that trans people report. This includes: transphobic discrimination and harassment and exclusion from the private sector due to low income engendered by employment discrimination and structural inequality.
- 4.8 Trans people reported to the Panel that if there was a need to move house post-transition, the existing process is not sufficiently flexible for people to be able to either move, or move up to a housing band that would enable them to be re-housed. The Panel were told that the Housing Act sets out certain criteria that local authorities have to give 'reasonable preference' to, including homelessness, overcrowding or unsanitary accommodation, and to ex-servicemen/women. In addition, the Panel were told it is a political decision on which categories of people are housed as a priority.³⁵
- 4.9 Housing officers told that Panel that (at the end of July 2012) 21 tenants had thus far recorded that they were trans – although it was felt that this is likely to be an under-representation. Other figures provided by the Housing Options team, based on equalities monitoring, gave a figure of 16 people who had identified as trans who were threatened with homelessness. Once again, the data for the numbers of people who identify as trans is inconsistent. The written submission from the Housing Commissioning team stated the Housing Options/Homeless team does consider requests under gender if someone "does now or have ever identified as trans or gender variant." It goes on to say:
- "Base line equalities data for the trans community is difficult to obtain. Data is not collected routinely in either the Housing Register or Housing Benefits Sections of the council and therefore a base line is difficult to establish".*
- 4.10 The Panel was told that the housing benefits team do ask people if they identify as trans, but then do not record that data on the system as

³⁴ Evidence 25 September 2012

³⁵ Evidence 27 September 2012

there is no legal requirement to do so. The review of housing services needs to include a robust mechanism to enable housing need among trans people to be identified and quantified.

Training

- 4.11 The issue of training for front line staff, those entering people's homes, and landlords was raised. Nick Hibberd, Head of Housing and Inclusion, B&HCC, told the Panel that they were aware that they needed to do more staff training, specifically on trans awareness. Housing officers and providers need to be aware of the vulnerability of some trans people and their specific needs. **As a result of the Scrutiny Panel process and the issues and awareness it has raised, housing officers have started commissioning trans awareness training. This is to be welcomed and must be made available to all housing staff.**

B&HCC

- 4.12 The council owns and manages nearly 12,300 homes in Brighton, Hove and Portslade (including 23 sheltered housing schemes), around 11% of all housing in the city. The council is also by far the biggest landlord in the city with 2,300 leasehold flats. Tenants are involved in the development of the housing service. However, the housing team recognise that they engage with tenants who do not reflect the totality of the tenant profile and that more needs to be done to encourage trans tenants to come forward and be involved in service development. **The Panel look forward to hearing what progress has been made on this in due course.**
- 4.13 B&HCC has an LGBT Housing Options officer, a role that was developed out of the LGBT Housing Strategy and *Count Me In Too*. It would be interesting to have further information on this work, and how it feeds into the housing strategies. *Count Me In Too* found that 29% of trans respondents lived in social housing, 39% owned their own homes, and 24% lived in the private rented sector. At that time, 36% of trans respondents had experienced homelessness. The report found that trans people had particular vulnerabilities with transphobic landlords in the private rented sector and in council supported housing.³⁶ There is no up-to-date information on the current situation.
- 4.14 The Housing team need to know what proportion of council tenants are trans and should have base line figures with regular monitoring in

³⁶ Count Me In Too, LGBT Lives in Brighton & Hove, Dr Kath Browne with Dr Jason Lim, Trans People, Additional Findings Report, December 2008,pvii

place. Only with reliable information will the service be able to fully meet the needs of all its service users.

- 4.15 Housing officers are due to embark on a new Homelessness Strategy in 2013 with the review taking place late in 2012. The Panel heard that the most recent homelessness consultation was 2007 and involved an LGBT event. The LGBT Housing and Support Workers Group no longer exists but the Panel were told that this may be reconstituted.³⁷ The Panel would like to see a thorough and widespread community engagement programme in advance of the development of the new housing strategies. This should ensure that trans tenants and trans individuals are given the opportunity to take part. The concept of “nothing about us without us” needs to be embedded as part of the process informing the new strategies.

Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken.

Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords.

Older trans people

- 4.16 The Panel heard from Ruth Rose, of the UK Advisory Panel on Ageing. Some trans people report feeling very isolated from those around them and this can increase with age. There is a perception that people may go into sheltered housing or a hospice and then find themselves further isolated, in particular because other residents can have very uninformed views about trans people. **The council needs to look at what positive steps can be taken to bring a better social acceptance of trans people among the communities of older residents in sheltered accommodation and residential homes.** As with other areas of housing, there has been no specific training for those working in sheltered housing since the training that followed *Count Me In Too*. A recent East Sussex County Council report looking at social care for LGBT people noted that for older trans people:

“There are also particular physical and personal care matters that must be acted on appropriately - proper attention to

³⁷ Evidence 27 September 2012

*hormone replacement regimes; intimate care, skin and hair care; appropriate attention to personal choice of clothing and style and privacy. There are legal requirements about confidentiality of personal identity that providers need to be aware of and ensure their staff comply with.*³⁸

- 4.17 The isolation that older trans people can experience could be addressed by ensuring that older people's services contracted by the council have robust processes in place to ensure that older people can access appropriate services. Stephanie Scott made the point to the Panel that trans people often want to move to Brighton & Hove but there are no plans in place to deal with an ageing LGBT population. **The Panel feel that discussions should be taking place to plan for a likely increase in number of older LGB and T people in the city.**
- 4.18 In addition, it seems likely that trans people may find themselves more likely to be in a position where they do not have family to look after them as they age. Without people they know to take care of them, there is a concern that carers may not understand trans bodies or trans needs. With the provision of in-home care, people may also be worried about others coming into their homes who do not understand them and who therefore won't look after them appropriately. **The council must take steps to ensure that older trans people can be confident they will receive appropriate care and that those who provide care on behalf of the council are rigorously monitored. In particular, during the role-out of personal budgets, the council needs to be doing what it can to encourage carers who will be sensitive to the needs of trans people.**

Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council.

³⁸ An assessment of the needs of lesbian, gay, bi-sexual and transgender (LGB and T) people in the East Sussex area using or needing to use Adult Social Care's services, p19 <http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/ESCC-LGBT-needs-assessment-march2012.pdf>

Section 4 - Community Safety and Hate Crime

5.1 Brighton & Hove has a reputation as a diverse city where people can be supported. Camel Gupta from Queers of Colour told the Panel that there is a strong sense at LGBT events across Europe and elsewhere that Brighton & Hove is a good place to live. Despite this, the Panel heard that hate crime and incidents blight the lives of many trans people in the city. Combined with a lack of awareness and a fear of reporting crimes, many trans people are finding it difficult to live safely in the city.

5.2 People told the Panel their stories:

Case Study – Hate Crime

“It is particularly bad on Friday nights, especially as the clubs are opening; there’s a surge of macho men in the streets at that time. I don’t go to West Street at all now.”

“Many trans people in the city are in effect LGBT refugees who had fled to escape transphobia in other parts of the country and seek sanctuary”.

“I lived elsewhere and suffered many violent attacks in 18 months, some resulting in hospital admissions. If you are a visible trans person you can be at risk of your life. Eventually, I put my belongings in suitcases and came to Brighton.”

“I was a victim of hate crime from a middle class area of England. People do come to Brighton for that reason.”

“There should be zero tolerance of hate crime. We need to define what that means and how it would be carried through. It is felt to be acceptable to bash trans people and there has to be a step change – start with no tolerance.”

“Brighton is a great city to live in. I have found council people totally polite and efficient but other people have had different experiences.”

Hate crime

5.3 There are a number of issues surrounding hate crime – not least that it is historically under-reported. In 2011 the police figures show there were 225 LGBT incidents or crimes of which 167 were logged as incidents and 58 as crimes. Of those 58 crimes, 35 remained

undetected. Of the 225, in only 16 of these did the victim identify as trans with the remaining 209 identifying as LGB.³⁹

- 5.4 The Panel heard from PC Rachel Piggott and Rory Smith of Sussex Police, and Peter Castleton and Eric Page of the Community Safety team in the council at separate meetings. PC Rachel Piggott told the Panel that she had been part of the Police LGBT Liaison team for the past two years. During this time she had worked with different community groups to gain trust and build confidence. The LGBT Liaison team hold drop-in sessions in public places (for example, libraries and cafes) and run a monthly on-line session for people to contact the police electronically. It is worth emphasising that the LGBT Liaison Team has been cited to the Panel as an example of good practice. Rory Smith is a civilian (rather than a police officer) who works as part of Sussex Police looking at LGBT Hate Crime. Part of this role was to examine hate crime reporting to try and gain more detailed hard data.⁴⁰
- 5.5 Peter Castleton, Community Safety Manager and Eric Page, LGBT Officer, Community Safety Team, told the Panel that several years ago there was a difficult relationship between the team and the trans community but this has been improving year on year. The challenge was to establish trust and for the community to feel confident to talk to the police and the Community Safety team. A new duty phone number (the anti-social behaviour and hate incident reporting line) has recently been set up (01273 292735) and this will be promoted. **The Panel would like to see this number widely publicised and promoted.**
- 5.6 It is important that appropriate recording of police and community safety data on trans-related crimes and incidents is developed and used to inform preventative measures wherever possible. In a recent, and welcome, change the Police have started recording trans crimes as a separate crime to the LGB marker. In addition, the Community Safety team are developing a system to work with community agencies to get anecdotal evidence to help inform data collection. Without better reporting – and better evidence of transphobia – it is difficult to secure relevant funding to deal with the issue, or to put in place specific preventative measures. Eric Page told the Panel that the lack of monitoring was a key issue. Without hard data it is difficult to target specific mechanisms and preventative work.

*“There is a need to keep listening and expanding awareness of reporting”.*⁴¹

- 5.7 As part of this ongoing process, when the council funds the development of LGBT community safety projects or interventions, such

³⁹ Written submission

⁴⁰ Evidence 20 September 2012

⁴¹ Evidence 25 September 2012

projects should be required to demonstrate the active and meaningful participation of trans people.

Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents.

- 5.8 The view was expressed to the Panel that often it was visitors to the city who were the worst perpetrators of trans hate crime. There is no hard evidence to support this: one view is that those that carry out hate crime are not just transphobic but carry out other hate crimes.
- 5.9 The Panel were told that more needs to be done on training and trans awareness for pubs and clubs in the city. People need to know that hate crime – including harassing people because of their appearance - will not be tolerated and public venues were well-placed to help put this message across, for example with posters, or leaflets.
- 5.10 The council’s Statement of Licensing Policy states that:
- “In line with statutory requirements and the council’s Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.”*
- 5.11 In addition the Licensing policy supports the Crime and Disorder Reduction Partnership’s crime reduction strategy, in particular it seeks to “confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour”. Under the reviews section of the Statement of Licensing Policy it also notes that where a style of operation of a premise leads to applications concerning likelihood of racist, religiously motivated, or transphobic crimes or incidents, *“the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.”*
- 5.12 When the council is looking at licenses for premises in the city, there is a case to be made for ensuring that premises – and the staff that work in them – are fully open to all individuals. (The issue of facilities in venues is considered later in this report).**

Training

- 5.13 The Panel are aware that there have been incidents when people have been wrongly assigned a gender by police officers when they call in to report an incident, which has led to upsetting and insensitive handling of that individual when they present to the police station.⁴² There is a training DVD on trans awareness but it has not necessarily been widely used – it is important that trans awareness training is delivered across the police force.
- 5.14 The Panel questioned the Community Safety team about their training and there appear to be some gaps with new staff. The Panel recommend that the community safety team ensure that everyone on the team receives trans awareness training as a matter of some urgency.

Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team.

Domestic violence

- 5.15 The issue of domestic violence was raised with the Panel. Statutory and non-statutory services can forget that domestic violence affects trans as well as cisgender people. It was a concern that there are no safe spaces or refuges for trans men or women. Refuges and safe spaces may reject trans people – and even if they are let into these spaces, residents may associate them with their birth gender thus causing problems. The Panel heard that there were no funds for an additional refuge or safe space. **Nonetheless, there is a key issue around community safety and safe spaces for trans people who are either homeless or suffering from domestic violence or both that needs to be addressed. As part of this, staff in refuges should be trained in trans awareness.** The Panel heard from Joanna Rowland-Stuart from Regard, a charity run for and by disabled LGBT people.⁴³ The Panel heard that domestic violence is an issue for disabled and trans people. Disabled trans people can be refused care or asked to present in their birth gender and not their acquired gender.
- 5.16 The report *Domestic Violence. A resource for trans people in Brighton and Hove* stated that:

“Trans people can experience domestic violence from a same or opposite sex partner, and can do so regardless of the gender identity of either person.

⁴² Evidence 20 September 2012

⁴³ Evidence 25 September 2012

*In some cases, abusers will use the process of 'coming out' or transition as an additional form of control. This can be particularly difficult where children are involved.*⁴⁴

⁴⁴ <http://www.riseuk.org.uk/documents/Domestic%20Violence%20-%20A%20Resource%20for%20Trans%20People.pdf>

Section 5 - Education and schools

6.1 During the Panel's listening exercise, one of the key areas where it was felt that changes could be made that would have a forward reaching positive effect was in terms of schools and the provision of education. Trans or gender-questioning children and young people can be hugely affected by what happens to them in their early life. Concerns around gender stereotyping, the curriculum, awareness and training, bullying, and lack of support were all raised.

6.2 Comments made to the Panel included:

"PSHE should include people's different experiences of being human."⁴⁵

"More training is needed in schools because bullying of trans people has been rife. There should be greater awareness by both children and parents. The whole range of different gender identities needs to be better acknowledged."

"I would have loved to have transitioned when I was still at school; that might have meant moving to a different school where I wasn't known, but that would have been ok."

6.3 The Panel heard from Elliot Klimek of Transformers (the support group that works with young trans people between 16 and 25 years old: the group is part of Allsorts Youth Project, an LGBTU youth project), from Marianne Lemond of Allsorts Youth Project (a LGBT youth project) and Sam Beal of the Healthy Schools Advisory Service in B&HCC.

6.4 Transformers works with young trans people in group work and advocacy, and with parents. Elliot Klimek reinforced what the Panel had heard in other areas, that there are issues around accessibility and the physical environment in schools, for example, toilets, PE, changing rooms, competition in sports. Teachers can be nervous around the law on trans people taking part in PE lessons. One person who attended Transformers had never felt safe enough to go on a residential school trip.⁴⁶

6.5 The Healthy Schools Advisory Service and Allsorts Youth Project work in partnership to "support schools to prevent and challenge transphobia and to support transgender and gender questioning children and young people in school settings".⁴⁷ The Panel were told that support materials and training were delivered to help schools meet the Public Sector Duty of the Equality Act 2010. The new Ofsted Framework identified trans children as a vulnerable group. These two things

⁴⁵ Personal, Social and Health Education

⁴⁶ Evidence 20 September 2012

⁴⁷ Written evidence p1

together have led to more focus on preventing and challenging transphobia. In particular, the new Ofsted Framework can now be used to encourage schools to consider more closely the needs of trans children and young people.

- 6.6 Within this work they support primary and secondary schools to deliver effective PSHE education and provide careers education, information, advice and guidance. This includes work on developing anti-bullying and equalities, of which supporting schools to understand the needs of trans and gender-questioning children and young people is a part. In addition, Sam Beal told the Panel that materials are being developed to support the PSHE curriculum in schools to include work around transphobia, gender and gender identity as well as sexuality and homophobia.⁴⁸
- 6.7 Allsorts and the Health Schools Team are also working on a trans Toolkit for schools on supporting trans and gender questioning children and young people. This is still in draft but the Panel heard that the Toolkit will include the issues that trans children face, such as toilets, and gendered uniform. As it is developed the young people involved in Transformers will be involved, as well as Allsorts. It is important that when the Toolkit is developed, people know how to use it and that it is well advertised and implemented. Schools will need to be confident that they not only know about the Toolkit but how to use it.
- 6.8 In terms of reaching out to schools and knowing what training is going on, however, there is not currently the time or resources within the council team or Allsorts to do this. For funding and capacity reasons, the support and guidance offered by Allsorts and the Healthy Schools team in this area, is reactive not proactive. They work with schools and parents who have approached them, and offer training support to all schools in the city. They offer central training as part of the Toolkit development but there is not the capacity to monitor what all schools are doing. Sam Beal told the Panel their workload was increasing:
- “Young people transitioning in school communities or between schools or with a trans parent are increasingly asking for help in a visible way. More people have made contact over the last eighteen months.”⁴⁹*
- 6.9 Sam Beal explained that the main challenges are time, capacity, and training the whole school in a complex subject.⁵⁰ Marianne Lemond told the Panel that Allsorts were getting more demand for their support now: some of this is as a result of more younger people identifying as trans or gender questioning at an earlier age. She noted:

⁴⁸ Evidence 27 September 2012

⁴⁹ Evidence 27 September 2012

⁵⁰ Evidence 27 September 2012

“There has been an increase in the number of trans and gender questioning children accessing Allsorts and an increasing number of parents too. Currently, the demand for Allsorts service is exceeding capacity.”⁵¹

- 6.10 It is also of concern that it is when children leave the more nurturing climate of primary schools for secondary school that is when gender questioning children face more problems. Elliot Klimek of Transformers noted that schools need to be capturing data on transphobic bullying and all teachers should signpost trans children and young people to Allsorts (some do, but not all). The Healthy Schools Advisory Service informed the Panel they will be launching guidance for schools on recording and reporting of bullying and prejudice based on incidents by type (including those resulting from perceived or actual gender identity). The local authority will also request that schools return bullying data by type, including that relating to gender identity.⁵²
- 6.11 Whilst bearing in mind the financial climate, given the importance of children and young people’s formative years and experiences, both those who may be trans and gender questioning, and those who may not be, the Panel is of the opinion that if we are to create a cultural shift towards more understanding and awareness of gender diversity, more work needs to go into the provision of trans awareness in education and the schools in the city.
- 6.12 Schools will also need to be aware of their Public Sector Equality Duty (see p57 of this report) and be able to set out what they are doing to ensure that they are compliant with the duty in regard to gender reassignment.⁵³

Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training.

⁵¹ Evidence 27 September 2012

⁵² Written submission p2

⁵³ The Equality Act 2010 provides protection for ‘transsexual people’ under the protected characteristic of gender reassignment. For more information see p58 of this report.

Section 6- Leisure and recreation

- 7.0 The importance of exercise and a healthy lifestyle is well documented, both in terms of physical and mental health. However, the Panel heard that access to sports and recreational activities is problematic for trans individuals. Issues around gendered toilets, gendered changing rooms, and lack of awareness of trans individuals and their needs, and gendered sports (for example women's netball or men's basketball) were all raised with the Panel.
- 7.1 The Panel heard that many trans people can feel excluded at sports facilities not only because of transphobia, but because they feel uncomfortable using the changing facilities. There is a lack of general awareness around facilities for trans people, in particular a lack of gender neutral changing areas.

Case Study –changing rooms and toilets

“A lot of people don't like unisex changing rooms .. some women (and men) don't feel safe in mixed changing rooms.”

“A simple loan key system (for an accessible toilet) would make swimming more accessible for trans people.”

“Huge amounts of money have been spent on redeveloping parts of King Alfred Leisure Centre. It should have been easy to include suitable facilities – changing areas, toilets, showers – for trans people. That would make a big difference to me.”

“The only place I feel comfortable to change in, is the toilet.”

“Intergender loos – it would be nice not to think you are causing a problem just because you need to go to the loo.”

“If the only other option than M and F is ‘disabled’ then it should be called ‘accessible’ and be for people who can't use other toilets for whatever reason.”

“Often in men's toilets, even if there is a cubicle, often there isn't a lock. This is low down in pubs/clubs' priorities but as a trans person you feel unsafe.”

