

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 12 DECEMBER 2013

COUNCIL CHAMBER, BRIGHTON TOWN HALL

AGENDA



Brighton & Hove
City Council

Council Meeting

| | |
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| Title: | Council |
| Date: | 12 December 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 Father John Wall |
| 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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- Do not re-enter the building until told that it is safe to do so.

AGENDA

44. 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.

45. MINUTES

1 - 24

To approve as a correct record the minutes of the last Council meeting held on the 24th October 2013 (copy attached).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

46. MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

47. TO RECEIVE PETITIONS AND E-PETITIONS.

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

48. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of the 5th December 2013 will be circulated separately as part of an addendum at the meeting.

49. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of the 5th December 2013 will be circulated separately as part of an addendum at the meeting.

COUNCIL

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

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

51. WRITTEN QUESTIONS FROM COUNCILLORS.

25 - 26

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

Contact Officer: Mark Wall

Tel: 29-1006

52. ORAL QUESTIONS FROM COUNCILLORS

27 - 28

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

Contact Officer: Mark Wall

Tel: 29-1006

53. CALL OVER FOR REPORTS OF COMMITTEES.

(a) Call over (items 54 - 60) 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.

Contact Officer: Mark Wall

Tel: 29-1006

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.

54. COUNCIL TAX REDUCTION REVIEW

29 - 38

Extract from the proceedings of the Policy & Resources Committee meeting held on the 5th December 2013 (to be circulated), together with a report of the Executive Director for Finance & Resources (copy attached).

Contact Officer: John Francis

Tel: 29-1913

Ward Affected: All Wards

COUNCIL

- 55. COUNCIL TAX PROPERTY DISCOUNTS** **39 - 52**
- Extract from the proceedings of the Policy & Resources Committee meeting held on the 5th December 2013 (to be circulated), together with a report of the Executive Director for Finance & Resources (copy attached).
- Contact Officer:* Paul Ross-Dale *Tel:* 29 - 1969
Ward Affected: All Wards
- 56. TREASURY MANAGEMENT POLICY STATEMENT 2013/14 - MID YEAR REVIEW** **53 - 76**
- Extract from the proceedings of the Policy & Resources Committee meeting held on the 5th December 2013 (to be circulated), together with a report of the Executive Director for Finance & Resources (copy attached).
- Contact Officer:* Mark Ireland *Tel:* 29-1240
Ward Affected: All Wards
- 57. RESPONSE TO THE REPORT OF THE PUBLICLY ACCESSIBLE TOILETS SCRUTINY PANEL RECOMMENDATIONS** **77 - 94**
- Extract from the proceedings of the Policy & Resources Committee meeting held on the 5th December 2013 (to be circulated), together with a report of the Executive Director for Environment, Development & Housing (copy attached).
- Contact Officer:* Jan Jonker *Tel:* 29-4722
Ward Affected: All Wards
- 58. REVIEW OF MEMBERS ALLOWANCES** **95 - 112**
- Extract from the proceedings of the Policy & Resources Committee meeting held on the 5th December 2013 (to be circulated), together with a report of the Head of Law (copy attached).
- Contact Officer:* Mark Wall *Tel:* 29-1006
Ward Affected: All Wards
- 59. UPDATE TO HEALTH AND WELLBEING BOARD TERMS OF REFERENCE** **113 - 130**
- Report of the Monitoring Officer (copy attached).
- Contact Officer:* Elizabeth Culbert *Tel:* 29-1515
Ward Affected: All Wards
- ITEMS REFERRED FOR INFORMATION**
- 60. WINTER SERVICE PRESSURES** **131 - 168**
- Extract from the proceedings of the Health & Wellbeing Board meeting held on the 27th November 2013, together with a report of the Director of Public Health (copies attached).

COUNCIL

Contact Officer: Max Kammerling
Ward Affected: All Wards

Tel: 01273 574861

61. NOTICES OF MOTION.

169 - 178

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

- (a) **Badger Cull.** Proposed by Councillor Wakefield.
- (b) **The Transparency in Lobbying, Non-Party Campaigning, and Trade Union Administration Bill.** Proposed by Councillor Hawtree.
- (c) **British National Speed Trials.** Proposed by Councillor K. Norman.
- (d) **Energy Price Freeze.** Proposed by Councillor Morgan.
- (e) **Fixed Odds Betting Terminals.** Proposed by Councillor Daniel.