Training and awareness

- 7.2 The Panel heard from Ian Shurrock, Commissioner, Sports and Leisure and Toby Kingsbury, Sports Facilities Manager, B&HCC. The Panel

heard that the sports and leisure team had undertaken broad equalities training but no specific trans awareness training. The team recognised that further training was needed around trans awareness and would welcome views on how best to provide this training.⁵⁴ **The Panel would encourage the sports and leisure team to commission appropriate trans awareness training (see recommendations 1 and 2 on a service users audit and training.)**

- 7.3 The Panel asked for data and any experiences of trans people accessing services or transphobic behaviour, but there was none available. The point was made that the lack of reporting doesn't mean it isn't an issue. Indeed the sports service would be concerned if this meant that people were no longer using the facilities but the team were not aware of it.
- 7.4 Ian Shurrock told the Panel that his team welcomed the chance to talk to the Panel and take on board the issues for trans people in accessing their service. The team do run Muslim women only swimming sessions and noted that programmes can change in relation to demand. A session can build up from a low participant base. **Following the Scrutiny Panel meeting, the sports and leisure team started to explore the option of trans only swimming sessions in St Luke's swimming pool – the Panel welcome this as a positive step forward.**

Facilities

- 7.5 A number of trans people told the Panel that one of the main things that prevented them attending activities in the city's sports and leisure centres, was the lack of changing areas and toilets where they felt safe.
- 7.6 **It is worth highlighting that the issue of appropriate, non-binary toilets and changing areas was raised in relation to all buildings (including schools, work buildings and pubs/clubs). The comments made in relation to sports and leisure facilities should be seen to be applicable to other buildings and venues.**

Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions.

- 7.7 A variety of options are available to make toilets more accessible. Suggestions have included offering trans people the option to use the

⁵⁴ Evidence 27 September 2012

accessible toilets with RADAR locks. Whilst this may be helpful for some, there are associated problems. Any consultation looking at how to make more toilets accessible to all should include trans users and disabled user groups.

- 7.8 It is worth noting that changes to toilet provision would have a wider beneficial effect. For example, more unisex toilets would mean that toilet spaces are effectively utilised and may have the effect of reducing queuing.
- 7.9 A Scrutiny Panel has recently been set up to look at the provision of public toilets in the city. Whilst this is in early stages, that Panel should be aware of the concerns raised by trans individuals in relation to toilets.

Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people.

- 7.10 The council should actively examine the changing rooms provided in its leisure and recreation centres to see if there are sufficient accessible changing facilities to accommodate all users, whatever their gender. In addition, when facilities are being refurbished, the opportunity should be taken to ask users what facilities they would like to see. As part of this process, trans support groups should be asked for their views.

Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity.

Section 7 – Employment

Employment

- 8.0 Persia West, from *A Place at the Table* told the panel that employment was central to any consideration of how to make life more equitable for trans people. Employment gives people a place in the world, financial value and a sense of identity. However, trans people can find it difficult to find employment, and for those in work, there are often problems of abuse or lack of understanding, particularly if they are transitioning.
- 8.1 One person told the Panel how they ended up leaving their job - 'forced out' - as their employer did not provide support, or indeed allow them to use the appropriate facilities. Other people told the Panel that medical leave can be problematic for those transitioning. Unison has produced a factsheet (Transgender workers rights – April 2012) which states many trans workers face discrimination, despite the fact it is unlawful. It states: "41% of trans respondents to our most recent UNISON members' survey feared for their job security if people knew they were trans. 60% of them had experienced transphobic comments from colleagues and managers."⁵⁵
- 8.3 Repeatedly, the Panel heard both how employers did not know the legal and employment rights of trans people, and that trans people themselves did not know their rights. In a complex legal arena, there is confusion and misunderstanding on both sides. Ultimately, in a difficult economic climate, any person whose needs are perceived to be more onerous than those of others (however misguided or uninformed that perception), may find themselves penalised. The Panel are aware that there are existing protocols and policies in place aimed at protecting the rights of trans people at work. However, there is an issue over how informative – or even factually correct – these are, and how well used.
- 8.4 Persia West told the Panel that there had been a LGBT jobs fair several years ago – it had been useful but had only been attended by a small number of people. Nonetheless, the council should consider arranging a new LGBT jobs fair to bring SMEs and advice organisations together. The previous job fair had helped identify the barriers facing trans people looking for employment. There is still a role for that today.
- 8.5 There is a lack of 'specialised' advice on employment rights for trans individuals –the Advice Strategy Partnership acknowledge this gap and are exploring opportunities for developing this service.

⁵⁵ Transgender workers right – April 2012. From the website. There is no information on how many people took part in the survey.

8.6 From the other perspective, JobCenterPlus informed the Panel that:

“Diversity in general is seen as a selling point and benefit to the city by most employers due largely to the city’s profile as a liberal and vibrant place to do business. The ‘Pink Pound’, Pride and other high profile events and festivals attract a huge cross section of society which is catered for by businesses in the city. Brighton Jobcentre staff closely mirror the diversity amongst its customers.”⁵⁶

B&HCC employees

8.7 B&HCC carry out an annual staff survey. In 2012, 10 members of staff who filled in the survey identified as transgender. This small number makes it difficult to extrapolate meaningful data, but looking at the responses to the questions asked in the survey, the views of those who identified as transgender were similar to those of all staff.

8.8 At one meeting, the Panel were told that council staff did not feel safe to talk about their experiences with the Panel. On questioning Charlotte Thomas, Head of Human Resources and Organisational Development for the council, the Panel were perturbed to find that HR had no explanation for this. It is imperative that staff must feel safe to discuss any concerns or problems they have with the relevant people and to be assured that remedial action will be taken where necessary. The Panel heard that the council’s Trans Toolkit is available for managers to access over the intranet pages but there is very little in terms of active support. More worryingly, Panel Members highlighted two areas of the Toolkit where they had concerns over a lack of compliance: namely, in the section on what questions could be asked at the interview and in the section on how will personal records be amended & confidentiality assured. It is imperative that this is remedied as a matter of some urgency to reflect current legislation.⁵⁷

Recommendation 24: The council’s Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition.

8.9 It is important that Human Resources engage with all staff – including trans staff. The feedback that the Panel heard that council staff were too anxious to talk to Human Resources is of concern. One person

⁵⁶ Email from JobCentre plus

⁵⁷ P6 and p11 of the Trans Toolkit

expressed the view that the council as an employer didn't care enough about its trans staff and needed to do more to ensure that they understood their rights to protection from discrimination at work. However, one person did tell the Panel that they had managed a person undergoing transition and had found the council very good in supporting this person. This would indicate that there is good practice in the council, but it is down to individual managers.

- 8.10 The council has a LGBT Workers' Forum supported by the Communities and Equalities Team. The LGBT Workers' Forum Panel also supports a LGBT Mentoring Scheme. Whilst it would not be appropriate for the Panel to have information relating to this, it is hoped that processes are in place to learn from the experiences of trans staff.
- 8.11 Brighton & Hove City Council uses the Stonewall index to measure progress on employment equality for LGB people. **Stonewall does not include trans people: the council needs to consider how it is including employment equality for trans people in its assessment processes.**
- 8.12 Galop published a report called *Shining the Light* that set out 10 clear steps to becoming a trans positive organisation. Whilst this was aimed at LGBT organisations that want to be inclusive, not local authorities, it is a valuable document. When asked, Charlotte Thomas, Head of Human Resources at the council replied that on a scale of 0-5 in *Shining the Light*, the council would be 2.5. **The council needs to examine how to move towards being a trans friendly organisation – along the lines of the *Shining the Light* guide.** As part of this, the council needs to have a review of monitoring and employment practices, including how posts are advertised to reach trans people.

Recommendation 25: B&HCC Human Resources in partnership with the BHCC LGBT Workers' Forum and the Equalities Team need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The LGBT Workers Forum are to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this.

Small and Medium Enterprises (SMEs)

- 8.13 It was suggested to the Panel that smaller employers were less likely than large organisations to have trans policies in place. This had a negative effect on trans people gaining employment and on support for those transitioning whilst in work. The lack of easily available information and of training and support was reiterated to the Panel. The idea of advocates was raised with the Panel as one way of giving support to a trans person, and this could include specialist advice for finding and maintaining work. **The council should look at ways of**

opening a dialogue with employers in the city to raise awareness of the employment rights of trans people.

Financial inclusion

8.14 Paul Sweeting, from the Advice Strategy Project,⁵⁸ submitted a written paper to the Panel. This noted that trans people face significant barriers to employment, and discrimination in the work place. As a result of barriers to employment, they may be more likely to be on lower incomes and be reliant on benefits. The concomitant effects of this are self-explanatory.

8.15 Persia West told the Panel that if a person was well educated and employed, transitioning may not be a problem.

“The problems arise for those not in such a good social position: for them transitioning can be a tragedy. It is important to look at the unemployed who may get caught in the benefits trap.”

8.16 It is noted earlier in this report (Section 3 Housing) that the changes to the Single Room Rate have a particularly negative impact on trans people. The cumulative effect of benefits and welfare changes need to be examined.

Recommendation 26: The particular impacts on trans people of government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council’s strategy on financial inclusion.

8.17 The Panel were told that if you are a trans person entitled to benefits, your details are restricted so that if you make a phone inquiry often you cannot be advised at once but have to be called back by someone with authorisation to access your files. This measure was introduced as a proactive step to protect information about a trans person’s status but it has had the unintended consequence of increasing delays and administrative problems for trans people. The Panel heard that the Criminal Records Bureau have a special phone line and a dedicated team that trans individuals can call when requesting a CRB check. This would seem a sensible way forward for benefits advisors to follow.

Lack of understanding

8.18 Several people reported problems to the Panel in banks when staff insinuate a trans person is trying to de-fraud the bank or to use another

⁵⁸ The Advice Partnership brings together a range of providers, funders and partners to develop a co-ordinated, strategic approach to advice provision.

person's bank account details. People in organisations such as banks need to be aware that individuals may not always comply with gender expectations. As one person put it:

“People ought to recognise that an a-typical gender presentation is not a sign of criminality.”

Recommendation 27: When appointed the Council's Trans Champion (see recommendation 36) contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers.

Section 8 - The responsibilities of Brighton & Hove City Council

Public Sector Equality Duty

- 9.1 The Equality Duty is a duty on public bodies and others carrying out public functions. It came into force as part of the Equality Act 2010. The guide for public sector organisations states the purpose of the Duty:

“It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.”⁵⁹

- 9.2 The new Equality Duty replaces the three previous public sector equality duties – for race, disability and gender. It covers the following ‘protected characteristics’:

- age
- disability
- gender reassignment⁶⁰
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

- 9.3 The Equality Act designates people who have undergone or intend to undergo gender reassignment as having a ‘protected characteristic’ and places an obligation on public bodies (such as councils) to demonstrate how they are meeting the ‘equality duty’ for groups with such characteristics. The Act does not require people to be under medical supervision in order to be protected.

- 9.4 The Equality Duty has three aims. It requires public bodies to have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

⁵⁹ Equality Act 2010: Public Sector Equality Duty. What do I need to know? A quick start guide for public sector organisations (www.homeoffice.gov.uk/equalities/)

⁶⁰ The Equality Act 2010 provides protection for ‘transsexual’ people defined in the Act as “people who are proposing to undergo, are undergoing, or have undergone the process of changing their sex”. These people now have the protected characteristic of gender reassignment.

- 9.5 The council needs to demonstrate very clearly how it is meeting its Public Sector Equality Duty. It is hoped that this report will assist the council in meeting its duty in regards to gender reassignment.

Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people.

Equalities and monitoring

- 9.6 Monitoring of trans service users or staff is a complex and sensitive process. The Scottish Transgender Alliance makes the following point:

“When monitoring numbers of transgender service users or staff, the security and safety of the information that you gather is essential, and you may wish to consider the systems you have in place for storing and coding the information. Organisations who have attempted to gather this information in the past have found these systems are crucial to building the trust and confidence of those being monitored, whether they are staff or service users.”⁶¹

- 9.7 They go on to say that many transgender people are extremely protective about the privacy of their gender identity and gender reassignment history. In addition, identifying somebody as having the protected characteristic of gender reassignment without their permission, even accidentally, could lead to either civil court proceedings for unlawful harassment and discrimination under the Equality Act 2010 or even to criminal charges under section 22 of the Gender Recognition Act 2004. It is therefore vital that data is anonymous and untraceable.
- 9.8 Mary Evans, Head of Equalities and Monitoring, B&HCC, told the Panel that through the City Inclusion Partnership a single monitoring form was being developed across the statutory sector. This would have the same questions and format so that information could be shared where appropriate. The form was originally based on the 2011 census but has now changed and has an additional question around gender identity. Mary Evans told the Panel there was now a question on gender and a ‘please specify’ option to allow people to identify as gender variant or genderqueer. The Council needs to ensure that a common data set is developed to ensure that monitoring information is uniform and can be analysed and compared.
- 9.9 Paul Sweeting, of the Advice Partnership noted that it is difficult to undertake a robust assessment of the current use of local advice

⁶¹ www.scottishtrans.org

provision as it is not consistently or substantially monitored. Paul Sweeting suggested that the council “consider including the collection of equalities data in a standardised format by advice agencies as a standard requirement in funding agreement”.⁶²

- 9.10 It is important that the council has a clear policy on monitoring, and uses a minimum data set with the same questions used consistently. Partners and subcontractors must be encouraged to use the same questions.

Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis.

Community development and engagement

- 9.11 B&HCC are one of the organisations that fund LGBT HIP – and this Panel has benefitted enormously from the help of Nick Douglas who facilitated the Panel’s ‘listening exercise’. However, there are issues around levels of funding to community groups, the capacity of these groups to take on more work, and engagement with the trans support groups. In addition, work needs to be done to embed trans awareness into the policies of the council and its partners.

- 9.12 As all different sectors of the council look at their training needs and their consultation processes with the trans community, they also need to consider the funding for these services.

Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly.

- 9.13 The Panel heard from several people that they referred trans or gender questioning people on to the Clare Project, yet the Clare Project is a small community based organisation with very limited resources. FTM Brighton, Allsorts and Transformers also raised the issue of limited capacity. In addition, these organisations and support groups explained that their limited resources are devoted to addressing the unmet need for information and support among trans people who are not receiving this from statutory services. This means they do not have the time or resources to put in bids for further funding - this becomes a self-perpetuating circle of under-funding and scarce resources.

⁶² Written submission

- 9.14 It is important that the issues of capacity building and longer-term sustainable funding are addressed. Without the capacity and the funding for long-term support, the trans community will continue to struggle to receive support.
- 9.15 Bearing in mind that the national picture is that of reductions across the board in public expenditure to reduce the deficit, the council still needs to ensure that these support groups – that have been described as “life saving” – are able to continue. The city’s trans support groups are currently small and not obviously part of the wider community and voluntary network. There are a number of generic and specialist infrastructure support agencies in the city, who could, as part of the wider Transforming Local Infrastructure project, be asked to collectively consider how they could help trans community groups have an active voice in decision making.

Transforming Local Infrastructure⁶³

- 9.16 A partnership made up of six infrastructure organisations in the city secured over £300,000 in government funding to transform local support services to grassroots groups, charities and other not-for-profit organisations in the city. The partnership leading the project is “committed to ensuring that the design and delivery of new and current support services are accessible and take into account the needs of equality groups.” As part of this, the project will need to ensure that trans support groups’ needs are identified and, where feasible, addressed.

Recommendation 31: That infrastructure services and the Transforming Local Infrastructure project continue to consider how to engage the city’s trans community groups to ensure they have an active voice in decision making.⁶⁴

Trans Equalities Strategy

- 9.17 Following the publication of *Count Me In Too*, work commenced on a city-wide Trans Equalities Strategy, led by Spectrum (Brighton & Hove’s LGBT Community Forum). However, following the closure of Spectrum, the strategy was never completed. It is unclear to the Panel what happened to this initial work, but the Panel is clear that following a comprehensive needs assessment (to include housing and adult social care, as well as health) a city wide trans equalities strategy should be

⁶³ Transforming Local Infrastructure” (TLI) is a Cabinet Office project, with money being distributed through the National Lottery’s “Big Fund”. The project’s aim is to support infrastructure charities – those that provide services to other charities and voluntary or community sector groups, rather than direct to service users – to work in partnership more effectively; it is also aimed at supporting sustainability in the sector by increasing volunteering, fundraising and development opportunities.

developed. This strategy should be lead by the council's Trans Champion (see Recommendation 36) who will have a responsibility to ensure that the findings of this report result in action.

Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36).

Representation and acceptance of trans people

- 9.18 Hate incidents and transphobia are closely linked with media representation. The Panel were told *"it is seen as culturally acceptable to harass trans people"* and *"transphobia is the last acceptable bastion of this sort of humour"*.
- 9.19 Whilst it is beyond the council to change media representation of trans people, there is a lot it can do in terms of making the public statement that both the council – and the city – are trans friendly. During the course of this inquiry, there was a substantial amount of incorrect and offensive media comment. This Panel put out a strong statement that this sort of comment should not be tolerated:

"We acknowledge and regret that the tone and content of much of the on-line debate over the last week has caused distress and may have damaged the trust we have sought to build up. We condemn the offensive and discriminatory tone of much of that comment, and reiterate that all members of the panel remain committed to transgender equality. We also recognise the need for balanced, fair and accurate media reporting and will be working proactively to encourage this regarding the scrutiny going forward."⁶⁵

- 9.20 Brighton & Hove City Council as a leader in the city must do what it can to counter inappropriate representation of trans people and foster wider acceptance.

- 9.21 People told the Panel:

"Brighton should invest in its public image as a gender diverse city, in the same way as there is LGB diversity."

"It is a public image issue not a police issue."

⁶⁵ <http://www.brighton-hove.gov.uk/index.cfm?request=c1210574>

“It will take a long time for change. But this is a fantastic opportunity for Brighton to be a real star in separating out the T from the LGB. Normalisation is key.”

“It would be amazing if Brighton could put trans on the map, so there was no more embarrassment. That would take away the fear.”

“To feel included and supported by Brighton, its Lesbian and Gay community, the council and other professional services would go a long way to easing the sense of isolation and vilification we encounter.”

- 9.22 The Panel agree that there is a lot the council can do to take the lead in changing perceptions of trans people. The council has a dual role in leadership as a ‘Trans Champion’ and also in helping to address the information gap. There are issues around the lack of publicly available information, both for employers and for trans people themselves in terms of their rights and entitlements. The council needs to be at the forefront of working with groups and organisations in the city to help close this information gap. There is also a case to be made to look at how Brighton & Hove as a city presents itself. For example, positive entry adverts that Brighton is a diverse city and intolerance has no place here could be located at key areas in the city like the railway station - and on the council’s website. One person remarked:

“It would make a huge difference if the council made a big public statement that it is open to trans people.”

- 9.23 Brighton & Hove City Council was one of the first to raise the transgender flag on council buildings on the Transgender Day of Remembrance on 20 November 2009. As noted by the report *Human Rights and Gender Identity – Best Practice Catalogue*:

“Official endorsements by city councils help raise awareness on the situation of trans people and have positive repercussions in the respective institution as well as in society at large.”⁶⁶

- 9.24 As a city, Brighton & Hove is seen by many as a safe refuge and a place where they can be themselves and live their lives as they would wish. This is one of the city’s great strengths and something all who live here should be proud of. It is also a reputation that city leaders’ must enhance through actions and demonstrable policies of inclusion.
- 9.25 Trans people are as much a part of the population of the city as anyone and should be represented as such. There are obvious sensitivities

⁶⁶ **Human Rights and Gender Identity** Best Practice Catalogue, Silvan Aguires, Richard Kohler, Sophie Aujean, Julia Ehrt. December 2011. www.igla-Europe.org

over including trans people in publicity materials just ‘because they are trans’, but there is scope for reflecting the trans population in the same way that older people or LGB people are included in information.

- 9.26 Stephanie Scott informed the Panel that there had been a move to rebrand Pride, the annual event in the city, as Gay Pride. Stephanie Scott felt this move should be rejected.⁶⁷ The Panel agree – Pride has long aspired to be an inclusive event and to rebrand it in this way would be counter-productive.

Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion.

- 9.27 The Panel was told that there has recently been a publicity campaign running in Washington DC to educate people. As part of the role of ‘Trans Champion’, the council should consider running a positive educational campaign in the city.

Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens.

Advocacy

- 9.28 The subject of advocacy was raised with the Panel. People need to be supported to feel they can make complaints about services where appropriate. An advocacy service would empower trans people to make complaints and also to feel confident to engage with services.
- 9.29 Several people questioned whether complaints about council staff had been properly resolved. In response, the Head of Standards and Complaints, Brian Foley told the Panel:

“It is very worrying that the initial consultation showed there was no confidence in the complaints system.”

- 9.30 Brian Foley went on to say if there were any specific examples, these would be addressed – it is difficult to see where systems need to be looked at, based on generalisations.

“Standards and Complaints can provide information to trans people on how to make complaints. I would be pleased to do what ever we can to ensure trans people have access to our

⁶⁷ Evidence 25 September 2012

website, our email address, telephone number and complaints leaflets.”

- 9.31 It is worth noting here that the new local Healthwatch will begin in April 2013. The Department of Health briefing states:

*“Local Healthwatch goes to the heart of the government’s ambition for a health and care service that is centred around patients and users. Local Healthwatch will gather people’s (whether current users of services or not) views on, and experiences of, the health and social care system. In this way, community views will have real influence with those who commission and provide services about what users, carers and citizens need and want from them. This can help them to be more responsive to what matters to service users and the public, and to design services around their needs”.*⁶⁸

- 9.32 It is hoped that Healthwatch will be a strong voice for all patients and users – including trans people – and that there will be an advocacy role as part of this.

Forms and honorifics

- 9.33 The Panel were told that some trans people found it difficult to select an appropriate option when completing forms – particularly online – that have an obligatory honorifics box. It can create an unnecessary sense of exclusion and frustration to be forced to accept a title that doesn’t reflect someone’s gender expression. One person gave the example of being unable to complete a form for a bus pass without identifying their title– an identity they did not wish to have. City Services told the Panel that recently, following a request from a customer, Revenues & Benefits explored the opportunities available across the service to use Mx as a title within their forms and computer systems to reflect the change in an individual’s gender identify. This change did not cost anything. The team explained:

*“Discussions took place with the technical support team to see if the software could accommodate such a change and it was found to be an easy add-on to the system. With regards to forms, no changes were required: some do not request a customer’s title and others have a blank box so people can choose their own. The whole process took about a week from initial discussion to updating the system to include the prefix.”*⁶⁹

⁶⁸ Department of Health *Local Healthwatch: A strong voice for people– the policy explained*
<http://www.healthwatch.co.uk/sites/default/files/Local-Healthwatch-policy.pdf>

⁶⁹ Written submission

- 9.34 Given recent press coverage of the subject of honorifics, the Panel would like to make clear that they never had any intention of recommending that the use of honorifics should be removed. The recommendation of this report is aimed at giving more choice to those who do not want to identify as Mr/Ms/Mrs/Dr. It is worth noting that this may not just apply to trans people: others may not choose to use a honorific if given the option.

Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them.

Conclusion

- 10.1 The Scrutiny Panel heard from a number of trans individuals, support organisations and service providers in the city. They heard that in many areas (health, housing, leisure, and employment) trans people faced more difficulties than many others.
- 10.2 The Panel were profoundly moved on hearing the experiences of trans people and how a better understanding and simple changes could have a huge impact on people's lives. One of the most upsetting things for a trans person, leading to mistrust and misunderstanding, is the mis-use of pronouns. Yet, this should be a simple thing to get right. People alter their gender presentation because of a profound and inherent conviction that this is their identity. Using the correct pronoun and respecting an individual's choice is paramount. This is just one example of how a step-change in social attitudes could make a real difference. Brighton & Hove prides itself on its inclusive and diverse reputation and it is time to take some steps to make this a reality for trans people who live, work, study and socialise here.
- 10.3 This report aims to remove some of the inequalities faced by trans people and makes a number of recommendations for action. The Panel would hope that all of these can be accepted and result in real change. A number of recommendations in this report are aimed at partners in the city, particularly in the area of health. The Panel intends that the council will play the role of trans champion, not only in areas where it has direct responsibility, but also in encouraging others to take these recommendations on board.
- 10.4 To ensure that tangible results do come out of this inquiry, the Panel recommends that a lead officer is appointed in the council to act as a 'Trans Champion'.

Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a Councillor should be nominated as the council's trans-champion (as distinct from the existing LGBT champion).

- 10.5 Despite the best efforts of the Panel, there are some areas that warrant further examination that this Panel did not cover. Adult Social Care

Services, in particular, Home Care Services, suicide prevention services, the support given to parents, domestic violence and safe spaces, and the wider issue of capacity building all need to be examined. In addition, the council needs to consider the access of trans people to democratic and political participation in the city. **The Panel trust that these issues will also be picked up by the Trans Champion.**

- 10.6 The Government is due to put out a 'call for evidence' following the Trans Gender Equalities Action Plan. The Panel would like this report to form part of that work.

Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in response to the expected call for evidence after the Trans Gender Equalities Action Plan.

Legislation

Equality Act 2010

The Equality Act was enacted in October 2010, and aimed to simplify and harmonise protection offered to people from discrimination, harassment and victimisation (Public Sector organisations also have the duty to promote equality and good relations between all protected characteristics).

The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

- Age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.⁷⁰

A key part of the Act is the Public Sector Equality Duty. Section 149, the public sector equality duty, includes the requirement that public authorities have due regard to the need to eliminate discrimination, harassment and victimisation against transsexual people, to advance equality of opportunity and foster good relations between transsexual people and others. **Under the specific duty, public authorities are obliged to publish information used to demonstrate how they have complied with this duty.**⁷¹

Gender Recognition Act 2004 (GRA)

The purpose of the GRA was to provide transsexual people with legal recognition in their acquired gender. The legal recognition follows from the issue of a full **Gender Recognition Certificate**. On issue of a full GRC the person will be entitled to a new birth certificate in their acquired gender.⁷²

⁷⁰ <http://www.homeoffice.gov.uk/equalities/equality-act/>

⁷¹ Taken from The Workplace and Gender Reassignment - a guide for managers

⁷² It should be noted that surgical intervention/gender reassignment surgery is not a requirement for the issue of a GRC.

International context

The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity are a set of internationally recognised principles intended to address violations of the rights of lesbian, gay, bisexual, trans and intersex (LGBTI) people. They were developed at an experts' meeting held by the International Commission of Jurists (ICJ) and human rights experts in 2006 in Indonesia. The twenty-nine principles were adopted unanimously by the experts, along with recommendations to governments, regional intergovernmental institutions, civil society, and the United Nations (UN).

In March 2010, the CoE Committee of Ministers adopted a *Recommendation on measures to combat discrimination on grounds of sexual orientation and gender identity*. They address many key issues for LGBT people under various headings,

namely:

(i) right to life, security and protection from violence ((a)“hate crimes” and other hate-motivated incidents and (b)“hate speech”);ii) freedom of association;(iii) freedom of expression and peaceful assembly; (iv) right to respect for private and family life; (v) employment; (vi) education; (vii) health; (viii) housing; (ix) sports; (x) right to seek asylum; (xi) national human rights structures and (xii) discrimination on multiple grounds.⁷³

⁷³ <https://wcd.coe.int/ViewDoc.jsp?id=1606669>

Glossary

There are a number of sensitivities around the terminology used in talking about transgender. The list below is not exhaustive and reflects a number of sources.

Acquired gender refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were assigned at birth

Cis-gender is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

Cross-dresser is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn't usually live permanently in that role. Sometimes referred to as a transvestite.

Gender affirmation surgery refers to any surgery which is part of transition. (sometimes referred to as gender realignment surgery or gender confirmation surgery)

Gender Dysphoria is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

Gender-queer is a term sometimes preferred by a person who may identify as between genders or as neither a man nor a woman.

Gender-questioning is a term sometimes used for a person who is questioning their gender expression.

Gender variance is a term sometimes used to describe all variations from expected gender norms.

Intersex describes an individual for whom genetic, hormonal and physical features typically thought of as male and female both exist.

Real Life Experience (RLE) refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE generally lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

Trans is an umbrella term for transgender. Trans individuals are those who feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term **trans man (FTM)** is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have

completed transition to live as a man. **Trans woman (or MTF)** is a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

Susan Stryker and Stephen Whittle (2006) use transgender as their term of choice for: *“a wide range of phenomena that call attention to the fact that ‘gender’ as it is lived, embodied, experienced, performed and encountered, is more complex and varied than can be accounted for by the currently dominant binary sex/gender ideology of Eurocentric modernity”*.⁷⁴

Transgender and trans are terms that: *“describe a person who feels that the gender they were assigned at birth is not a correct or complete description of what they are or feel themselves to be. The term transgender can be used to describe a person who undergoes gender reassignment in order to live in their self identified gender (for example, men or women), but can also be used to describe a wide range of gender expressions that are variations from normative gender expression (for example, masculine or ‘butch’ women, feminine men and cross-dressers)”*.⁷⁵

Transsexual describes a person who wishes to undergo, has undergone or is undergoing transition. It is most commonly used in relation to clinical practice. The Gender Trust’s definition is: “A person who feels a consistent and overwhelming desire to transition and fulfill their life as a member of the opposite gender. Most transsexual people actively desire and complete gender reassignment surgery.”⁷⁶

Transitioning is the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

Transvestite is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn’t usually live permanently in that role.

⁷⁴ A Transgender Studies Reader, New York & London: Taylor & Francis: Routledge (with Stryker S., eds) (2006) p3

⁷⁵

http://www.cssd.ac.uk/sites/default/files/downloads/supporting_transgender_students_at_central.pdf

⁷⁶ www.gendertrust.org.uk

Acronyms

B&HCC	Brighton & Hove City Council
CCG	Clinical Commissioning Group
FTM	Female-to-male
GRC	Gender Recognition Certificate
GIC	Gender Identity Clinic
JSNA	Joint Strategic Needs Assessment
LGBT	Lesbian, Gay, Bisexual, Transgender
LBGT,Q	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning
MTF	Male-to-Female
NCB	NHS Commissioning Board
PCT	Primary Care Trust
PSHE	Personal, Social and Health Education

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Council

9 May 2013

Agenda Item 123

Brighton & Hove City Council

Subject: Official Feed and Food Controls Service Plan 2013-2014 - Extract from the Proceedings of the Environment & Sustainability Committee Meeting held on the 27 March 2013

Date of Meeting: 9 May 2013

Report of: Monitoring Officer

Contact Officer: Name: John Peel Tel: 29-1058
E-mail: john.peel@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE***Action Required of Council:***

To receive the item referred from the Environment & Sustainability Committee for approval:

Recommendation:

That the Council approve the adoption of the Official Feed and Food Controls Service Plan 2013/2014 as set out in the appendix to the report.

ENVIRONMENT & SUSTAINABILITY COMMITTEE

4.00 pm 27 March 2013
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor West (Chair), Councillor Sykes (Deputy Chair), Mitchell, Cobb, Cox, Deane, Pissaridou, G Theobald, Hawtree and K Norman.

PART ONE**61. OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2013/2014**

61.1 The Committee considered a report of the Strategic Director, Place that sought agreement to the Official Feed and Food Controls Service Plan for 2013/14.

- 61.2 The Chair stated that the report was important and one which the council were required to agree annually. The plan set out the approach taken by Environmental Health & Licensing and Trading Standards to ensure food supplied in the city was safe and to also help promote healthy eating habits. The Chair added that with tourism contributing £400m a year to the local economy, instilling public confidence in food safety in the city was of paramount importance. He supplemented that there were many challenges with the work from overcoming some language barriers, responding to the requirements of the new Food Hygiene Rating Scheme, to maintaining a risk based approach to intervention and responding to complaints and requests for advice. The Chair stated that he was particularly interested to note the good partnership work of the Healthy Choice Awards in promoting healthy menu options, and the awareness raising work of the Curry Chef of the Year competition.
- 61.3 Councillor Mitchell noted that workloads were increasing in what was already a challenging area. She asked if the Food Safety Team was sufficiently resourced to meet these challenges.
- 61.4 The Head of Regulatory Services replied that whilst there were currently sufficient resources, the possibility of an increase in work nationwide over 2013-14 related to food controls could pose a challenge.
- 61.5 Councillor Sykes re-iterated Councillor Mitchell's concern for adequate provision of resources. Councillor Sykes referred in particular to the rise in food business premises.
- 61.6 Councillor Deane thanked the officers for producing an excellent report which demonstrated the provision of a high quality service. In particular, Councillor Deane noted the high satisfaction demonstrated in the responses to the post-inspection questionnaires from traders.
- 61.7 **RESOLVED-** That the Committee agrees the Official Feed and Food Controls Service Plan 2013/2014 set out in the appendix to this report and recommends it to Full Council for approval.

Subject:	Official Feed and Food Controls Service Plan 2013/14		
Date of Meeting:	9 May 2013 27 March 2013 – Environment & Sustainability Committee		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Nick Wilmot	Tel: 292157
	Email:	nick.wilmot@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

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

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees the Official Feed and Food Controls Service Plan 2013/2014 set out in the appendix to this report and recommends it to Full Council for approval.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of Regulatory Services within Planning and Public Protection.
- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service is a mix of enforcement, intelligence based work, investigation and education. It is planned that a performance targets of completion of 98% of programmed food safety interventions and 90% of service requests responded to within 5 days.

- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. The service will continue to focus enforcement action on the poorer performing businesses.
- 3.6 The service has built on the partnership work of the Healthy Choice Awards referred to in 3.7.1 to work on a number of healthy eating initiatives with the Director of Public Health. Initiatives such as promotion of reduced salt, portion size and use of Trans fats as part of National Chip Week 18th to 24th February 2013 and the reduction of Monosodium Glutamate in Chinese restaurant and takeaway cooking are planned.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Brighton & Hove Food Partnership were consulted during the drafting of this plan

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The proposed 2013/14 budget for food Safety is £564k. The cost of functions detailed within this report will be met from within this budget.

Finance Officer Consulted: Jeff Coates

Date: 6th February 2013

Legal Implications:

- 5.2 The Food Standards Agency places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2013/14 identifies the planned number of interventions for that period.
- 5.3 The Council's Constitution requires the adoption of the Official Feed and Food Controls Service Plan to be reserved to full Council. It is for the Environment & Sustainability Committee, following consultation with relevant stakeholders and overview and scrutiny, to formulate the Service Plan for submission to full Council for approval.

Lawyer consulted: Elizabeth Culbert

Date: 31st January 2013

Equalities Implications:

- 5.4 An Equalities Impact Assessment has been undertaken. See 2.4.5 of appendix 1 for profile of food premises registering with the food service during the year 2011/2012. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting

services are employed where necessary to assist businesses to comply with regulatory requirements.

Sustainability Implications:

5.5 None.

Crime & Disorder Implications:

5.6 None

Risk and Opportunity Management Implications:

5.7 SMART targets for the food safety service is 98% of due food safety interventions achieved and 85 % of food businesses deemed to be 'broadly compliant'.

Public Health Implications:

5.8 The Food and Feed Service Plan is seen as key to protecting public health in the City. It is in line with the stated outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and safety rules, maintaining our excellent record of environmental health improvements.'

Corporate / Citywide Implications:

5.9 See 1.2 of appendix 1

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 There is no legal alternative to the statutory service plan.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 In order to comply with the Food Standard Agency Code of Practice.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Official Feed and Food Controls Service Plan 2013/2014.

Documents in Members' Rooms

1. None

Background Documents

1. None

Appendix1

Brighton & Hove City Council

Official Feed and Food Controls Service Plan 2013/2014

1. Service Aims and Objectives

1.1 Aims and Objectives

- 1.1.1 The food service function of Brighton & Hove City Council is enforced by Environmental Health and Trading Standards staff within Regulatory Services under the Head of Planning and Public Protection who reports to the Executive Director of Environment, Development & Housing.
- 1.1.2 Environmental Health & Licensing staff are primarily concerned with protecting and improving public health and the environment across the City. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.
- 1.1.3 The overall objective of the service is to provide a comprehensive food safety service to benefit consumers and the business community, with a considered balance between enforcement, investigation, advice and education.
- 1.1.4 Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. Its goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- § Accurate and informative labelling of food; and
- § That compositional standards of food are maintained.

The objectives being: -

- § To carry out risk-based and intelligence led activities;
- § To undertake screen testing and food sampling to reflect identified areas of concern;
- § To respond appropriately to food complaints and initiate proportionate action;
- § Respond to trader requests in a timely manner; and
- § To educate the public on compositional and labelling issues to improve eating habits.

1.2 Links to Corporate Objectives and Plans

1.2.1 In December 2012 the new Chief Executive posted the City Council's purpose, ambitions and values with the four priorities of:-

- § Tackling inequalities
- § Creating a more sustainable city
- § Engaging people who live and work in the city
- § Responsible and empowering employer

1.2.2 The service has strong links with these priorities. In particular the outcome to reduce health inequalities and long standing public health issues as part of the priority of tackling inequalities. This includes the desire to continue with high profile enforcement of food safety rules and maintaining an excellent record of environmental health improvements.

1.2.3 The Official Feed and Food Control Service Plan is part of the corporate annual planning and development process.

1.2.4 The service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.

1.2.5 The service continually monitors business opinion through satisfaction surveys. This fits in with the priority of engaging people who work in the city. The findings help to ensure that the service meets the requirements of local businesses, residents and visitors and provides a service the city deserves.

2. Background

2.1 Profile of the Local Authority

2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

2.1.2 Demographic information is available from online Brighton & Hove Local Information Service <http://www.bhlis.org/> .

Resident Population by Ethnic Group Estimated in 2009

White British, Irish, mixed and other	227,000
Asian or Asian British	12,500
Black or Black British	5,900
Chinese	2,400
Indian, Pakistani or Bangladeshi	10,900

2.1.3 Tourism plays a major part in the local economy. Figures from the VisitBrighton Strategic Partnership 2010 estimate that 15% to 20% of jobs in the city are tourism related and eight million visitors bring £400 million into the local economy. The city boasts 4293 bedrooms, offering a bed stock of approximately 10,000. There is a large variety of hotels, food retailers and over 400 restaurants serving cuisine from around the world. The VisitBrighton Visitor Survey 2007 identified that 70% of visitors put going to a restaurant or place to eat as one of the most popular activities to do in Brighton & Hove.

2.2 Organisational Structure

2.2.1 Brighton & Hove City Council has operated a committee system model since May 2012. Responsibility for the food safety and standards services is delegates to the Environment & Sustainability Committee.

2.3 Scope of the Feed and Food Service

2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes:-

- § Inspecting food premises:-
- § The investigation of food safety complaints;
- § Food poisoning investigations when linked to a premises;
- § Investigating infectious disease notifications;
- § Microbiological food sampling;
- § Food safety training;
- § Responding to requests for advice;
- § Initiatives relating to working with the community and businesses;
- § Taking appropriate steps to publicise and act upon national food alerts;
- § Publicising the food hygiene standards of local businesses.

2.3.2 The food standards function is carried out by Trading Standards Officers in the Business Support Team. The work of the team includes the following: -

- § Risk based enforcement activity;
- § Complaint investigation;
- § Food analysis and investigation;
- § Service Requests from businesses;
- § Education programmes;
- § Reacting to Food Alerts.

2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way, a comprehensive visit is under taken so as to minimise any inconvenience caused to the general day-to-day running of the business.

2.3.4 Trading Standards Officers are responsible for enforcing relevant legislation in respect of imported feedstuff, whilst the Food Safety team enforces relevant legislation controlling imported food of non-animal origin and products of animal origin.