62. 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;*
- (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.*

COUNCIL

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.

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

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

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.

COUNCIL

ACCESS NOTICE

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

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

We apologise for any inconvenience caused

Date of Publication - Wednesday, 4 December 2013



Penelope Thompson CBE
Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

12 December 2013

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 24 OCTOBER 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

PART ONE

29. DECLARATIONS OF INTEREST

29.1 There were no declarations of interests in matters appearing on the agenda.

30. MINUTES

30.1 The minutes of the last ordinary meeting held on the 18th July 2013 were approved and signed by the Mayor as a correct record of the proceedings.

31. MAYOR'S COMMUNICATIONS.

31.1 The Mayor stated that she was very pleased to announce that Brighton & Hove had been recognised by the European Commission for its exceptional achievement in the field of urban transport, by securing the runner-up position for the Civitas award 'Category III'. She congratulated everyone involved and asked that Councillor Davey and Tom Campbell as Project Manager to come forward to collect the award.

31.2 The Mayor stated that following consultations with the Leaders of the 3 Groups, she had agreed that Item 40, Protocol for Appointment of Freeman/Women should be withdrawn from the agenda. There would be further discussions with the Leaders and the Groups prior to a report being brought to the Council in due course.

- 31.3 The Mayor stated that she had also been informed by Councillor Bennett that she would like to withdraw her oral question listed under Item 36(g) on the agenda as the matter has been resolved.
- 31.4 The Mayor then outlined a number of forthcoming charity events and invited Members to attend them wherever possible.

32. TO RECEIVE PETITIONS AND E-PETITIONS.

- 32.1 The Mayor invited the submission of petitions from councillors and members of the public. She 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.
- 32.2 Mr. Aizupietis presented a petition signed by 24 residents seeking the removal of double yellow lines in Goodwood Way.
- 32.3 Councillor G. Theobald presented a petition on behalf of Ms. Verenne, which was signed by 90 residents opposing sheep grazing on Ladies Mile Local Nature Reserve.
- 32.4 The Mayor noted that there were no other petitions to be presented.

33. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 33.1 The Mayor reported that two written questions had been received from members of the public and invited Mr. Georgiou to come forward and address the council.
- 33.2 Mr. Georgiou thanked the Mayor and asked the following question; "I would like the council to outline their plans to prevent divisions emerging between the schools in Hove and Portslade and if a fairer distribution of funding needs to be implemented. Serious funding gaps now exist due to the council allowing the schools in Hove to grow with the financing of additional classrooms and facilities whilst the Portslade schools remain under capacity and as a consequence underfunded. My daughter has recently started in Reception at Brackenbury School and they face £54k deficit with their budget from last year meaning a Reception teacher has already been redeployed. As a consequence, as parents, we fear we are starting to see a decline in standards of a school that has recently been rated good by the Ofsted report."
- 33.3 Councillor Shanks replied; "The issue is that the funding of schools is actually a national government formula and it's at least 80% of the funding for schools is related to the number of children in the school. Another bit of the formula, is about the different circumstances of each school and the proportion of pupils who are disadvantaged or have special educational needs, so the amount for pupils in each school is different.

For example the average funding in 2013-14 for Portslade Primary Schools £3856 per pupil compared to £3414 in Hove and in Brackenbury, this year, is £3750 and the average for all primary schools is £3700 so they are similar. It is a difficult thing to judge where preferences will be and so a decision was taken to increase the numbers at Brackenbury in fact to make it into Portslade Primary School and St. Nicholas' School

next door which was what the governors of those schools asked for and what parents wanted as well; to have through schools.

The council has invested a lot of money in that, we have put £1.5 million in to Brackenbury to provide the classrooms and we're also investing in St. Peters in Portslade and in St. Nicholas' Primary School. The numbers in Hove have increased a lot and the numbers in Portslade have also increased though not to the same extent and some parents are choosing to attend schools in Portslade and it's not very far away but parents also have a choice and so they decide where they would rather go. We would like them to be able to go locally so we have also expanded some of our schools in Hove.