2.4 Demands on the Feed and Food Service

Food Safety

2.4.1 As at January 2013, there are 3230 food businesses registered. These premises are broken down into the following profile:-

2	Primary Producers
41	Manufacturers/Processors
2	Packers
5	Importers/Exporters
30	Distributors/Transporters
629	Retailers
2519	Restaurants and other Caterers
2	Manufacturers Selling Mainly by Retail
3230	TOTAL

2.4.2 Three food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

2.4.3 The nature of the city causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays, the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

Food Standards

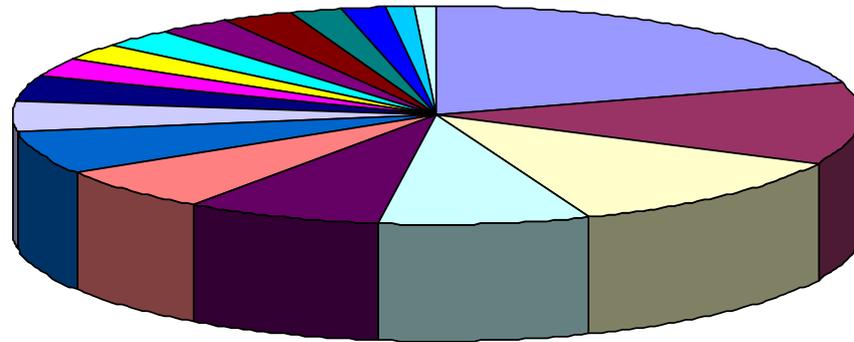
2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LGR scheme the individual premises have a different inspection frequency for Food Standards. As of the 7 January 2013, 2378 premises were considered to have an 'inspectable risk' for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

Access to services

2.4.5 As part of the drive for continued improvement and dialogue with businesses, all establishments are requested to complete feedback questionnaires following inspections. The questionnaires request

information on the ethnic origins of the business owners. Of the questionnaires returned between April 2011 and March 2012 65.2% of the respondents identified themselves as White British. The ethnicity of the remaining was as below.

Ethnicity of Food Businesses Where Notified 2011/2012



- 20.2% White Other
- 11.9% Chinese
- 11.9% Other
- 8.3% Asian or Asian British-Indian
- 7.3% Turkish
- 6.4% Asian or Asian British-Bangladeshi
- 6.4% Other Asian Background
- 4.6% White Irish
- 3.7% Arab
- 2.7% Mixed White & Black Caribbean
- 2.7% Mixed White & Black African
- 2.7% Mixed Other
- 2.7% Polish
- 2.7% Sudanese
- 1.8% Black or Black British-Caribbean
- 1.8% Asian or Asian British-Pakistani
- 0.9% Mixed White & Asian
- 0.9% Black or Black British-African

2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Where necessary, interpreters accompany officers on planned interventions. Where necessary, officers can access The Big Word On-Call Language Service by telephone when carrying out visits.

2.4.7 Access to the service is provided by:

- § Visiting either Bartholomew House or Hove Town Hall Customer Services Centres, opening hours 8:45am to 4:30pm on weekdays;
- § Self-help points across the city including all the main council offices, libraries, leisure centres and some schools;
- § General telephone calls to the Call Contact Centre on (01273) 292161;
- § Advice can also be accessed via the council's website, www.brighton-hove.gov.uk;
- § Email to ehl.food@brighton-hove.gov.uk.

- 2.4.8 Food Standards complaints are initially received by Citizens Advice Consumer Service. There is a referral protocol regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.
- 2.4.9 The food safety team operates a hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent environmental health staff provide cover for an out of hours service to respond to food safety emergencies and incidents.
- 2.4.10 New food businesses registering with the service are provided with access to a wide range of online documents hard copies can be provided on request to assist compliance with food safety legislation.

2.5 Regulation Policy

- 2.5.1 The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.
- 2.5.2 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

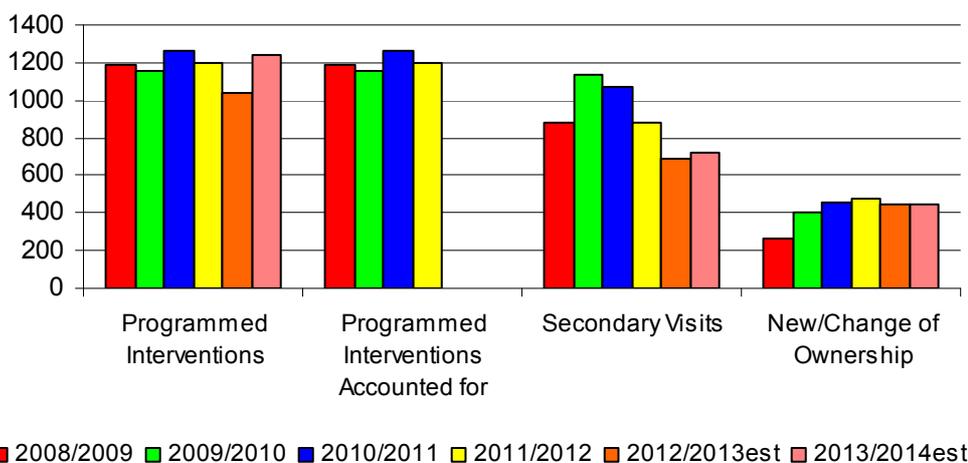
3 Service Delivery

3.1 Interventions at Food and Feedingstuffs Establishments

Food Safety

- 3.1.1 This section details the planned risk based food safety intervention programme for 2013/2014. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below along with estimates for completion of the current year and 2013/2014.
- 3.1.2 Inspection intervals are calculated on a risk-based approach. The service sets a target of 98% compliance with the annual programme. Table 3.1.1 estimates the number of planned interventions for the current year and 2013/2014. The target takes account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal businesses or home caterers. In reality, compliance approaches 100%.

Chart of Intervention-Based Activity 2008-2014



See tables 3.1.1 and 3.1.3 for further details.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Programmed Interventions	1193	1159	1262	1197	1043	1246
Accounted for	1188	1156	1262	1197		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	99.6 A-D	99.7 A-D	100 A-D	100 A-D		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2008-14.

3.1.3 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if unwrapped high risk-food is handled, prepared or cooked; size of the business; any high-risk operations are undertaken; number of customers; vulnerability of the customers to food-borne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors, an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.

3.1.4 As category E businesses tend to present a minimal risk due to the limited types of food they handle and/or they cater for a limited number of people. Since 2007 the service has operated an alternative enforcement strategy to maintain surveillance of these low risk businesses. This strategy enables the service to provide greater focus on higher risk category A to D establishments. Migration to the national Food Hygiene Rating Scheme (FHRS) for publishing food hygiene standards in March 2012 required an increase in validation inspections of category E businesses.

3.1.5 The alternative surveillance of low-risk businesses follows a structured documented procedure: postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections.

3.1.6 Migration to FHRS has resulted in the need for a greater level of surveillance. The service therefore proposes to alternate between a

questionnaire and intervention on the usual frequency for category E establishments. This generated an additional 68 interventions between April and December 2012. An estimate of the number of interventions for 2012/13 and 2013/14 has been included into table 3.1.2.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Questionnaires	243	188	277	175	185	296
Interventions	-	-	-	-	126	72

Table 3.1.2.Premises dealt with under alternative strategy or inspected.

3.1.7 Planned food safety interventions programme for the year 2013/2014 as at January 2013 is:-

Risk Category of Premises	Number of Interventions Due
A	6
B	75
C	769
D	396
Total	1246

Low-risk premises due for intervention 368

3.1.8 The target is to achieve a minimum of 98% of the annual inspection programme. The three product-specific premises approved under Regulation (EC) 853/2004 will receive interventions within the risk rated programme as necessary.

3.1.9 The Food Safety Code of Practice encourages food enforcement services to provide greater focus on the outcomes of activities rather than the traditional approach of reporting on activity alone. Local authority performance is monitored by the Food Standards Agency through the Local Authority Enforcement Monitoring System (LAEMS).

3.1.10 A further target is to ensure that at least 85% of food establishments are 'broadly compliant'.

3.1.11 As at December 2012 the level of broadly compliant establishments rated in the FHRS scheme stood at 91.4%. This level of compliance protects public health, the local economy and reputation of the council as a responsible regulator.

3.1.12 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food businesses that fail to comply with significant statutory food safety requirements, or where directly required by Regulation. Failure could include:-

- § Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- § Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- § Service of a Hygiene Emergency Prohibition Notice or Order.

3.1.13 When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.14 Safeguard measures associated with the FHRS permits any food business that does not attain the top rating of five to request a rescore once any necessary issues have been resolved. The revisit must be unannounced and made no sooner than three months after the initial intervention and within three months of the request being made.

3.1.15 Other secondary interventions are categorised as those that are not primary interventions but include:-

- § Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- § Sampling visits;
- § Visits to check on the progress of measures required after a previous intervention;
- § Visits to investigate food and food premises complaints;
- § Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- § Visits involving training of food handlers;
- § Inspections of premises to assess a licence.

3.1.16 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.17 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and determine a risk rating score. Based on the last five years' data, it is predicted that there will be 450 new businesses or changes of ownership in 2013/2014.

3.1.18 **Monitoring of Vacant Premises** – The service aims to inspect all new food businesses within 28 days of opening. Food safety law does not require prior approval.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Secondary inspections	879	1131	1072	885	687	720
New Premises or Change in Ownership	267	398	461	475	450	450

Table 3.1.3 Estimate for 2013/2014 based on data since 2008.

3.1.19 It is estimated that the number of staff required to carry out the programme of inspections plus other visits is 8.5 full time equivalents.

Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

Food Standards

- 3.1.20 The LGR system requires high-risk premises to be visited each year, medium risk every two years and the low risk every five years. This means that all 65 high risk, 50% of the 736 medium risk and 20% of the 1553 low risk premises should be visited each year.
- 3.1.21 The target for 2012-13 was to visit 65 high-risk and 368 medium risk premises liable to inspection. Similar targets will remain in place for 2013/14.
- 3.1.22 There is no commitment to visit low risk premises but in 2012-13, 197 low risk premises were visited up to mid Jan 2013 as a result of project work, complaints and other routine inspections.
- 3.1.23 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.
- 3.1.24 One full time and currently two part time posts make up the Food Team. This equates to 1.4 FTE. About 80% of their time is spent on the food function. Another officer has recently passed the food qualification exam and will be looking to develop her competence.
- 3.1.25 **New Businesses** – Trading Standards Officers aim to assess new food businesses within 56 days.
- 3.1.26 **High Risk Premises** - Premises with good management control, no history of contraventions or complaints will be subject to a minimum intervention approach and will only be inspected if they change their product range or complaints are received.
- 3.1.27 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance. Nationally and locally most food fraud has concerned misdescribed alcoholic drink of unknown provenance.
- 3.1.28 **Medium Risk Premises** - These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit.

3.1.29 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.

3.2 Feed and Food Complaints

Food Safety

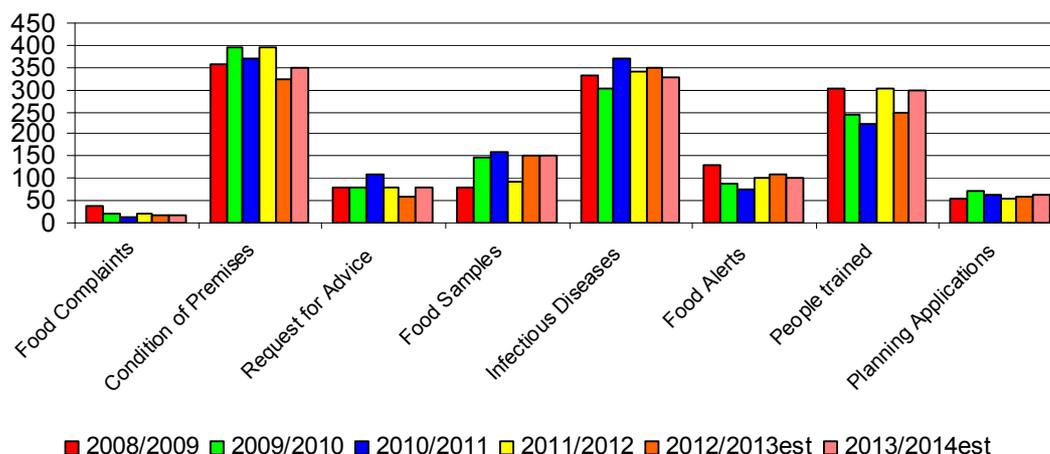
3.2.1 It is the policy of this authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 working days, and all other demand driven work within 5 days.

Year	08/09	09/10	10/11	11/12
Within target %	96.6	97.7	98.8	97.3

Table 3.2 Percentage of Demand Driven Work within Target Response Time

3.2.2 All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2008 and estimates for the current year and 2013/2014. The source figures for this chart are contained in tables within the relevant part of the plan.

Chart of Demand Driven Work 2008-2014



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Food Complaints	36	20	12	20	15	18
Condition of Premises	357	394	371	394	325	350

Table 3.2.1 Number of complaints for current year and 2013/2014 based on data from 2008 onwards.

3.2.3 It is estimated that 1.5 Full Time Equivalent officers will be required to meet this level of service requests.

Food Standards

3.2.4 It is the policy of this authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints

procedure. The following figures show a final estimate for 2012/13 as the report is generated before the end of the calculated year.

Year	07/08	08/09	09/10	10/11	11/12	12/13 est
Number of Complaints	253	295	279	185	104	130

3.3 Home Authority Principle and Primary Authority Principle

3.3.1 Brighton & Hove City Council fully supports the Home Authority principle, and has entered into six formal and 22 informal arrangements with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the city.

3.4 Advice to Businesses

Food Safety

3.4.1 Advice is given during inspections, by hotline, website, newsletter and as part of the planning application process.

Year	08/09	09/10	10/11	11/12	12/13 est	13/14 est
No of Requests	80	82	109	79	60	80
Planning Applications	53	70	64	56	60	65

Table3.4.1 Requests received since 2008 and estimates for the current year and 2013/2014

3.4.2 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

Food Standards

3.4.3 There was a significant increase in the number of requests for advice in 2007 compared to previous years and this level has remained reasonably constant since then. The following shows requests up until beginning of Jan 2013.

Level of Service Requests					
07/08	08/09	09/10	10/11	11/12est	12/13est
150	192	151	188	158	137

3.5 Feed and Food Sampling

Food Safety

3.5.1 A formal arrangement is in place with the Health Protection Agency's Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination.

3.5.2 The service participates in national microbiological sampling initiatives coordinated by the Health Protection Agency (HPA), countywide programmes co-ordinated by the Chartered Institute of Environmental

Health (CIEH) Sussex Food Liaison Group and locally devised surveys. Samples of food and swabs of food-contact surfaces may also taken as part of routine work and when investigating specific issues at food premises.

3.5.3 During 2012/2013, the service took part in national food sampling programmes:-

- § Study 48 – Pâté study: comparison of ‘in-house’ produced and large-scale produced offal-based pâté.
- § Study 49 – Ready to eat pies from catering and retail premises.

3.5.4 In addition to these nationally agreed programmes, the service took part in Sussex-wide microbiological sampling programme monitoring cleanliness in catering establishments. To identify potential issues with cleaning in premises where there is a low confidence in management. The project to be used to reinforce required standards and educate catering staff.

3.5.5 Sampling is also carried out during routine food hygiene inspections to aid officers in the assessment of practices carried out within commercial kitchens and identify any issues. Where any unsatisfactory results were found, corrective action was put in place to ensure the quality of food products.

3.5.6 As at December 2012 national and the CIEH Sussex Food Liaison Group sampling plans had yet to be finalised.

3.5.7 An Environmental Health Officer within the Food Safety Team is responsible for organising and co-ordinating food safety sampling. It is estimated 0.25 Full Time Equivalent officer will be required for this service.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
No. of samples	82	146	160	94	150	150

Table 3.4.3 Food Safety Samples Submitted 2008-2012 & estimate for the current year and 2013/2014.

3.5.8 Arrangements are in place with the Health Protection Agency laboratory at Porton Down for the analysis of samples that require microbiological examination. The allotted cost for sampling for the financial year 2012/2013 was £11,429.

3.5.9 As at December 2012, the allocation for the year 2013/2014 had not been confirmed.

Food standards

3.5.10 The Public Analyst contract was awarded to Worcestershire Scientific Services. A new contract is currently out to tender. The current allocation of budget for sampling analysis is £5,500. The focus of the contract remains composition, labelling and chemical contamination.

3.5.11 Inspections, investigations and advice for 2012/13 equated to approximately 1.4FTE.

3.5.12 A budget of £ 5,500 was allocated in 2012/13 and 13/14 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. Sampling programmes are informed by FSA initiatives, TSSE regional and local intelligence.

Food Sampling Work undertaken in 2012/2013

MONTH	PROJECT
August	Gluten Free
August	Melamin in contact with Food
Year long	Spirits Sampling as a part of the inspection programme
Year long	Home Authority Sampling
Year long	Foreign language labelling
Year long	Complaints/Officer initiative

3.5.13 The national initiative is fully funded and takes account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as complaints and reacting to food alerts.

3.5.14 During 2012/13 large quantities of illicit alcohol were found in the City. Whilst some of this was smuggled and non duty paid alcohol, a quantity had been found that was not of the nature substance or quality demanded. As this is deemed to be an emerging potential food fraud, officers have given this priority and the sampling programme will take this into account. It is likely that this will continue to be the case in 2013/14.

3.5.15 **Control and Investigation of Outbreaks and Food-related Infectious Disease** - Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2008 to 2012 and an estimate of the numbers expected for the current year and 2013/2014. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.5 FTE officer will be required to meet this level of complaints.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
No. of reports	333	304	369	339	350	330

Table 3.5.1 Notifications for 2012/2013 & 2013/2014 based on data from 2008 onwards.

3.5.16 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis. The estimate of the total notifications for the

current year has been increased due to the effect of a slight increase in the number of *Cryptosporidium Enteritis* cases.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Campylobacter	202	125	222	198	210	200
Salmonella	34	60	33	35	35	35

Table 3.5.2 Estimate of Number of specific notifications for 2012/2013 & 2013/2014

3.5.17 Food-borne illness can be contracted as a result of a number of reasons including poor food handling in the home or foreign travel. It is therefore difficult to attribute any increase or reduction to one source.

3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, is received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the Food Safety Team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	08/09	09/10	10/11	11/12	12/13est	13/14est
Food Alerts	130	88	76	102	110	100

Table 3.6 Food Alerts for the current year and 2013/14 based on data from 2008 onwards.

3.7 Liaison with Other Organisations

Food Safety

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency, provide joint projects and develop services: -

- § The Environmental Health Manager attends the Sussex Food Liaison Group which develops common approaches to regulation across Sussex.
- § An Environmental Health Officer attends the Chartered Institute of Environmental Health's Sussex Food Study Group which develops joint procedures and practices.
- § Regular liaison meetings with Children's Services and school caterers.
- § The Health Development team develops initiatives such as promoting breastfeeding or making it easier for mothers to breastfeed their babies while in restaurants.

- § The service works with nutritional advisers via the Brighton & Hove Food Partnership on the Healthy Choice Award initiative to promote healthy menu options. They cover a wider range of food businesses, including children's nurseries and school breakfast clubs. As at January 2013, 48 gold level awards have been issued, 12 silver and 2 bronze. There are currently another 13 applications pending for assessment. Nine awards have also been given under the Healthy Early Years scheme where provision is limited to snacks only.
- § District Control of Infection Committee, Community Consultant in Disease Control reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- § The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local businesses and community groups, community workers and members of the Sustainability Commission. The Partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- § A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to gain work experience.
- § Head of Regulatory Services sits on the Healthy Weight programme board

This work is accounted for in the reactive work estimate of resources required.

Food Standards

3.7.2 The team works closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, co-ordinated activities, sampling and advice projects and sharing of information via the TSSE intranet.

3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

3.8.1 The service has built on the partnership work of the Healthy Choice Awards referred to in 3.7.1 to work on a number of healthy eating initiatives with the Director of Public Health. Planned initiatives are promotion of reduced salt, portion size and use of Trans fats as part of National Chip Week 18th to 24th February 2013 and the reduction of Monosodium Glutamate in Chinese restaurant and takeaway cooking.