I think we've now reached the limit of that, we don't want more capacity than we've got numbers of children so next year hopefully we will see that school full. It has been difficult but we have actually given some extra funding to Brackenbury to see them through that."

- 33.4 Mr. Georgiou asked the following supplementary question; "If the capacity is reached next year then that potentially will mitigate the impact of the school remaining well below capacity this year and we feel that as a direct knock on effect by you increasing the capacity of the Hove schools where traditionally they would overspill in to Portslade we have the problem created from that so it would be good to monitor and make sure it does happen next year."
- 33.5 Councillor Shanks replied; "That is our expectation, Brackenbury did have a good Ofsted recently and it's a very good school I visited recently myself and I think the new building works have made it a nice place to be."
- 33.6 The Mayor thanked Mr. Georgiou for his questions and invited Mr. Guichard to come forward and address the council.
- 33.7 Mr. Guichard thanked the Mayor and asked the following question; "Currently the speed limit on Warren Road into Woodingdean from the top of Elm Grove is 40mph and doesn't drop to 30mph until it reaches Roseberry Avenue just before the Nuffield Hospital, meaning traffic is travelling into the village round a dangerous corner and down Warren Hill at great speed!

Will Councillor Davey agree to reducing the speed limit on this very busy road from 40mph down to 30mph

- a. Either from the top of Elm Grove
- b. The junction with Wilson Avenue
- c. Just before the junction with Downland Road.

The preference from the residents of the Woodingdean Association would be from the top of Elm Grove all the way down to the village."

- 33.8 Councillor Davey replied; "It isn't actually within my gift to reduce speed limits and when looking at changing speed limits it is necessary to carry out detailed analysis on the road conditions, speed surveys, traffic counts and looking at accident data as well as road

geometry and a lot of that has been going on in the central city area as you're probably aware.

Warren Road is already planned to be looked at as part of the phase 3 work of the 20 Mile per hour speed limits project and we'll be looking at that next year. At that point there'll be an opportunity for local residents, businesses and Ward Councillors to feed into that process with information about what local issues and to present any specific suggestions that you might have about how any problems can be addressed and then final decisions will be made by the Environment Transport and Sustainability Committee.

So I think that will be an opportunity to look at road safety improvements in that whole area and I look forward to the ongoing engagement when that comes up."

33.9 Mr. Guichard asked the following supplementary question; "The fact that throughout the City, we are dropping the speed limit to 20 miles per hour; it doesn't it make sense that we in Woodingdean are still driving at 40 miles an hour. There's such a big difference that dropping down to 30 miles an hour with immediate effect or as soon as possible will be very legitimate."

33.10 Councillor Davey replied; "I must repeat that it is not within my gift to decide speed limits anywhere and it will need to be looked at as part of a proper survey and in co-operation with the police and the local community and that can be done next year in the Phase 3."

33.11 The Mayor thanked Mr. Guichard for attending the meeting and his questions and noted that concluded the item.

34. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

34.1 The Mayor noted that no deputations had been received for the present meeting.

35. WRITTEN QUESTIONS FROM COUNCILLORS.

35.1 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 G. Theobald

35.2 "In relation to the proposed new permanent traveller site at Horsdean:

- 1) What is the estimated cost of the pumping station and piping under the A27 to connect the proposed traveller site to the mains sewer system in Patcham?
- 2) How much money has been spent so far on the planning application and preparatory work for the proposed new traveller site and has this come from the Council's general fund or from the Government grant for the site?
- 3) What is the estimated final total cost of the proposed new traveller site?
- 4) Bearing in mind that it is a criminal offence to deliberately or accidentally pollute a controlled water zone such as that at Ewe Bottom, who will be liable if there is a contamination incident from the proposed new traveller site?

- 5) Have the Highways Agency been consulted about drilling under the A27 and, if so, what is their view about the effect this will have on the stability of the bank given that it is built on a coombe deposit?"

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

- 35.3 "1) We have looked at four options in an options appraisal for handling waste water from the site. The costs ranged from £249k to £528k when considering total capital and revenue costs over 10 years. The option of piping under the A27 to connect to the mains sewer system in Patcham was the option with the lowest total costs and so was recommended as being the most effective and offering the best value for money.

In choosing the option to connect under the A27, we will also be providing a long-term solution for both the permanent and transit sites, resulting in lower running costs for both sites.

- 2) So far the city council has spent £22,185 on the preparation and submission of the planning application for the permanent Traveller site. This expenditure is coming from the £1.73m government grant for the site.
- 3) The most recent cost estimate for the site was £1.67m. When this is adjusted to take account of the new waste water measures the capital cost increases to £1.83m. This increase in total cost addresses the long-term water management of the transit sites and enables a £40k per year reduction in running costs. These are high level estimates that reflect the stage of the project. Further work will be done to value engineer the design in reaching a final cost estimate.
- 4) The Landowner is responsible should any such incident take place and the landowner is the city council. There has been extensive and positive consultation with the Environment Agency to find the most appropriate solutions to prevent pollution.
- 5) The Balfour Beatty MottMacdonald Joint Venture (BBMMJV), which manages Area 4 (this part of the network) for the Highways Agency have been contacted. Once we confirmed that the works would not affect the carriageway in any way they confirmed that we would just need to issue them with a notice in the same way as any utility would. We have not spent money on doing a detailed check on the geology under the road before having the certainty of a planning consent in place, but given the depth beneath the road and the relatively narrow diameter of the pipe it is not expected to be a problem."

(b) Councillor Hyde

- 35.4 "What is the total value of the interest currently held on S.106 Developer Contributions? Please also detail each instance of where S.106 interest has been spent between May 2011 and the present time and the original developer contribution that each relates to."

Reply from Councillor Mac Cafferty, Chair of the Planning Committee.

- 35.5 “Officers have prepared a table identifying s106 accrued interest spent in the last two financial years across each scheme, together with the balance of interest held as at 31/3/13.

This table will be issued to Councillor Hyde – and shows a total of:
 £141,949 of accrued interest was spent in Year 2011/12 and;
 £40,819.35 was spent in Year 2012/13

The balance of accrued interest held is £287,475.88. As accrued interest is applied financial year end the current sums held will not be updated until end of March 2014.

It should be noted that the interest sums accrued are always allocated to each scheme and towards the type of contribution where the original s106 sums were secured. These are spent as additional contributions enabling further additional physical, environmental or community infrastructure improvements thus providing additional benefits to residents and users of those new developments.

Officers believe that it may be unlawful to use interest other than on the schemes for which the original capital sum was collected. The management of the S106 fund reflects that. ”

(c) Councillor G. Theobald

- 35.6 “As I understand that each of our library’s footfall is being collected can I please ask for the footfall per hour of each of our libraries for each of the last six months?”

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

- 35.7 “The number of visits per hour open over the last six months, covering the period April – September 2013 are as follows:

| | |
|-------------|-----|
| Jubilee | 367 |
| Coldean | 16 |
| Hangleton | 36 |
| Hollingbury | 18 |
| Hove | 122 |
| Moulsecoomb | 15 |
| Patcham | 56 |
| Portslade | 29 |
| Mile Oak | 14 |
| Rottingdean | 38 |
| Saltdean | 37 |
| Westdene | 19 |
| Whitehawk | 21 |
| Woodingdean | 12 |

- 35.8 Please note that the low numbers for Woodingdean and Mile Oak libraries are because those libraries are in temporary accommodation while new libraries are being built.”

(d) Councillor Cox

- 35.9 “How much has the Council paid out in compensation in each of the last two financial years due to injuries to pedestrians caused by uneven pavements?”

Reply from Councillor Davey, Lead Member for Transport.

- 35.10 “The total amounts paid to pedestrians due to injuries arising from accidents on the City’s pavements are £49,307 for 2011/12 and £47,729 for 2012/13. These amounts represent damages paid to the injured parties and do not include any legal or other expenses.

The council has a highway inspection regime which covers every single road, pavement, footpath and cycleway in the city several times a year. Busy shopping areas and well-used vehicle or pedestrian thoroughfares are inspected every month. A qualified Highway Inspector will ensure repairs are carried out within set timescales for all genuine safety hazards that are found on the inspection.

Highway Inspectors also respond to public reports of problems, visiting each site to see whether any repairs are needed.”