3.8.2 The service organises a number of food hygiene training courses per year. The food safety training activity April 2011 to March 2012 and total numbers of people trained are given below. The level 1 award is a half day awareness course whilst the level 2 course is a full day course aimed at food handlers.

3.8.3 Type of Course	Number of Delegates
CIEH Level1 Award in Food Safety in Catering Awareness	35
CIEH Level 2 Award in Food Safety in Catering	268
TOTAL	303

Year	2008/09	2009/2010	2010/2011	2011/2012	2012/13est	2013/14est
Trained	301	245	225	303	250	300

Table3.8 Total Training Undertaken Since 2008

3.8.4 Nine Level 2 Awards in Food Safety in Catering courses have already been scheduled for 2013/14. The service also offers the CIEH Level 3.

3.8.5 Food Safety Week took place from 11-17 June 2012 and a variety of activities were staged at venues across the city, including children's centres and day centres for adults.

3.8.6 In 2012 the Food Safety Team organised their third annual Curry Chef of the Year competition. It is planned to continue this as an annual event.

4. Resources

4.1 Financial Allocation

Food Safety

4.1.1 As at beginning of January 2013 the 2013/14 budget for the Food Safety Service has yet to be finalised. The agreed budget for 2012/2013 was as below.

Staffing	£524,460
Transport	£ 13,870
Supplies and Services	£ 18,930
Total	£ 557,260

Food Standards

4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2012/13 was as follows based on the percentage of time officers spend on the food function outlined above and below:

Staffing Inspection, complaints and advice	
Management/Support	£ 3,200
Food Team	£42,170
Total	£45,370

Purchases	£ 500
Analysis	£ 5,500
Total	£ 6,000
Total	£ 57,370

The budget has not yet been set for 2013/14 but similar funding levels are envisaged as 2012/13.

4.2 Staffing Allocation

Food Safety

4.2.1 Establishment of the Food Safety Team for the year 2013/2014 is 11.45 full time equivalent field officers plus two full time equivalent administrative support staff and management, broken down as follows:-

- 1 x Environmental Health Manager
- 2 x Senior Environmental Health Officers
- 3.85 x Environmental Health Officers
- 4.6 x Senior Technical Officers

4.2.2 All enforcement staff comply with strict guidelines governing qualifications and competencies before they are permitted to undertake food safety duties. All Senior Technical Officers hold Higher Certificates in Food Premises Inspection and are able to inspect all risk categories of food businesses. All Environmental Health Officers are qualified to undertake inspections of all risk categories of food businesses.

4.2.3 Six officers within the other Environmental Health & Licensing Teams retain competencies to undertake food safety inspections. All food competent officers must undergo a minimum of 10 hours food safety training per year to retain their authorisation to undertake food safety inspections. In addition to the competencies and qualifications required by the Food Safety Code of Practice, officers engaged in food safety inspections must have undergone additional 'Food Hygiene Rating Scheme' consistency training.

Food Standards

4.2.4 The Inspection and Sampling Team is responsible for Food Standards Inspection. The proportion of time allocated to this function in 2012/13 was estimated as follows:-

Support	0.05
Management	0.05
Food Staff	1.4
Total	1.5 FTE

4.3 Staff Development Plan

- 4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year. Brighton & Hove City Council was awarded accreditation to Investors in People in early 2009.
- 4.3.2 Through this system, the service ensures that all food competent officers receive sufficient good quality focused food safety training to comply with relevant Codes of Practice and professional membership schemes.
- 4.3.3 The service currently has three staff undergoing part time or distance learning to become Environmental Health Officers.

5.0 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Food Safety

- 5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute.
- 5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. In 2011/2012, 347 questionnaires were returned. The key findings of these returns were:-
- § 98% of respondents were either very satisfied or satisfied that Brighton & Hove City Council had done all that it could to help deal with their premises inspection.
 - § 99% of respondents understood the purpose of the visit to their premises.
 - § 97% found the information given to them by the visiting officer easy or very easy to understand.

Similar high levels of satisfaction were recorded from questionnaires returned in the previous five years.

Food Standards

- 5.1.3 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

6. Review

6.1 Review Against the Service Plan.

Food Safety

- 6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the Service Plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to ones between field staff and their line manager.
- 6.1.2 Official Feed and Food Controls Service Plans are produced and reviewed on an annual basis by management review and consideration by elected members through the committee structure and Full Council.
- 6.1.3 In the year 2011/2012, 100% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. 475 interventions were undertaken of new businesses or premises that had changed ownership.
- 6.1.4 At December 2012, 91.4% of the food businesses in the city were deemed to be 'broadly compliant', or better.
- 6.1.5 The 2012/2013 Service Plan predicted that a total of 1076 food safety interventions would take place in this year. To the end of December 2012, 317 inspections of new businesses were undertaken and the service is on target to achieve the goal of carrying out interventions in at least 98% of the businesses due.
- 6.1.6 From April 2012 to the end of December 2012, the Food Safety Team served 73 Hygiene Improvement Notices, accepted seven voluntary closure of an establishment, served one Hygiene Emergency Prohibition and undertook one successful prosecutions and one simple caution. The prosecution attracted total fines of £12,000 and costs of £2,000. As at the end of December a further four potential prosecution cases were being processed.
- 6.1.7 Charts in Section 3 give a detailed breakdown of service activity from April 2008 to March 2012 and an estimation of the activity for the remainder of the current and coming year.

Food Standards

- 6.1.8 Service reviews are carried out on a monthly basis to check that the inspection programme is on target and to ensure that projects are being completed in the agreed timescale.

- 6.1.9 The Service Reviews indicate that the service is on target to achieve the interventions programme.
- 6.1.10 During staff one-to-one's each officer's performance is monitored, to identify good performance and any areas of improvement.
- 6.1.11 Complaints are responded to within the stated timescales.

6.2 Identification of Any Variation from the Service Plan

Food Safety

6.2.1 Reviewing the final outcome of 2011/2012 and the current prediction, as at end of January 2013, for 2012/13 against last year's Service Plan shows four probable areas of variation.

§ The 2012/13 Service Plan estimated that there would be 1076 programmed food hygiene interventions to undertake for the year. This estimate was made in January 2012. At the start of April 2012 this number had dropped to 1043. This was due to a combination of a number of businesses improving, and so having the frequency of intervention reduced and others ceasing trading.

§ The 2012/13 Service Plan estimated that there would be an additional 56 interventions of category E businesses as a result of migration to the FHRS. An updated estimate made in January 2013 indicates that 70 additional interventions will be required on top of this estimate.

§ The concern raised in 3.1.16 of the 2012/13 plan that there would be an estimated 80 to 100 FHRS rescore interventions requested in the initial period with an additional 20-25 per quarter thereafter did not occur. To the end of January 2013 a total of 22 requests had been received since February 2012.

§ The number of complaints about the condition of premises had risen from an estimate of 340 for 2011/12 to an actual number of 394 in that year.

Food Standards

6.2.2 There was no significant variation from the plan.

6.3 Areas of Improvement

Food Safety

6.3.1 Current possible areas of improvement for the future are that it is hoped that migration to the national FHRS from the local Scores on the Doors scheme in March 2012 will continue to have a positive effect on

standards of hygiene. The continued improvement in standards can be demonstrated by comparing the rankings of businesses on migration to those in January 2013. Table 6.1 demonstrates the improvement over the eight months.

FHRS rating	April 2012	Jan 2013
0	6	3
1	114	113
2	86	92
3	284	265
4	508	589
5	1311	1377
Total	2309	2624

Table 6.1. Number of food businesses in each FHRS Rating

6.3.2 The FSA produce national performance data for local authority food services based on information received in annual returns. It is pleasing to note that when compared to the other English local authorities:

- § The authority accounted for 100% of the planned interventions in 2011/12 against a national average of 83.2% due interventions achieved.
- § Also at March 2012 89.1% of the City's establishments were deemed 'broadly compliant or better' against a national average of 85.3%.

Food Standards

6.3.3 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and co-operation where co-ordinated sampling programmes and officer training feature highly. However, there are still areas for improvement. They are as follows:

- § Targeting beer, wines and spirits misdescription and traceability, this work links in with the Licensing Authority function and Alcohol Project Board.
- § Improved use of the Environmental Health newsletter to provide businesses with information.
- § Increasing the number of voluntary contacts by businesses
- § Developing the access to on-line business advice.
- § Better publicity for the healthy eating education message.
- § Developing links with schools
- § Increasing and maintaining the competency and professional development of food officers.
- § Establishing consumer concerns and reflect this in local activity.

Subject:	Extract from the Proceedings of the Audit & Standards Committee Meeting held on the 16 April 2013 – Code of Conduct for Member/Officer Relations & Code of Conduct for Employees		
Date of Meeting:	9 May 2013		
Report of:	Head of Law & Monitoring Officer		
Contact Officer:	Name:	Ross Keatley	Tel: 29-1064
	E-mail:	ross.keatley@brighton-hove.gov.uk	
Wards Affected:	All		

AUDIT & STANDARDS COMMITTEE

**4.00 pm 16 APRIL 2013
COUNCIL CHAMBER, HOVE TOWN HALL**

DRAFT MINUTES

Present: Councillors Hamilton (Chair) A Norman (Opposition Spokesperson), Lepper, Smith, Sykes and Wealls.

Independent Persons & Co-Opted Members: Dr Horne

PART ONE**99 CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS & CODE OF CONDUCT FOR EMPLOYEES**

99.1 The Committee considered a report of the Head of Legal & Democratic Services in relation to the code of conduct for member/officer relations and code of conduct for employees. The report sought approval for minor amendments to these documents following new arrangements for the handling of confidential information; the Council's revised corporate values and the latest senior management structure.

99.2 RESOLVED:

- (1) That the Committee agree the council's Code of Conduct for Member/Officer Relations as amended and set out at Appendix 1.
- (2) That the Committee agree the council's Code of Conduct for Employees as amended and set out at Appendix 2.

Council

9 May 2013

Agenda Item 124

Brighton & Hove City Council

Subject:	Code of Conduct for Member/Officer Relations; and Code of Conduct for Employees		
Date of Meeting:	9 May 2013 16 April 2013 – Audit & Standards Committee		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: 01273 291512
	Email:	oliver.dixon@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 This report seeks approval for minor amendments to the council's Code of Conduct for Member/Officer Relations, and Code of Conduct for Employees.
- 1.2 The amendments reflect new arrangements for handling confidential information; the council's revised corporate values; and the latest senior management structure.

2. RECOMMENDATIONS:

That the Committee –

- 2.1 Agree the council's Code of Conduct for Member/Officer Relations as amended and set out at Appendix 1.
- 2.2 Agree the council's Code of Conduct for Employees as amended and set out at Appendix 2.
- 2.3 Recommend each of these codes to Full Council for approval.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The Code of Conduct for Member/Officer Relations and the Code of Conduct for Employees form part of the council's constitution and are subject to periodic review, to ensure they remain relevant and up to date.
- 3.2 Following a review in early 2013, it is proposed to amend both codes to take account of recent developments affecting the council's corporate governance, comprising:

- (i) new arrangements for handling confidential information, as reported separately to Audit & Standards Committee on 16 April 2013 (see agenda item 100);
 - (ii) the council's six organisational values; and
 - (iii) the senior management structure introduced on 1 April 2013
- 3.3 The proposed Code of Conduct for Member/Officer Relations, as amended, is set out at Appendix 1.
- 3.4 The proposed Code of Conduct for Employees, as amended, is set out at Appendix 2.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The codes referred to in this report were considered by a cross-party working group of members, as well as the Independent Person, on 4 April 2013.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 It is not expected that the amended codes will have any significant financial implications for the council.

Finance Officer Consulted: Anne Silley

Date: 08/04/13

Legal Implications:

- 5.2 Changes to the council's constitution of the type described in this report must first be considered by Audit & Standards, then referred to Full Council for approval. (Article 13 03 of the constitution refers). This requirement is reflected in the recommendations above.

Lawyer Consulted: Oliver Dixon

Date: 08/04/13

Equalities Implications:

- 5.3 None specific to this report

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 As amended, both codes take account of the council's organisational values. As regards the Code of Conduct for Member/Officer Relations, the key value is respect.

SUPPORTING DOCUMENTATION

Appendices:

1. Code of Conduct for Member/Officer Relations, as amended.
2. Code of Conduct for Employees, as amended.

PART 8.7 CODE OF CONDUCT FOR MEMBER/OFFICER RELATIONS

1. Introduction

- (a) An effective and productive working relationship between Members and officers is critical to the successful operation of the Council’s business. This code deals with the Member/officer interface in general terms and then refers to the working relationship between Members and Chief Officers, senior officers and other officers who formally advise the Council.
- (b) Excellent working relationships between Members and officers are required both to deliver high quality services to local people and to maintain public confidence in the machinery of local government in Brighton & Hove.
- (c) For the purposes of this Code, Chief Officer means the Chief Executive, the Executive Directors of Finance and Resources, Adult Services, Childrens’ Services and of Environment, Development and Housing as well as the Director of Public Health, the Monitoring Officer and Head of Law, and the Assistant Chief Executive.
- (d) For the purposes of this Code, Deputy Chief Officer means Officers who report to Chief Officers other than clerical staff.

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Deleted: a Lead Commissioner, Head of a Delivery Unit, Head of Financial Services, Head of ICT, Head of City Services, Head of Human Resources, Head of Property and Design and Heads of Units in the Chief Executive’s and Cultural Services

2. Values

The manner in which members and officers interact should at all times be consistent with the council’s organisational values, which are as follows:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone. (See also paragraph 3 below)
- **Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, ‘How can I improve that?’
- **Openness:** Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve
- **Creativity:** Have ideas that challenge the ‘tried and tested’, use evidence of what works, listen to feedback and come up with different solutions

Deleted: || September 2012||
Version 1

- **Customer Focus:** Adopt our 'Customer Promise' to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done

3. Mutual Respect and Courtesy

- (a) Respect is one of the Council's organisational values. For the effective conduct of the Council's business there must be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and officers. The basic tenets of common courtesy apply in both formal and informal settings. This plays an important part in safeguarding the Council's reputation and the regard in which it is held by members of the public.
- (b) It is important that both Members and officers remember their respective obligations to enhance the Council's reputation and do what they can to avoid criticism of Members or officers in public. The quality of the interface between the two is vital in ensuring that the highest ethical standards permeate the Council in both its private and public dealings.
- (c) Members should be aware that officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a department or section of the Council where they believe such criticism is merited. If Members believe they have reason to criticise the work of an individual junior officer, the proper approach should be through the senior manager of the section or Chief Officer of the relevant department. Equally where officers feel they have good cause to criticise a Member, an approach by the relevant Chief Officer to that Member's party whip, group leader or convenor is a sensible first step.

4. Roles and Responsibilities

- (a) All Members have responsibilities towards the Council, effectively as trustees. No decisions on behalf of the Council can be taken by individual Members in law, but because the Council is organised into political groups certain Members will exert more influence and direction than others, namely the leadership of the largest group, and opposition groups. Committee/Sub-Committee Chairs will also exert influence and may provide guidance within the area covered by their Committees/Sub-Committees. The role of Committee/Sub-Committee Chairs is recognised in law for procedural purposes, for example chairs of committees, meetings or exercising a casting vote. Whilst chairs of committees, liaise regularly with senior officers on

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significant matters and may be able to influence Officer decisions by expressing their views, by law they cannot make individual decisions on behalf of the Council. There is therefore no "chair's decision" as such except on procedural matters regarding the Committee or Sub-Committee they chair.

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- (b) Members are responsible to the electorate and may serve until their term of office expires or until it is ended before that, for whatsoever reason. Officers are employed by, and are responsible to, the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees and the management of the Chief Executive and the relevant Chief Officers.
- (c) Officers are employed to advise the Council and to implement its decisions. Officer advice must be full and impartial and should include all relevant options. It must not seek to second-guess the decisions of Members, for example by excluding presumed unpalatable options, and must be clear and professional at all times. Members should respect officers' political neutrality at all times. But Members are entitled to reject officer advice and to give effect to their lawful policies even if these are clearly at variance with the views of officers. It is by this means that the largest group(s) are able to implement the policies for which they regard themselves as responsible to the electorate and the opposition groups are able to challenge them and put forward their own policies.

5. Political Activity

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- (a) Senior officers, except those specially exempted, cannot be local authority Members or MPs, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party". Such officers are nevertheless able to engage in such activity to "such extent as is necessary for the proper performance of their duties". (Sections 1-2 of the Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990.
- (b) Officers are employed by the Council not by Committees/Sub-Committees or individual Members and are subject to the application of the Council's employment policies and procedures including the Council's Code of Conduct for Officers.
- (c) National conditions of service provide that officers cannot be required to advise any political group of the Council, either as to the

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work of the group or as to the work of the Council. Neither can they be required to attend any meetings of any political group. Nonetheless it is common practice for party groups to give preliminary consideration to matters of Council business and officers may properly be called upon to support and contribute to such deliberations.

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- (d) Normally, only the Chief Officer will be expected to attend meetings, write reports or carry out other work relating to Council business (including technical assistance in drafting Notices of Motion) for a party political group. Subject to the Chief Officer's discretion, other senior officers may be invited to attend meetings, provide information, write reports and draft Notices of Motion, or carry out other work relating to Council business for party political groups. However, neither the Chief Officer nor any other officer can be instructed to do so nor can they be instructed to carry out any party political work. This provision covers meetings of or reports to a party political group or meetings designated for one party only. It is, of course, open to any Committee or any Sub-Committee to require reports from Chief Officers on matters within their terms of reference.
- (e) Officers must respect the confidentiality of any party group discussions at which they are present and should not relay the contents of any such discussions to another party group.

- (f) The Council recognises the need for regular liaison on matters affecting the Council between senior officers and the leadership of political groups, and on matters affecting committee functions, between senior officers and Committee/Sub-Committee Chairs and party spokespersons. This is vital to the workings of the Council, especially during times where there is no overall political control. The Chief Executive convenes and chairs meetings of the Leaders Group regularly to discuss matters of common interest.

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6. Contact between Members and Officers

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- (a) Regular contact between Members and senior officers is necessary to ensure the efficient working of the Council. In this context, it is the responsibility of Chief Officers to identify within each department the senior officers who should have regular contact with Members and this will depend upon the nature of the service they provide and the nature of the Member contact envisaged. However, Members should always bring major concerns about issues affecting a department directly to the attention of the Chief Officer concerned.
- (b) Serious problems can arise if Members bypass appropriate lines of communication to Chief Officers and their senior officers and, for example, deal with more junior members of staff to seek views on

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policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving Members of the formal, informed and accountable advice they have a right to expect from Chief Officers. It may also serve to undermine the formal accountability of staff to their line manager.

- (c) However, there are circumstances when Members may need direct contact with relatively junior staff, for example, with junior officers in a Housing District Offices when dealing with constituency casework presented by tenants and the contact is for the purpose of seeking factual information. Approaches by Members to junior officers are proper when casework is detailed and ongoing or matters are routine but, wherever possible, Members should keep Chief Officers informed by copying them (at least initially) into correspondence, e-mails etc., and routing general enquiries through them.

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7. Information for Members

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- (a) It is important that officers keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards which Members represent. Ward Members should be informed about proposals which affect their area whether this concerns the declaration of a surplus property, a new traffic management scheme or a local planning application. Ward Members should also be invited to attend the opening of new Council buildings or road schemes or other similar ceremonies within their wards. It should also be borne in mind that Members who are not Members of a particular Committee/Sub-Committee may be able to attend and speak at meetings of Committees/Sub-Committees with the agreement of the Chair or person presiding at the meeting.

- (b) The unauthorised disclosure of information by Members, which they have gained as Members, when the information is confidential, is likely to be a serious breach of the Members' Code of Conduct, (see part 8.1 of The Constitution). Members will have signed a declaration of their intention to abide by the Code of Conduct when they took office. Confidential information, should not, therefore, be made available by the Member concerned to the press or public nor should it be passed onto another Member who cannot demonstrate a similar "need to know." There is separate more detailed guidance to Members and Officers regarding confidential information which can be accessed from the Wave.