36. ORAL QUESTIONS FROM COUNCILLORS

- 36.1 The Mayor noted that notification of 7 oral questions from Members had been received and that 30 minutes was set aside for the duration of the item. She also noted that Councillor Bennett had withdrawn her question listed at 36(g) on the agenda and then invited Councillor G. Theobald to his question to Councillor Bowden.

(a) Hippodrome – Councillor G. Theobald

- 36.2 “The Grade 2 Star Listed Brighton Hippodrome has recently been put on top of the Theatre Trusts’ National Theatre Buildings at Risk Register for 2013. The Trust describes the Hippodrome as now possibly the finest surviving example of its type in Britain. Could you please tell me what you are doing on behalf of the Council to facilitate bringing this much loved building back in to use as a live performance venue?”

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

- 36.3 “As members will probably know, there was an exhibition this weekend and a ‘meet the architect’ session also in town. There is a proposal to bring this building back into use which is at pre-planning stage; I shall be circumspect about what I think about the plans but let me say they are interesting. I think if it comes to Planning then Members will decide.”
- 36.4 Councillor G. Theobald asked the following supplementary question, “What I was hoping to hear was what this Council is actually doing to try and preserve this building? Yes we’ve read in the local media about proposals to turn part of this building in to a cinema. We already have a cinema in the next street and what we want to see, as I’ve said in my

question, is this wonderful, flexible, round space and I think this is one of the finest building in our country.

We lost the Asoldo in North Street, I fought very hard to save that and I lost that. Now please don't let us lose this building as well. Yes a cinema's better than nothing I agree, I'm not a member of the Planning Committee so I can say these things but I was really hoping, Councillor Bowden, that you'd come forward and tell us what the Council is trying to do rather than to sit back and wait for developers to come forward with their ideas.

So could I please put the question again to you?"

- 36.5 Councillor Bowden replied, "I wasn't aware that the Council actually owned the building so that's one problem. I can say that I have had meetings with a number of interested parties. Two years ago I had a meeting with an outfit called Synergy along with a representative of the Theatre's Trust. I agree it is a remarkable building and it's really sad that it has remained closed since 2006 which I believe might have been when the Tory Administration were in power. So I might put the question back, "what did you do in your time?" But that would be very unfair.

It is a remarkable building and it is very upsetting to all of us that it's remained closed for so long and when you walk past it, it is a very sad sight. So any developer coming forward who appears to have got the money together; we need to take very seriously. It is a money issue because this administration does not have funds to step in, so all we can do is facilitate. I have had several meetings with a lot of interested parties as you will know Livenation purchased the building with the idea of putting on live music in a residential area. So that wasn't a goer as the cumulative impact zone with loud pop music to the small hours was probably not the best idea.

We have another proposition coming in the wings so we shall wait and see. But the Council will facilitate people coming forward who have a viable option and who have a plan that preserves some of the unique architectural features in that building."

(b) Delivery of a Large Scale Home Energy Efficiency Programme – Councillor Mitchell

- 36.6 "With high energy bills being top of the current agenda and a key concern for households the need for a local large scale delivery of home energy efficiency measures has never been more pressing. Several other Councils have collaborated to such programs and the recent announcement by West Sussex County Council that it has now identified a preferred bidder for delivering such a program is welcome news. So would the Leader of the Council like to take this opportunity to reassure members that this Council remains committed to the Green Deal approach that was first put forward and remains involved in this scheme that has the stated potential to benefit 15000 city households and can he confirm that the memorandum of understanding with West Sussex County Council was indeed signed."

Reply from Councillor J. Kitcat, Leader of the Council

- 36.7 “As you’ll recall when you voted for the report at Policy and Resources Committee in January we did agree in principle to move forward with West Sussex and we delegated power to sign an agreement. As your colleague Councillor Warren Morgan will know when we had the meeting before the last ‘P&R’ we had a draft report ready to go but we didn’t have sufficient information from West Sussex to actually agree it then.

So with the agreement of both of the other group leaders we agreed to differ this to the next meeting so we would ensure to have the maximum information from West Sussex so that members could take an informed decision but our intention is to make the most of the Green Deal, weak as it is, and clearly it is not everything that we would have hoped for but something is better than nothing.

As you will know the domestic sector in Brighton and Hove is the biggest source of Co2 emissions in the City so it’s vital that we’ve done something. So it’s worth noting Madame Mayor that we did put £1.500,000 of investment in to improving the private rented sector, we won a £750,000 warm homes bid, we’ve set aside £1,500,000 from the HRA to help Council tenants and in fact last year Council tenants in homes that were refurbished for the first time ever had low energy bills because of the work we’ve done and we’ve also got the Deck Pioneer Places money, £221,000.

We are doing what we can but the comprehensive spending review in 2010 totally cut the private sector funding for improving homes so we’ve had to find the money from our own diminishing resources so we’ll do what we can with West Sussex.”

- 36.8 Councillor Mitchell asked the following supplementary question, “Can I therefore ask the Leader of the Council that he will commit to bringing forward a report to the next Policy and Resources Committee that will clearly identify the capital funding necessary from this Council to fully partake in the scheme?”
- 36.9 Councillor Kitcat replied, “As Councillor Mitchell’s colleague will know; the proposal is not to put capital funding in to the scheme, the very nature of the West Sussex Scheme is that we don’t need to put capital in because we are leveraging private sector partners to do that for us and given our declining resources and all sorts of bids whether it’s Hippodrome restorations or new conference centres or new swimming pools and so on; Members are very keen to come up with pricey things but they don’t show the capital to go behind it.

So we’re keen to work in partnership across West Sussex so we don’t need to put the capital in but homeowners still get the benefit and I think energy efficiency for peoples’ homes is a real way of helping people rather than gimmicks like freezes on bills, or we’ve got the John Major proposal.

Ultimately the only way we’re going to solve the energy crisis is by greater efficiency, permanently improving peoples’ homes and getting off our addiction to carbon fuels.”

(c) Lewis Road Traffic Changes – Councillor Simson

36.10 “Everyday traffic trying to avoid the chaos on Lewes Road are now diverting through Woodingdean with jams between the Downs Hotel crossroads and Falmer often causing tailbacks right on to the A27 in both directions north and south also traffic coming into the village towards the Downs Hotel crossroads stretching along the main road, up round the racecourse often past Wilson Avenue, Bear Road and beyond.

Will Councillor Davey admit that instead of solving a problem the administration has now created two greater problems and will he agree with me that a statement made at the recent Environment and Transport Committee by Councillor West that this is promoting safe and active traffic movement is a farce?”

Reply from Councillor Davey, Lead Member for Transport

36.11 “The Lewes Road Scheme was subject to one of the biggest Transport Consultations that this city has ever held and that received strong public support and has also been supported by all political parties throughout the process including the previous Conservative Administration that made the initial funding bid to the Coalition Government. The benefits arising from the scheme will be significant but will take time to be fully realised. We know this from the experience of the previous Labour Administration who introduced the A23 bus lanes and the previous Conservative Administration that introduced the A259 bus lanes both of which were controversial at the time but have contributed so positively to bus travel in to and within the city.

The Lewes Road is already the busiest bus route in the City with peak time services of 37 buses in each direction. Last year there were nearly 15.5 million bus journeys along this route a phenomenal number that many cities will be proud to have for their whole areas. The bus company has predicted a further 7% growth this year with close to 16.5 million passengers, there will likely be further growth the year after. This is phenomenal growth which will be the envy of cities around the country.

With regard to the Woodingdean, Rottingdean and Saltdean one of the benefits of the new dedicated bus infrastructure is that it can sometimes make a new bus route viable. So the Lewes Road changes have made the big lemon try out a brand new service, the number 44 which runs from the Old Steine via Brighton University and out to Woodingdean, Rottingdean and Saltdean. This means that combined with the extended number 52 running into the City Centre and the station, the public transport options for residents in ‘the Deans’ continue to improve.

I hope that residents and Ward Councillors will continue to support both of the new routes.”

36.12 Councillor Simson asked the following supplementary question, “Will Councillor Davey join me one day to witness the chaos in Woodingdean and the unsafe environment that all this has caused before somebody is hurt? Or, better still, will his administration consider removing the bus lanes as Liverpool have done following a belief that they may well be causing more congestion and pollution?”