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8. Access to Information

- (a) In accordance with the corporate value of openness, the default position of the council on access to information, as regards Members, Officers and, indeed, the public at large, is one of openness and transparency. The other, complementary side to this

coin is that information that is genuinely confidential must stay confidential.

(b) Members have wide-ranging legal rights of access to documents in the possession or under the control of the Council and officers should implement requests for information from Members who need that information for the fulfilment of their duties as a Member.

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(c) Normally, officers will accept that Members do not ask for information without good reason and will not question the Member's "need to know". But in the words of relevant legal caselaw, a Member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor, of course, can the Member exercise the right for some improper motive, e.g. to assist someone in litigation with the Council, its staff, suppliers or service users.

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(d) In rare cases therefore a Chief Officer may apply the "need to know" test. The Member will need to show why the information is necessary to fulfil their Council duties. Further guidance on the "need to know" issues is set out in the Appendix to this code. Where an officer considers that a Member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state the reasons for doing so. Where the Member is dissatisfied with the outcome the matter shall be referred to the Monitoring Officer for a decision.

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(e) A Member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The Member will normally be able to view relevant material and to copy individual documents and retain them but may not make use of such information for an improper purpose or one unrelated to the Member's duties.

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(f) Specific guidance on a Member's rights of access to confidential Committee and Sub-committee reports is to be found at paragraph 10 of the Appendix to this code.

(g) Members are reminded of their duty not to disclose confidential information which they have gained access to as Members (see again paragraph 6(b) above of this Code). To do so is not only a breach of this code but is also very likely to be a serious breach of the Code of Conduct for Members. If any Member believes that he or she may have justification for disclosing confidential information, he or she must first seek advice from an appropriate officer such as the Monitoring Officer, Chief Finance Officer or Chief Executive.

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9. Preparation of Officer Reports for Committees/Sub-Committees

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- (a) Officer reports to Committees and Sub-Committees should be written by the Chief Officer or other officer authorised by him or her. All sensitive officer reports shall be discussed with the relevant Committee/Sub-Committee Chair at one of the regular meetings held with the Chief Officer.
- (b) However, the draft officer report belongs to the officer concerned and even if the Chair or another Committee/Sub-Committee Member in exceptional circumstances is unhappy with its contents it should not be amended by them save with the express approval of the Chief Officer. It is for the Chief Officer to determine when a draft officer report should be amended in the light of Members' views, taking advice from the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate.

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10. Correspondence

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- (a) Frequently Members and officers correspond and, where it is appropriate to regard the correspondence as non-confidential, it may be copied by either the sender or the recipient to others, subject to the provisions of paragraphs 9(b) to (d) below and to the requirement that correspondence should be courteous and wide circulation of it should not be employed as a means of administering a public rebuke to a Council officer.
- (b) Officers should not copy correspondence with a Member of one party to a Member of another party without consent. This does not prevent officers or Members copying correspondence to each other about casework across ward or interest group boundaries. Nor does it preclude a Chief Officer from advising a Committee/Sub-Committee Chair in general terms of an issue raised with the Chief Officer in correspondence, or otherwise, with a Member.
- (c) Members and officers must treat as confidential any personal information protected from disclosure by the Data Protection Act unless the disclosure is permitted under the Act or by other legislation.
- (e) Members should bear in mind that if they disclose any information which should have been regarded as confidential, this is very likely to be a serious breach of the Code of Conduct for Members, as mentioned at paragraph 7(g) above. If in doubt as to the status of the correspondence, the Member should check with the officer concerned before taking any steps to distribute it more widely.

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(f) Members and officers should be aware that their communications with each other on council business, unless such communications

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are covered by legal professional privilege or otherwise exempt under the provisions of the Freedom of Information Act 2000, may be liable to be disclosed to anyone making a request for information under the Act. Members and officers should only include in emails, for example, material that they would be comfortable to be associated with, if it found its way into the public domain.

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11. Undue Pressure

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- (a) Members need to be aware that it is easy for officers, particularly junior members of staff, to be overawed and feel at a disadvantage in their dealings with Members. Such feelings can be intensified where Members hold official and/or political office. Therefore, the usual point of contact for Members should be the relevant Chief Officer or Deputy Chief Officer.
- (b) A Member should not request an officer to do anything that she or he is not empowered to do, nor to cease any action which the officer is properly taking or proposes to take, nor to undertake work outside normal duties or outside normal hours, nor to provide information to which the Member is not entitled. Advice on the appropriateness of such requests is available from either the Chief Officer or the Monitoring Officer.
- (c) Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor to raise personal matters to do with their job, nor make claims or allegations about other officers. The Council has formal procedures for consultation, grievance and discipline.

12. Familiarity

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- (a) Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, e.g. personal details. Such familiarity can also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.
- (b) For the above reasons, it is evident that close personal familiarity should be avoided, and in any event must be declared both by the Member and the officer. Such declarations should be made by the officer to the officer's Chief Officer and by Members to the Chief Executive or Monitoring Officer.

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13. Officers and Overview and Scrutiny

- (a) Where an Overview and Scrutiny Committee exercises its powers to require officers to attend to answer questions or discuss issues it should also consider the seniority of officers it would be appropriate to require to appear before them, in order to ensure that more junior officers are not put under undue pressure. Guidelines on this matter are included in the Overview and Scrutiny Procedure Rules at Part 5 of the Constitution.
- (b) Overview and Scrutiny Committees should always bear in mind that when officers appear to answer questions their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain what the policies are, the justification and objectives of those policies as the decision makers see them, the extent to which those objectives may have been met, and how administrative factors may have affected both the choice of policy measures and the manner of their implementation. They may be asked to explain and justify advice they have given to Members prior to decisions being taken and/or decisions they themselves have taken under delegated authority.
- (c) As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by officers on the Council's policies and decision makers' actions should always be consistent with the requirement for officers to be politically impartial.

14. Redress and Breach of this Code

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- (a) If a Member has a complaint about a junior or senior officer, it should be raised with the relevant Chief Officer. If the complaint concerns a Chief Officer it should be raised with the Chief Executive as Head of Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider whether the issue can be dealt with as part of routine liaison, supervision and appraisal, or should be referred for formal action in accordance with Council procedures and the statutory provisions governing disciplinary action against Local Authority Chief Executives. This does not however preclude a Member from making public, at a Council meeting or in another appropriate way, a concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. Nor does it prevent Members at meetings of Committees or Sub-Committees being critical of officer advice or action or of the quality of reports before them. But the manner of such criticism should have regard to the guidance in respect of mutual respect and courtesy at paragraph 2 of this Code.

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- (b) If a Member considers that he or she has not been treated with proper respect or courtesy by an officer or that an officer is otherwise in breach of this Code, the Member may raise it with the officer's line manager or Chief Officer without delay if the Member fails to resolve it through direct discussions with the officer. A Member may raise the issue with the Chief Executive, after discussion with the relevant Chief Officer. If the issue still remains unresolved, appropriate disciplinary action may be taken against the officer.
- (c) If an officer has similar concerns about a Member, the officer should raise the matter with his or her line manager or Chief Officer as appropriate without delay, especially if the officer does not feel able to discuss it with the Member concerned. In such circumstances the Chief Officer will take such action as is appropriate either by approaching the individual Member and/or party group leader. The Chief Officer will inform the Chief Executive and the Monitoring Officer if the party group leader or a Committee/Sub-committee Chair becomes involved, or in any other case where that is appropriate.
- (d) If an officer is concerned that another officer is in breach of this Code, or if a Member is concerned that another Member is in breach of this Code, he or she should raise the issue directly with either their line manager or Chief Officer or with their party group leader. Similar redress may be sought as in the previous paragraph.

15. Conclusion

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- (a) Mutual understanding, openness and basic respect are the greatest safeguards of the integrity and reputation of the Council, its Members and officers.
- (b) If Members or officers have any concerns about the content of this Code, or wish any interpretation or advice upon its contents, they should contact in the first instance the Monitoring Officer or the Chief Executive.

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APPENDIX - Access to Information – the “need to know”

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1. The courts have given guidance on the circumstances in which a Member seeking information from an officer can be presumed to have a “need to know”.
2. Members are presumed to have a good reason for access to all written material relating to a function controlled by a Committee on which they serve. Also, a Member of a Committee would have a good reason for access to papers relating to the business of a Sub-Committee of that Committee.
3. A Member with a legitimate concern in a matter in which she or he is representing a constituent or other person or organisation may be able to demonstrate a “need to know” in relation to papers relevant to that matter, even if the Member concerned is not on the relevant Committee/Sub-Committee.
4. However, even where a Member is a Member of a Committee/Sub-Committee and wishes to see papers relating to the work of that Committee or a Sub-Committee of it, there will not be an automatic right of access to papers if the Member’s interest springs from something other than the wish to pursue rights as a Member of that Committee/Sub-Committee.
5. Party leaders may be able to demonstrate a “need to know” in respect of written material relating to all Committees/Sub-Committees.
6. Notwithstanding that the information requested may come within the above categories, an officer may refuse a request to provide the information if she or he has cause to think that the information may have been requested for an improper purpose or is otherwise unreasonable or is of a personally sensitive nature.
7. In this context, the courts have been critical of a request by a Member for details of many contracts, and have ruled that a request for details of a Chief Officer’s attendance at the office amounted to harassment.
8. An officer in judging whether a Member requesting information has a right to it is entitled to know the reasons for wanting it, and in the absence of cogent reasons is entitled to refuse. Where an officer considers that a Member has not established a “need to know” in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.
9. Members are entitled to have enough information to be able to perform their functions properly and the Courts will protect this position. Members should however bear in mind that unreasonable requests or pressure for information may amount to a breach of the Code of Conduct for Members.

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10. Access to Confidential Committee and Sub-Committee Reports

10.1 Members' rights of access to Committee and Sub-Committee reports are set out in paragraph 17 of the Access to Information Procedure Rules. Without prejudice to any rights that Members may have under those rules, this guidance or the law, the following practice and procedure should apply.

- (a) The Council's approach regarding access to Committee or Sub-Committee reports will be guided by the general principles of openness and transparency.
- (b) In the practical application of the principles, the Council will have regard to any legal duty of confidentiality and the need to be able to run its business as a responsible authority.
- (c) As far as possible, and to the extent that it is consistent with legal duties and good practice, the Council will endeavour to put as many of the reports as possible in the public part or, where this is not appropriate, to have an item in the open part that gives the public an indication of the nature of the issue.
- (d) As general rule the Chair of the Overview and Scrutiny Committee and all Group Leaders will be provided with copies of any part II reports to Committee or Sub-Committee meetings and there will be a presumption in favour Group Leaders and relevant Scrutiny Chair having access to part II reports.
- (e) In some cases, the matter under consideration may be such that it is necessary to limit the distribution of reports to Committee Members only or to restrict the copying, distribution, or retention of the reports by Members or Officers.
- (f) In exceptional cases, if the Chief Executive and the Monitoring Officer are of the opinion that significant legal, financial or commercial reasons exist, then the distribution of the reports may be restricted to the person/s making the decision. In coming to such a decision, the Chief Executive and the Monitoring Officer will have regard to the following:
 - Whether the distribution of confidential papers to persons outside the decision-makers would be likely to constitute a breach of any legal duty to which the Council is subject, whether such duty arises from legislation, court order, contractual duty or other express or implied legal obligation;

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- Whether the disclosure of the information would be likely expose the Council to financial loss;
 - whether the disclosure of the information would be likely to have a detrimental effect on any commercial negotiations;
 - whether the report includes sensitive personal information the disclosure of which would expose the council to legal or reputational damage;
 - whether the report contains matters relating to labour relations or negotiations with trade unions and the disclosure of such information would be likely to compromise those negotiations.
- (g) steps taken to limit distribution or restrict the manner of use shall be proportionate to the perceived risk. Depending on the Chief Executive and the Monitoring Officer's assessment, any such measures may include, but are not limited to:
- Circulating the report to the decision makers only;
 - Collecting the reports at the conclusion of the meeting;
 - Making arrangements for relevant Members to read the report at a pre-arranged venue and not take the report away;
 - Restricting any copying of the report.
 - Marking reports
- (h) Where a restriction or limitation on distribution is imposed under the above provisions, the Chief Executive or the Monitoring Officer shall inform the Group Leaders and the Chair of the Overview and Scrutiny Committee.
- (i) The procedure to restrict circulation of reports or the manner of use shall be applied only in exceptional circumstances and the presumption remains that Group Leaders and the relevant scrutiny chair would be entitled see part II reports.
- (j) The above procedures are without prejudice to any right that Members may have to access information and documents under the common law principle of "need to know."

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NB

This code has not been the subject of a thorough review. Only minimal changes have been proposed at this stage to reflect the organisational values and refer to the need to respect confidentiality. A further, more detailed, review may be undertaken at a later stage.

PART 8.8 CODE OF CONDUCT FOR EMPLOYEES (OFFICERS)

Please take time to read this Code and make sure that you understand it. If you are unclear or want to know something specific, talk to your manager or your human resources division.

Introduction

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You are employed by Brighton & Hove City Council and that means that you are a Local Government Officer. You and the services you provide are paid for by public money and therefore you are accountable to the public for your behaviour, actions and decisions. You must not only behave properly, you should also be seen to behave in a way that is beyond question.

The Council recognises that working in a public service is not easy. Every area is changing and it may be unclear to you what is acceptable and what is not. This Code is intended to explain your responsibilities and your rights as an officer.

As a council officer you are expected to achieve your personal best for our customers and for the city. To ensure that you understand what this means, the council has adopted six values that describe what you should aim to accomplish in the way you carry out your job. These are:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone
- **Collaboration:** Work together and contribute to the creation of helpful and successful teams and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of our resources, always looking at alternative ways of getting stuff done and asking, 'How can I improve that?'
- **Openness:** Share and communicate with honesty about our service and self, whenever appropriate. Accept where we have to change in order to improve
- **Creativity:** Have ideas that challenge the 'tried and tested', use evidence of what works, listen to feedback and come up with different solutions

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- **Customer Focus:** Adopt our 'Customer Promise' to colleagues, partners, members and customers. We will be easy to reach, be clear and treat you with respect, listen and act to get things done

This Code of Conduct underpins these six organisational values by setting out in more detail the standard of behaviour expected of you as an officer whilst you are carrying out your duties. There are other Codes which are important for you to understand and which you should read alongside this one.

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The Code of Conduct for Member–Officer Relations

This deals with the relationship between you and Members of the Council (Councillors)

The Code of Conduct for Members

A local code setting out standards of conduct and behaviour for Members of the Council

The Whistleblowing Policy

This sets out a procedure for you to report actions, wrongdoings or serious failures

The Complaints Procedure

A procedure for members of the public to complain about services or actions of the Council

The Anti-fraud and Corruption Strategy

The Council's commitment to fighting fraud and corruption whether attempted from outside or inside the Council.

The Acceptable Use of ICT Policy

A policy which sets the parameters for the appropriate work and personal use of Information and Communications Technology.

The Social Networking Policy for Employees

A policy which governs the use of social media in both the work and personal use contexts

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Scope

This Code of Conduct applies to you if you are an employee of Brighton & Hove City Council, whether employed on a permanent, temporary or casual basis, or if you are an officer holder. All officers must follow this Code. Deliberate breaches of the Code will be treated as a disciplinary offence. In some cases a breach of the Code may result in criminal prosecution. This code contains the following:

Section 1	Basic principles/definitions	Deleted: d
Section 2	Political neutrality/activity/restricted posts	
Section 3	Council policies and legal requirements	
Section 4	Outside commitments/ <u>Working Time Directive</u> /declaration of interests	Deleted: w Deleted: t
Section 5	Membership of closed organisations	Deleted: d
Section 6	Tendering/dealing with contractors	Deleted: d
Section 7	Using your position in the council	
Section 8	Corruption, fraud and dishonesty	
Section 9	Use of council facilities/resources	
<u>Section 10</u>	<u>Use of ICT</u>	Deleted: computers
<u>Section 11</u>	<u>Inventions/patents/copyright etc/conferences</u>	Deleted: 0
<u>Section 12</u>	<u>Appointing staff/discipline & grievance</u>	Deleted: 1
<u>Section 13</u>	<u>Gifts</u>	Deleted: 2
<u>Section 14</u>	<u>Hospitality</u>	Deleted: /hospitality
<u>Section 15</u>	<u>Sponsorship, giving or receiving</u>	Deleted: 3
<u>Section 16</u>	<u>Information, openness and confidentiality</u>	Deleted: Sponsorship
<u>Section 17</u>	<u>Financial resources/regulations</u>	Deleted: 4
<u>Section 18</u>	<u>Role of the Monitoring Officer</u>	Deleted: .
<u>Section 19</u>	<u>Raising concerns</u>	Deleted: 5
<u>Section 20</u>	<u>Responding to complaints</u>	Deleted: 6
<u>Section 21</u>	<u>Useful information</u>	Deleted: 7
		Deleted: 18

Basic principles & definitions

The basic principles on which this Code is built are that:

- you, your family or your friends must not gain financial or other benefits from the decisions or actions you take whilst working for the Council
- you must make decisions, choose purchases and award contracts on merit and in the best interests of the Council
- you will not accept money or other benefits from individuals or organisations that may, or may be seen to, influence your decisions
- you should always declare any interests you have outside work that relate to your work for the Council. You must always think how your actions would look to the residents of Brighton & Hove. Would they be seen to be in the best interests of the public? Would you be able to explain your role?

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- 1.2 If you are at all uncertain, you should be guided by the key principle that even if your actions, decisions or behaviour are proper, you are still sure that you are above suspicion and any appearance of improper conduct.
- 1.3 If you are unsure what is expected, you can raise the matter with your manager, [Executive Director](#), the Chief Executive, [the Head of Human Resources & Organisational Development](#), the Council's Monitoring Officer or the Head of Audit & Business Risk. (A list of contact numbers is given at the back of this Code.)

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Definitions

- 1.4 Throughout this Code there are references to partners, close friends, relatives, close personal relationships.
- 1.5 All of these are in the context of you having a loyalty to another person that is in conflict with the job or action in which you are involved for the Council.
- 1.6 There is no formal definition of 'close personal friend' or whether partner includes ex-partners with whom you are still friends.
- 1.7 It is your responsibility to act openly, honestly and without bias. You must assess if a relationship may cause you to act or be seen to act inappropriately.
- 1.8 This Code is not an exclusive or definitive list.

2. Political neutrality

- 2.1 As an officer you work for the Council as a whole and not just the majority (or leading) group. Although most staff will have very little direct contact with Councillors, some staff will be asked to give advice to individuals or to Committees. This must always be done in a politically neutral way and you must be prepared to explain your advice to all political groups. You should also bear in mind that you may be called to account for your advice, for example to an overview and scrutiny committee.
- 2.2 Once a policy has been approved through the Committee or Full Council stages as appropriate, it is a lawful policy of the whole Council and must be adopted by you, regardless of your beliefs. You must not allow your personal or political opinions to interfere with your work. If you believe that a policy is unlawful, you should contact your [Executive Director](#) or the Monitoring Officer.
- 2.3 If you are asked by a Councillor to provide assistance on a matter that you feel is clearly political, or which does not have a clear link with the

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work of the Council, you should seek the advice of your Director or the Monitoring Officer.

- 2.4 If you are asked to attend any meetings of any political group of the Council, you should consult your Director before accepting the invitation.

Political activity

- 2.6 You are not eligible to stand for office as a Councillor of Brighton & Hove City Council, but you may stand for office of another Council providing you are not in a politically restricted post (see paragraph below).

Deleted: 2.5 Political assistants appointed on fixed-term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the political neutrality standards set out in paragraphs 2.1 to 2.4 above, although all other parts of this Code still apply to them.¶

Politically restricted posts

- 2.7 Some officers, normally those in more senior positions, are in posts where political activity is restricted through the Local Government and Housing Act 1989. This Act prevents them from taking part in certain political activities outside their work. If this applies, you should have been informed in writing, although it may be included in your statement of terms and conditions of employment. You should, if this is the case, have been informed of the rules for claiming exemption. If you are not sure about your position, you should contact your manager or Human Resources.
- 2.8 The political activities which are restricted for these officers include:
- standing as a Member of Parliament, Member of the European Parliament or a Councillor in any local authority (other than a Parish Council)
 - holding office in a political party at any level, (except in limited roles concerned only with the internal membership of the party)
 - canvassing at elections
 - speaking in public or publishing any written or artistic work which appears to be intended to influence public support for a political party.
- 2.9 You need to be aware of your position in terms of political activity. If you are not sure whether an activity is subject to 'political activity restrictions', you should seek advice from your [Executive Director](#) or [Head of Human Resources & Organisational Development](#), who will consult the Monitoring Officer if necessary.
- 2.10 Violation of the statutory rules is a breach of contract and liable for investigation under the Council's Disciplinary Procedure.

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3. Council policies and legal requirements

- 3.1 As a Council officer, you must know the legal or statutory requirements of your job, and work within this framework at all times.
- 3.2 All members of the local community, service users and officers have the right to be treated fairly and impartially. As a Council officer you must comply with all Council policies relating to equalities issues and the requirements of the law.

4. Outside commitments/ Working Time Directive and declaration of interests

- 4.1 Your first work commitment is to the Council. If your job is graded at Scale SO1 (or its equivalent) or above, you should not engage in any other business or take up an additional appointment without written permission from your manager. If you are allowed to undertake work outside the Council, you must not use the Council's facilities for that work.
- 4.2 The Council is required to take all reasonable steps to ensure that workers do not exceed the maximum hours per week. The statutory maximum hours per week [as laid down by the Working Time Directive] is an average 48 hours over a 17 week period, extended in certain circumstances to a 26 or 52 week period. Whatever your grade or position the Council has a responsibility to ensure that you do not exceed the statutory maximum hours per week. If you have, at the time of appointment, or subsequently obtain, other employment you should declare this to your immediate manager. Normally, the Council will not seek to prevent you from working more than the statutory maximum but it will want you to confirm, in writing, that this your choice.
- 4.3 In addition to the statutory maximum, if you are above school leaving age but under 18 years and working a total of 4.5 hours per day or more you are required to have a 30 minute break during that time. This applies whether you work only for the Council or for several different employers. If you are a young person with more than one job which adds up to 4.5 hours per day or more you should also inform your manager.
- 4.4 If you are 18 years of age or over, you are entitled to have a 20 minute break for every working shift lasting 6 hours or more per day.

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Declaration of personal / business interests: conflict of interests

- 4.5 You must declare to your manager any financial and non-financial interests that you consider could bring you into conflict with the Council's interests. Conflict may occur where the Council has entered into (or is going to enter into) a contract in which you, your partner or a relative has a financial interest. You may have a financial interest if, for example, you could:
- receive money or goods
 - have value added to a property
 - benefit from an increase in share value.
- 4.6 If you have shares in a privatised utility, such as British Gas, with which the Council will have dealings, you will not normally need to declare this involvement. It is ultimately a question of degree. You would be expected to declare any large shareholdings you may have in a company coming into contact with the Council.
- 4.7 A conflict of interest may also arise when you have a direct interest in the outcome of a Council decision. If this is the case, in order to protect yourself from any appearance of improper conduct you should inform your manager immediately that you are aware of the situation.
- 4.8 Conflicts of interest may occur in a number of circumstances. You should, for example, declare your involvement with an organisation which is grant aided by the Council if you have any part in the grant process.
- 4.9 You should also declare any involvement with an organisation or pressure group which may seek to influence the Council's policies.
- 4.10 If you are not sure whether you should declare such an interest and wish to discuss the matter in confidence, the Monitoring Officer or Head of Human Resources & [Organisational Development](#) can offer advice.
- 4.11 Although you can be offered advice about declaring interests, it is ultimately your responsibility: if you are not sure, then it is always best to declare an interest. Declared interests are kept on registers of interests. . It is important to remember that declaring an interest does not imply that you may act improperly, but that it could protect you from claims or the potential appearance of impropriety.

Note: The form on which declarations of interest should be made can be found on the Council's intranet.

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5. Membership of non-open / closed organisations

- 5.1 You must declare in the registers of interests membership of any organisation not open to the public without formal membership and commitment of allegiance, and that has secrecy about rules or membership or conduct. This includes membership of organisations such as the freemasons. Declaration of such membership is required in order to avoid allegations of conflict between an officer's job and their personal interests and allegiances.

6. Tendering / dealing with contractors

- 6.1 Orders and contracts must be awarded on merit by fair competition against other tenders and in accordance with the Council's Standing Orders. You must not show favouritism to any contractor. You must also make sure that no special favour is shown to current or recent former employers, officers or their partners, close relatives or associates in awarding contracts.
- 6.2 If you are involved in the tendering process and deal with contractors, you must be clear about the need for separation of client and contractor roles. You must also make sure that, if you are privy to confidential information on tenders or costs for either internal or external contractors, you do not disclose such information to any unauthorised party or organisation.
- 6.3 If, as part of your job, you are involved with or supervise contractors, and you have any kind of personal or other relationship with a contractor or potential contractor, the law states that you must disclose this relationship. Any such relationships should be disclosed to your manager and entered in the register of interests.

7. Using your position in the Council

- 7.1 You are entitled to expect fair and reasonable treatment by your colleagues, managers and Councillors. If you feel that you have been unfairly treated, discriminated against or harassed, you have the right to raise a complaint with the council.
- 7.2 In the same way, you are required to treat your colleagues and staff fairly. Not only is it a criminal offence to harass another person on any grounds, it is also a disciplinary offence in the Council.
- 7.3 You should not cause any person harassment, alarm or distress by using threatening, abusive or insulting language or disorderly behaviour, or by displaying any writing or signs, drawings, posters etc. which are threatening, abusive or insulting.
- 7.4 You are also entitled to be treated with respect by clients, service users and members of the public. If you feel that their behaviour is

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unreasonable in the circumstances, you are entitled to terminate the contact, providing that you do so without further antagonising the situation and that you give notice of your intention. You must always report such actions to your manager and make a record of the incident.

7.5 It is your responsibility to act reasonably and fairly.

8. Corruption

8.1 It is important that you are aware that it is a serious criminal offence for you to corruptly receive or give any gift, loan, fee, reward or advantage for doing (or not doing) anything or showing favour or disfavour to any person in the course of your work with the Council.

8.2 Under the Bribery Act 2010 it is an offence to request, agree to receive or accept a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.

9. Use of Council facilities

9.1 You should only use Council facilities [such as accommodation, transport, stationery, postal service, ict etc.] provided by the Council for your use in your duties as an officer to carry out those duties and for no other purpose. In exceptional circumstances your manager may give you permission to use Council facilities but you should always obtain this authority prior to use.

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9.2 Telephones, both static and mobile, can be used for short urgent calls, for example in an emergency or to book a doctor's appointment. Telephones should not be used to give or receive personal calls which are not urgent.

9.3 The cost of any personal call made on a Council mobile phone must be repaid, regardless of whether it is within the agreed 'free time'. (To avoid mobile phones becoming a personal taxable benefit, you should repay the cost plus 5 %.)

10. Use of ICT

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10.1 There is a separate policy on the use of computers, email and internet facilities and you should refer to this policy for the rules governing acceptable use.

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11. Inventions / patents / copyright / publication of work / conferences

- 11.1 If you have invented or written something at work then as a general rule it belongs to your employer if:
- it has been written/made in the course of your normal duties
 - it has been made/written in the course of your duties and might reasonably be expected as part of your duties.
- 11.2 You must also make sure that you do not breach the copyright held by others so that if you wish to copy the work of others you should seek their permission and acknowledge the source.

Conferences

- 11.3 You may be invited to address conferences or make presentations about your area of work. If you are asked to address a conference or make a presentation you must consult your manager before you accept the request, as there may be some occasions when the Council would not wish to be officially associated with the organising body. You must not personally accept fees for such work, but you may accept expenses and/or the ability to attend the full conference. There may be exceptions whereby your own time and resources are being used and you can be paid for the work. You should nonetheless seek your [Executive](#) Director's advice before accepting a fee, and should refer to the "Outside commitments/Working Time Directive and declaration of interests" section of this Code (section 4).

12. Appointing staff / discipline and grievance

- 12.1 If you are involved in making appointments you must make sure these are made on merit against an agreed person specification and in accordance with the Council's recruitment policy and procedures.
- 12.2 It is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you must not be involved in an appointment if you are related to an applicant, or have a personal relationship with them outside work.
- 12.3 It is also important that there is no suggestion of collusion among panel members. You should not be a member of a panel which includes your partner or someone with whom you have a close personal relationship.
- 12.4 You must not canvass on behalf of an applicant.
- 12.5 Similarly, you must not be involved in decisions relating to discipline capability, grievance procedures, pay adjustments or promotion for any other officer who is a relative, partner or close friend.

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13. Gifts

13.1 You must, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Any gift, reward or benefit offered to you as a Council officer should generally be refused. You should report any offers of expensive gifts to your Head of Service, [Executive Director](#) or the Monitoring Officer. Gifts offered to you (whether or not you accept them) are to be recorded by you in the register as follows:-

(a) If the gift is of a nominal value of £25 or less, you have discretion as to whether or not to record the gift. Thus, for example, you would not normally record being given gifts mentioned in category (a) in paragraph 12.2 below, but it would probably be appropriate to record gifts in categories (b) and (c) even if worth less than £25.

(b) If the gift is of a nominal value of more than £25 you must record it.

Note 1: If your department or team has special rules about accepting / refusing gifts, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

13.2 Gifts may only be accepted if they are:

(a) small and of modest value or of a promotional or advertising nature, e.g. calendars, diaries, pens and other similar articles (see also below)

(b) small gifts offered during official authorised hospitality, e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation

(c) small gifts given by service users or clients. Where appropriate, such gifts should be shared between teams.

13.3 Gifts that are not acceptable must be declined or returned.

13.4 It is very important that any gifts or other promotional material (pens, calendars, diaries) which carry names or logos should not be used or displayed in public areas. This is to avoid unintentional promotion or endorsement of such products or services.

14. Hospitality

14.1 You may receive hospitality from other Councils, organisations or individuals as part of your work. You should avoid being personally entertained by those who want, or are likely to want, something from you or the Council. When hospitality is offered, you need to consider

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how this may be perceived by others. Hospitality must not be accepted from any parties concerned in a contract during the tendering period.

14.2 When considering offers of hospitality you should consider whether:

- the invitation comes from an organisation likely to benefit from the Council
- the organisation is seeking a contract with the Council, or already has a contract with the Council
- the hospitality is part of a conference, seminar etc. or is more of a social function
- the scale and location of the hospitality is relative to the event
- the event takes place outside normal working hours
- it is being offered on a frequent basis
- it is being offered just to you or to others as well.

14.3 All offers of hospitality, whether or not accepted, are to be recorded in the register of gifts and hospitality as follows:

- (a) You do not need to record any hospitality which is an integral part of a conference or seminar and is being offered to all delegates.
- (b) Otherwise, if the hospitality is
- (i) of a nominal value of £25 or less, you have a discretion as to whether or not to record the hospitality. It is suggested that you should record it unless it falls within the three acceptable categories mentioned at paragraph 12.8 below;
 - (ii) of a nominal value of more than £25 you must record it.

14.4 After consideration, you may wish to decline the hospitality. You may refer to this Code when you decline hospitality, and you should record in the register what was offered and refused by you. If the individual or organisation later comes under investigation, it will be important to know all the offers that were made, not just those accepted.

Note 1: If your department or team has special rules about accepting / refusing hospitality, you must also comply with those rules.

Note 2: The form on which gifts and hospitality should be registered can be found on the Council's intranet.

14.5 Below are some broad guidelines on what is generally acceptable and unacceptable.

14.5.1 **Acceptable**

- modest working refreshments or meals provided that their purpose is to continue the work underway in the meeting
- attendance in an official capacity at functions to which invitations have been sent to other local authorities

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- attendance in an official capacity at functions arranged by local public service bodies and other public authorities.

14.5.2 Unacceptable

- holidays or weekends away
- the use of a company flat or suite
- lunch with a developer who is applying for planning permission
- tickets to theatre, concerts or sporting events which are offered to you to influence your decisions in the Council and which you would not attend in an official capacity.

15. Sponsorship, giving or receiving

15.1 When an outside organisation wishes to sponsor activity, or is being asked to sponsor a Council activity, the basic conventions covering acceptance of gifts or hospitality apply. You must take particular care when dealing with suppliers or contractors or potential suppliers or contractors.

15.2 Where the Council wishes to sponsor an event or activity, then you, your partner, spouse or relative must not directly benefit from this sponsorship. If you think you may have some benefit from sponsorship, you must advise your manager before the sponsorship is agreed. This could protect you from potential allegations of favouritism or bias. Similarly, where the Council (through sponsorship, grant aid, financial or other means) gives support in the community, you must make sure that you give impartial advice and that there is no conflict of interest involved.

16. Information, openness and confidentiality

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16.1 Brighton & Hove City Council wants to ensure that it operates openly: this means that information should generally be available to the public. However, you should be aware that certain types of information are confidential and must remain confidential (even after you or the person concerned has left employment with the Council). Such types of information include:

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- personal information given in confidence
- information that might compromise the right of commercial confidentiality
- information that if disclosed might prejudice enforcement action
- information that the Authority is not allowed or required by law to disclose (e.g. under data protection legislation)
- information relating to the prevention, investigation or prosecution of a crime
- information that is defamatory

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- information that appears in the confidential part of committee or council reports – Part 2 papers, often printed on pink paper

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This list is not exhaustive

- 16.2 You should never pass on information, confidential or otherwise, for personal or financial benefit.
- 16.3 You should be clear about the scope of information to which you have access and the constraints and freedoms applicable.
- 16.4 If you are in any doubt about whether information is confidential or not you should consult your line manager or the council's Monitoring Officer.

17. Use of financial resources / financial regulations

- 17.1 You must make sure that you use the public funds for which you are responsible in a responsible and lawful manner and in accordance with the Council's Contract Standing Orders, Financial Regulations and Anti-fraud and Corruption Policies. If you feel there is evidence of financial impropriety, fraud or corruption you should contact the Head of Audit & Business Risk immediately.

18. The role of the Monitoring Officer

- 18.1 The Monitoring Officer is responsible for making sure that Councillors and officers act with propriety and within the law. He/she has a statutory responsibility to produce a report to full Council in the event of any possible illegality, maladministration or injustice coming to his / her attention. The Monitoring Officer in Brighton & Hove City Council is the Head of Law.

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19. Raising concerns

- 19.1 The Council takes any malpractice seriously and is committed to taking action when such practices are drawn to its attention. Examples of malpractice include bribery, fraud, corruption, gross negligence, risks to public safety or where capability is impaired by alcohol or drugs. There may be occasions when such practices are hidden or covered up and need to be drawn to the attention of the Council.
- 19.2 To make it easier for you to raise your concerns the Council has a procedure which allows you to raise your concern confidentially and, if necessary, outside your department. This is the Whistleblowing Policy and you can find this on the Council's intranet.

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- 19.3 If you feel that you cannot raise your concerns within the Council, then you can contact the charity Public Concern at Work (Tel. 020 404 6609), which is a registered charity independent of Brighton & Hove City Council whose services are free and strictly confidential.

20. Responding to complaints

- 20.1 Brighton & Hove City Council is committed to being open with its service users and to treating their complaints fairly. Information about the Council's complaints procedures is included in the Council's series of leaflets "Complaints, compliments, comments and suggestions" which are available at main Council reception points or from the Council's Standards and Complaints Team. This Team can also give you guidance on how to handle complaints.

21. Useful information

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- 21.1 Whistleblowing Policy - available from the Head of Human Resources & Organisational Development or Internal Audit
 Equalities & Inclusion Policy - available from the Head of Human Resources & Organisational Development
 Anti-fraud and Corruption Strategy - available from Internal Audit
 Contract Standing Orders - available from Head of Procurement
 Code of Conduct for Member–Officer Relations – available from the Head of [Law](#)
 Code of Conduct for Members – available from the Head of [Law](#)

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All these documents are also available on the Wave. Search for **constitution** in the **Library** and click open **Constitution – all documents**

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 . Tel. 29-7329☎
 Head of Legal & Democratic Services . Tel 29-1500☎
 Internal Audit (Head of Audit & Business Risk) . Tel. 29-1323☎
 Head of Human Resources & Organisational Development
 . Tel. 29-1290☎
 Head of Health and Safety . Tel.29-1305☎
 Head of Strategy Finance & Procurement . Tel. 29-1240☎

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Subject: Extract from the Proceedings of the Audit & Standards Committee Meeting held on the 16 April 2013 – Amendments to the Code of Conduct for Members

Date of Meeting: 9 May 2013

Report of: Head of Law & Monitoring Officer

Contact Officer: Name: Ross Keatley Tel: 29-1064
E-mail: ross.keatley@brighton-hove.gov.uk

Wards Affected: All

AUDIT & STANDARDS COMMITTEE

4.00 pm 16 APRIL 2013
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillors Hamilton (Chair) A Norman (Opposition Spokesperson), Lepper, Smith, Sykes and Wealls.

Independent Persons & Co-Opted Members: Dr Horne

PART ONE**96 AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS**

- 96.1 The Committee considered a report of the Head of Legal & Democratic Services in relation to Amendments to the Code of Conduct for Members. The report reviewed the code of Conduct following the adaptation of a new code in July 2012. The report proposed some changes: to include the corporate values; to simplify the declaration of interests rules and to require co-operation with investigations into unauthorised disclosure of information.
- 96.2 Councillor Wealls asked specific questions in relation to Members' declaration of interest at Budget Council and whether the amended code changes the position. In response, the Head of Law & Monitoring Officer explained that interests in relation to land were part of the statutory requirement as they constituted 'disclosable pecuniary interests'. The Council therefore did not have the ability to override the requirement in the statutory instrument using the local code.

96.3 Dr Horne noted that he welcomed the comments in relation to the changes to the Code of Conduct.

96.4 **RESOLVED:**

- (1) That the Committee approve in principle the proposed amendments to the Code of Conduct for Members
- (2) That the Committee recommends Council to agree the amendments to the Code of Conduct for Members as set out in Appendix 1 to this report.

Subject:	Amendments to the Code of Conduct for Members		
Date of Meeting:	9 may 2013 16 April 2013 – Audit & Standards Committee		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: 01273 291512
	Email:	oliver.dixon@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 When the new code of conduct was adopted in July 2012, it was on the basis that it should be reviewed in the light of experience. Officers have been monitoring the operation of the new code and this report proposed some changes to include the corporate values, to simplify the declaration of interests rules and to require co-operation with investigation into unauthorised disclosure of information.

2. RECOMMENDATIONS:

- 2.1 That the Committee approve in principle the proposed amendments to the Code of Conduct for Members
- 2.2. That the Committee recommends Council to agree the amendments to the Code of Conduct for Members as set out in Appendix 1 to this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Full Council, agreed the existing code of conduct for Members in July 2012. Officers have been monitoring the application of the code in practice and discussed some modifications to the code with the Working Group of Members consisting of Cllrs Leo Littman, Ann Norman and Jeanne Lepper and Dr David Horne, an Independent Member.
- 3.2 The three areas that were considered important in terms of modification to the rules cover the new corporate values, a duty to co-operate with investigations into unauthorised disclosure of information, declaration of interests and duty to have regard to advice from Officers.

3.3 Corporate Values

- 3.3.1 The Council has adopted new corporate values as part of the Corporate plan. These include respect, collaboration, efficiency, openness, creativity and customer focus. As these are meant to guide and influence behaviour, it is important that they are reflected in the Code of Conduct for Members and employees. As they are high level principles, rather than specific rules, it is considered more appropriate to include these in the preamble to the Code rather than the body of the Code itself.

3.4. Duty to Co-Operate with Investigations

- 3.4.1 One of the recommendations of the Investigations into the unauthorised disclosure of information undertaken in the autumn of 2012 was the need to include an express duty to co-operate with investigations into leaks, including to provide access to all relevant material. This was one of the recommendations from the peer review undertaken by Southampton City Council. The revised code incorporates this as a new paragraph 4 (c) of the code as shown in Appendix 1.

3.5. Officer advice

- 3.5.1 Paragraph 7 of the code requires Members, when reaching decisions, to have regard to any relevant advice provided by the Chief Finance Officer or the Monitoring Officer when they are acting pursuant to their statutory duties. This was taken from the previous mandatory code. Under the new standards regime, this is no longer prescribed. As this is not prescribed by regulations. It is considered appropriate that advice provided by the Chief Executive is added to these, especially when the Chief Executive is providing advice in her capacity as Head of Paid Service under section 4 of the Local Government & Housing Act 1989 regarding to workforce matters. Paragraph 7 of the Code has therefore been amended in the attached appendix 1.

3.6 Declaration of interests

- 3.6.1 The one area which has given rise to most difficulties concerns the arrangements for registering and declaring interests. The introduction of separate rules for disclosable pecuniary interest and other interest with their own requirements and definitions has made the new system difficult to navigate. Some of it, in particular around disclosable pecuniary interest is mandatory. The rest is for the Council to change as it sees fit. In reviewing the code the approach adopted has been to formulate something that (a) complies with the law; (b) reflects good practice and principles of high standards of conduct and (c) is reasonably easy to implement in practice. This has not proved easy but it is hoped that the proposed changes will at least be simpler.

- 3.6.2 The proposed amendments include the following changes:

(i) Require all interests, other than de minimis level interest, to be declared at all meetings. This provides one rule for all situations and avoids the confusion caused by having to declare "other" interests whether they are registered or not but not having to declare disclosable pecuniary interests when they are registered. The latter are arguably more important giving to an anomalous

situation. The new rules will simplify this by requiring all interests (except those covered by the sensitivity exemption) have to be declared.

(ii) A member whose interest is financial or relates to property or is so significant that a Member of the public would think their judgement of the public interest may be affected will be treated as having a prejudicial interest and required to leave the room. This avoids the confusion as to whether members should leave the meeting or not, which is currently left to the Member's discretion. The new rules will limit Members' exclusion to cases where the public is likely to question the Member's involvement.

- 3.7 It is hoped that these changes taken together with the various guidance approved by the Committee will assist the Council in promoting high standards of conduct in more practical ways.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Monitoring Officer has consulted a cross-party member's working group, together with the Independent Person, on these proposals.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from this report.

Finance Officer Consulted: Anne Silley

Date: 05/04/13

Legal Implications:

- 5.2 The proposed amendments to the Code are consistent with the requirements of the Localism Act 2011.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 05/04/13

Equalities Implications:

- 5.3 There are no equalities implications arising from the proposed changes, but the code requires Members to avoid doing anything which could result the Council to breach its duties under the Equalities Act 2010 and to treat others with respect.

Sustainability Implications:

- 5.4 None

Crime & Disorder Implications:

- 5.5 None

Risk and Opportunity Management Implications:

- 5.6 The proposals, by simplifying some of the rules, will avoid Members, inadvertently, breaching the code.

Public Health Implications:

- 5.7 None

Corporate / Citywide Implications:

- 5.8 The proposal helps to portray the authority as a modern council, by making its internal processes as efficient as possible.

SUPPORTING DOCUMENTATION

Appendices:

1. Revised Code of Conduct for Members

Background Documents

1. Existing Code of conduct for Members.

Appendix I

PART 8.1 CODE OF CONDUCT FOR MEMBERS

INTRODUCTION

This code has been prepared and adopted by Brighton & Hove City Council (“the authority”) in accordance with Section 27 Localism Act 2011.

The authority’s code applies to you if you are an elected Member of the authority or a co-opted Member with voting rights.

Any person may make a written complaint that you have acted in breach of the code. Investigation of any such complaint may lead to sanctions being applied to you.

You should make sure that you are familiar with the requirements of the code, including any guidance issued by the Authority’s Audit and Standards committee. It is your responsibility to make sure that you comply with the code. You should regularly review and update your register of Members’ Interests.

If in any doubt, you should seek advice from the authority’s monitoring officer or from your own legal adviser. In the end, however, the decision and the responsibility are yours in each case.

The Council’s Corporate Values

The Code of conduct should be read alongside six corporate values adopted by the Council. These are:

- **Respect:** Embrace diversity with kindness and consideration and recognise the value of everyone
- **Collaboration:** Work together to contribute to the creation of effective and successful decision making forums, working groups and partnerships across the council and beyond
- **Efficiency:** Work in a way that makes the best and most sustainable use of the council’s resources’
- **Openness:** Share and communicate with honesty about the council and its decisions and activities
- **Creativity:** Have ideas that challenge the ‘tried and tested’, use evidence of what works and listen pro-actively to feedback from constituents and others
- **Customer Focus:** Do your part to help the council deliver on its ‘Customer Promise’ to colleagues, partners and customers; the council aims to listen,

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to be easy to reach, clear, treat everyone with respect and act to get things done

Other relevant policies and documents

Documents forming part of the constitution issued by the authority which include some particularly relevant guidance on, or requirements relating to, conduct, include:-

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- Part 3.2 – Council Procedure Rules
- Part 8.3 - Arrangements regarding the register of Members' Interests
- Part 8.2 - Practice Note – Use of Council Facilities
- Part 8.5 - Protocol for Members regarding Planning Applications
- Part 8.7 - Code of Conduct for Member/Officer relations
- Guidance on the use of social media
- Guidance on confidentiality
- Anti-Fraud and Corruption Strategy,
- Whistleblowing Policy

You should familiarise yourselves with the above documents.

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BRIGHTON & HOVE CITY COUNCIL CODE OF CONDUCT FOR MEMBERS (Adopted 19 July 2012)

On their election or co-option to Brighton & Hove City Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of the authority, when acting in that capacity.

(2) This Code is based upon seven principles fundamental to public service - set out below. You should have regard to these principles as they will help you to comply with the Code.

Principles fundamental to Public Service
Selflessness 1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
Integrity 2. Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.
Objectivity 3. Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
Accountability 4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
Openness 5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
Honesty 6. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership 7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority's monitoring officer.

(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding:-

- (a) whether to take action in relation to you; and
- (b) what action to take.

(6) In this Code—

'authority' means Brighton & Hove City Council

'Code' means this Code of Conduct

'co-opted member' means a person who is not a member of the authority but who:-

- (a) is a member of any committee or sub-committee of the authority; **or**
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority; **and**
- (c) who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

'meeting' means any meeting of -

- (a) the authority;
- (b) any of the authority's or its committees, sub-committees, joint committees, joint sub-committees, or area committees;

'member' includes a co-opted member.

'register of members' interests' means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011.

Scope

2. (1) Subject to sub-paragraph (2), you must comply with this Code whenever you act in your capacity as a member or co-opted member of the authority.

(2) Where you act as a representative of your authority—

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- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

(c) refuse or fail -

- (i) to cooperate with official council investigations into alleged unauthorised disclosures of confidential information, (whether or not such alleged unauthorised disclosures have been made by yourself or by another member); or

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(ii) to provide full access to all material that in the view of the investigating officer may be relevant to such an investigation.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(iii) champion the needs of all residents.

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer;

(b) your authority's monitoring officer; or

(c) your authority's chief executive and head of paid service

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where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Disclosable pecuniary interests (“DPI”s)

NB It is a criminal offence to fail to notify the authority’s monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the authority’s monitoring officer).

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8. Notification of disclosable pecuniary interests

(1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

(2) A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's

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knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

'the Act' means the Localism Act 2011;

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

'director' includes a member of the committee of management of an industrial and provident society;

'land' includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

'M' means the person M referred to in section 30 of the Act;

'member' includes a co-opted member;

'relevant authority' means the authority of which M is a member;

'relevant period' means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

'relevant person' means M or any other person referred to in section 30(3)(b) of the Act;

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'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

9. Register of interests

(1) Any interests notified to the Monitoring Officer will be included in the register of interests.

(2) A copy of the register will be available for public inspection and will be published on the authority's website.

10. Non participation in case of disclosable pecuniary interest

(1) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-

- (a) you may not participate in any discussion of the matter at the meeting;
- (b) you may not participate in any vote taken on the matter at the meeting;
- (c) you must disclose the interest to the meeting;
- (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

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Deleted: (d) if the interest is registered, you may choose to disclose the interest to the meeting¶

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Note: In addition, Council Procedure Rule 27 requires you to leave the room where the meeting is held while any discussion or voting takes place.

11. Offences

(1) It is a criminal offence to:-

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- (e) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

(2) The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

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12. **Personal interests** (1) In addition to the disclosable pecuniary interests defined above, you must, within 28 days of—

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- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later)

notify the Monitoring Officer in writing of the details of any interests which are:-

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(i) any body, organisation or association

- (a) exercising functions of a public nature; or
- (b) directed to charitable purposes;

of which you are in a position of general control or management (such as trustee, secretary or chair;)

Deleted: (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), ¶

(ii) any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

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(iii) any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

(2) Where:

(a) you have an interest of a type described at sub-paragraph 12(i) or (ii) above in any business of your authority; or

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(b) a decision in relation to a business of your authority might reasonably be regarded as affecting your well-being or the well-being or financial position of a “relevant” person (see definition of a relevant person at “(3)” below) to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; and

(c) you attend a meeting of your authority at which the business is considered;

(i) you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent; and

(ii) If the interest is a prejudicial interest, you should leave the room where the meeting is taking place

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(iii) For the purposes of this code “prejudicial interest” means a personal interest which consists of a financial or property interest or an interest which is so significant that a reasonable person might consider as likely to prejudice your judgement of the public interest.

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(3) In sub-paragraph (2)(b), a relevant person is—

- (a) your spouse or civil partner;
- (b) a person with whom you are living as husband and wife; or
- (c) a person with whom you are living as if you are civil partners.

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(4) Sub-paragraph (2) only applies where you are aware or ought reasonably to be aware of the existence of the interest.

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(5) Where you have a disclosable interest but, by virtue of paragraph 14 below, sensitive information relating to it is not registered in the public version of your authority's register of Members' interests, you must indicate to the meeting that you have a disclosable interest, but need not disclose the sensitive information to the meeting.

(6) For the avoidance of doubt nothing in this paragraph of this code requires a Member to register or declare a personal interest that is shared with ordinary Members of the public living or working in the area (such as having bins collected) or arises simply from being a Member of the Council (such as Members' allowances) or is otherwise de minimis.

13. Interests arising in relation to overview and scrutiny

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by another of your authority's committees, sub-committees joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

14. Sensitive information

(1) Where you consider that the information relating to any of your disclosable interests, whether these are disclosable pecuniary interests or personal interests, is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in the register of members' interests.

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(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

15. Dispensations

(1) The Audit and Standards committee, or any sub-committee of the Audit and Standards committee, or the Monitoring Officer, after consulting the Chair of the Audit and Standards Committee and the Independent Person may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions on participating in discussions and in voting, in cases described in the dispensation. Before requesting a dispensation, members should first seek a suitable substitute member to attend the meeting in his/her place.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the standards committee, its sub-committee, or the Monitoring Officer—

(a) considers that without the dispensation the number of persons prohibited by paragraphs 10 and/or 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) considers that granting the dispensation is in the interests of persons living in the authority's area; or

(d) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

16. Voluntary Registration of Membership of Private Clubs

You may provide written notification to the authority's Monitoring Officer of your membership of any private club and of any subsequent change or addition to your membership.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****BLACKLISTING OF CONSTRUCTION WORKERS**

“This council notes evidence which has emerged as part of a Parliamentary inquiry into blacklisting in employment, which has brought forward allegations of widespread use of blacklists in relation to major public sector construction projects.

This council further notes that secret files on thousands of workers in the construction sector have resulted in people being denied employment after raising legitimate health and safety concerns, or exercising their human right to belong to a trade union, and were used by more than 40 of the UK’s largest construction firms.

This council deplores the practice of ‘blacklisting’ within the construction industry, and requests the Policy & Resources Committee to ensure that any company known to have been involved in blacklisting practices and not to have indemnified their victims will not be invited to tender contracts by the Council.”

Proposed by: Cllr Morgan

Seconded by: Cllr Farrow

Supported by: Cllrs Mitchell, Fitch, Hamilton, Carden, Marsh, Pissaridou, Gilbey, Lepper, Robins and Wilson.

NOTICE OF MOTION**CONSERVATIVE GROUP****PROTESTS IN BRIGHTON AND HOVE**

“This Council respects the right of individuals and groups to protest peacefully in the city. However, this right must be carefully balanced against a) the loss of trade for local businesses caused by protests and b) the cost to taxpayers of policing protests. This Council considers that the costs of the recent March for England (which for the Policing alone could amount to hundreds of thousands of pounds) and associated counter-protests were unacceptable.

Therefore, this Council resolves to request the Chief Executive to write to the Police and Crime Commissioner for Sussex and the city’s Chief Superintendent requesting that, together with the City Council and key partners, a wide-ranging review is carried out into how the negative impact of protests on the city’s residents, businesses and visitors can be minimised.

The Council further requests that this review should include giving strong consideration to locating marches and protests away from the seafront and city centre locations where they do so much damage to local businesses.

Proposed by: Cllr G. Theobald

Seconded by: Cllr Hyde

Supported by: Cllrs C. Theobald, Peltzer Dunn, Cobb, A Norman, Janio, Cox, Brown, Simson, Mears, K. Norman, Smith, Wealls, Barnett, Wells, Pidgeon and Bennett.

NOTICE OF MOTION**CONSERVATIVE GROUP****PUBLIC SERVICE DELIVERY AND STAFF-LED MUTUALS**

“This Council welcomes the Government’s support for, and promotion of, staff-led mutuals and other forms of co-operative service delivery across the public sector and notes that employees are one of the key groups eligible to submit expressions of interest under the ‘Community Right to Challenge’ in the Localism Act.

This Council notes that the Government’s Mutual’s Taskforce has found that the benefits of mutual and co-operative service delivery are wide ranging and include: (i) greater customer satisfaction; (ii) greater ability of staff to innovate and use their initiative; (iii) lower production costs and higher productivity; (iv) increased resilience; (v) job creation; and (vi) higher morale and motivation amongst staff. This Council, therefore, agrees with the cross-party Communities and Local Government Select Committee’s recent conclusion that more local authorities should be considering setting up mutuals and co-operatives¹.

Furthermore, this Council notes that there are a growing number of successful staff-led mutuals emerging in local government such as Project Salus in Kent, Aspire Sussex in West Sussex and Sunshine Care Community Interest Company in Rochdale.

Therefore, this Council resolves to request that the Chief Executive work with the Local Government Association and other relevant external organisations with a view to bringing a report to the Policy & Resources Committee in July, detailing options for piloting staff-led mutuals in particular service areas in consultation and agreement with staff.”

Proposed by: Cllr Wealls

Seconded by: Cllr Cox

Supported by: Cllrs G. Theobald, Peltzer Dunn, Cobb, A Norman, Janio, Hyde, Brown, Simson, Mears, K. Norman, Smith, C. Theobald, Barnett, Wells, Pidgeon and Bennett.

¹ <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmcomloc/112/112.pdf>

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****INDEPENDENT COMMISSION ON WHOLE-PERSON CARE**

“This council notes predictions from the Nuffield Trust which show, unless we improve the way services are delivered, growing social care needs will leave a shortfall of up to £29 billion a year by 2020 in NHS funding.

This council also notes the launch of an Independent Commission led by respected international expert and former Department of Health specialist Sir John Oldham OBE. The Commission will seek to find ways of integrating health and social care under the NHS to meet the challenge of an ageing population with rising needs for care and growing numbers of people with chronic illnesses like cancer, diabetes and dementia.

This council believes in the principle of organising services around the needs of patients, rather than patients around the needs of services, with teams of doctors, nurses, social workers and therapists all working together and care being arranged by a single person. Integrated care will lead to better outcomes and greater efficiency for the whole system.

This council supports a greater focus on preventing people getting ill and more care being provided directly in people’s homes so they avoid unnecessary hospital visits, and integrating social care services within the NHS.

This council resolves to support the principle of “whole person care”.

This council requests the appropriate council committee, if consulted by the Commission, to make a positive contribution towards pursuing the goal of integrating health and social care within the NHS”.

Proposed by: Cllr Mitchell

Seconded by: Cllr Morgan

Supported by: Cllrs Fitch, Hamilton, Carden, Farrow, Marsh, Pissaridou, Gilbey, Lepper, Robins and Wilson.

NOTICE OF MOTION**GREEN GROUP****GOVERNMENT 'LAND TRANSFER SCHEME'**

“Recently the Department for Education identified the playing fields situated between BHASVIC and Cardinal Newman as the most suitable permanent location for the King's Free School. The recommendation takes advantage of recent legislation allowing the government to transfer council-owned land to an academy or free school. This transfer does not compensate the council for the loss of land.

This council notes that Government ministers and/or private consultants paid to source the cheapest location do not take into account the value of the land to the local community.

In keeping with the Olympic legacy, playing fields and green spaces need to be protected to encourage sports participation, teamwork and an appreciation of the local environment. Studies conducted by the Greenwich Teaching Primary Care Trust show a lack of access to green space is a main factor in predicting poor mental health and vitality.

This council believes that the government's 'Land Transfer Scheme' undermines councils, and obstructs the strategic delivery of new school places. We remain unconvinced of the necessity of a role for central government in deciding the locations for the local provision of maintained schools.

Therefore, this Council calls on the Government:

- To stop appropriating council-owned land without recompense or consideration of its value to the wider community;
- To instead reinstate councils' funding for building new schools;
- To allow local authorities to identify suitable sites for educational purposes and not have them imposed by central government.”

Proposed by: Cllr Buckley

Seconded by: Cllr Shanks

Supported by: Cllrs Bowden, Davey, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Phillips, Powell, Rufus, Sykes, Wakefield and West.

NOTICE OF MOTION**GREEN GROUP****BRIGHTON & HOVE - A ONE PLANET CITY**

“At a time when Secretary General of the United Nations, Ban Ki-moon, at the Council of foreign relations [1], talked of “the gathering threat of climate change,” we are proud that Brighton and Hove has received accreditation from BioRegional as the World’s first One Planet City.

BioRegional’s recognition is far from being the end of the project - merely an encouraging step on the way. We now need to make the agreed Action Plan, produced by the council’s Sustainability Team, into a reality.

This excellent plan sets out clear and practical ways in which we will save money from the public purse; cut carbon; improve our local communities; and strengthen the economic and environmental resilience of our city.

For example we are slashing our energy and water bills by cutting down on waste, and supporting residents and businesses around the city to do the same. Paying the living wage puts money back into resident’s pockets; thus supporting local businesses.

Globally cities such as Brighton and Hove produce 75% of carbon emissions but are also uniquely placed to combat climate change through technological innovation. We will support the Eco Technology show, which gives a platform and networking opportunities for business in this burgeoning sector.

Already, many organisations in the city are working with us, applying One Planet Living principles to boost our local economy, become more resistant to price hikes in energy, fuel and food, and fostering a more equal, healthy and resilient Brighton & Hove.

To that end this council resolves to:

- Welcome the historic One Planet City designation, the prestige it brings to our city, and the unique opportunity to showcase our strengths and innovation;
- Support the council’s Sustainability Action Plan;
- Express support for work with partners within the City and beyond, whose invaluable contributions have helped earn our city this accreditation.”

Proposed by: Cllr Littman

Seconded by: Cllr Mac Cafferty

Supported by: Cllrs Bowden, Buckley, Davey, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Phillips, Powell, Rufus, Shanks, Sykes, Wakefield and West.

[1] http://www.un.org/wcm/content/site/climatechange/pages/gateway/template/news_item.jsp?cid=39006