- 36.13 Councillor Davey replied, "It has been cited by former Government Minister, Norman Baker that the removal of bus lanes in Liverpool is a real retrograde step and will be a real step backwards for public transport and sustainable transport in that city.

Sustainable transport and bus use in the City is a massive success story, we're breaking records every single year and more and more people are choosing that as an option.

So that is the way forward, we have real air quality and road safety issues in the city and the only way to address those issues and help prevent the really significant health dangers that that presents as cited by the Royal Health Organisation recently, we really need to get people on to public transport and walking and cycling. So let's celebrate the fact that this city is leading the way with the best public transport system outside of London."

(d) Lewis Road Traffic Management Scheme – Councillor Marsh

- 36.14 "The first question concerns what's going on around the junction with the avenue where the chaos, the congestion Councillor Simson has described more adequately than I can? One of the extra concerns that my residents have is that bus travel itself is being slowed up and impeded here with greater journey times being added on the number 48.

Could we actually review the traffic management at the junction of the Lewes Road and the Avenue? Could there be some kind of traffic light, some kind of mini roundabout to allow traffic to go from the Lewes Road into the Avenue and much more importantly to come out of the Avenue on to the Lewes Road where anything that's not a bus itself actually has to cross the bus lane in order to access the carriage way and can only see what traffic is coming by accessing the bus lane which it is not supposed to do.

Also could we have a review when things are bedded in; of maybe, if not abolishing the bus lanes, something like the London Red Route System where bus lanes are operative only in peak hours and times of high congestion and could that possible looked at in a review of the system please?"

Reply from Councillor Davey, Lead Member for Transport

- 36.15 "It is my understanding that 'Red Routes' are run 24 hours and absolute no stopping routes at all so I'm not sure if that's what you're looking for? In general, following the bus lanes coming in to operation on the 30th September officers have been monitoring traffic levels and traffic flows both constantly on CCTV and naturally driving up and down the road and optimising the traffic signals to ensure that they are working as efficiently as they can.

Already that has brought benefits and monitoring this week found that peak periods car journey were starting to approach the pre scheme times of between 13-18minutes between the Old Steine and Falmer.

Officers are commencing the post implementation monitoring which will include bus and general traffic journey time surveys, analysis of the number of accidents occurring within the wider area and automatic traffic counts to determine the speed and number of vehicles using the routes and possible alternative routes.

These monitoring surveys will be repeated at regular intervals to enable the impact of the scheme to be fully quantified over time through this process. We will be able to identify where any particular delays are taking place and make further changes as necessary in order to improve movement for all users and minimise any adverse impacts so that work will be ongoing and a full report will be coming to Environment and Transport Sustainability Committee later next year.

The report from the Bus Company is very favourable; they're exceedingly supportive of all of the changes and really recognise them as a step forward."

- 36.16 Councillor Marsh asked the following supplementary question, "I listen to the bus passengers who are my residents. Their experience isn't quite the same as your suggesting in terms on journey times and certainly when Mike Best who is head of operations at the Bus Company, came to the Moulsecoomb LAT I wouldn't say he had a very easy time of it either.

You talk about traffic lights being adjusted; well there aren't any traffic lights at the Avenue in Lewes Road. However there are traffic lights on Coombe Road and my residents and the buses that serve Meadowview which use Coombe Road are sitting there chugging away causing a lot of pollution in huge jams and I've tested this myself by being on a bus and in a car so I would like to ask on behalf of residents that they would like to see a more favourable phasing so that residents can get in and out of Coombe Road more easily, they could also cross more easily.

They find the island around the Lewes Road and Coombe Road very difficult; the islands are too small and can we have some change on that? Finally where residents' traffic turns west from the Lewes Road in to Coombe Road; the actual little bit of bus lane that they can access to turn off is scarily short and they wonder if that could be extended slightly so that better preparation for that turn can be made? But please can we have those traffic lights re-phased?"

- 36.17 "The most effective way of getting a response would be to put them down in writing and present them to the project manager who will give you detailed responses.

You did highlight there one of the great difficulties in balancing different needs; the needs of pedestrians who want to walk across the road at these lights, we have traffic wishing to go straight through and we have traffic wishing to turn in and out of Coombe Road and balancing all of that is the dark art of traffic signals which only few people know the secrets to.

So put those questions in writing and I'm sure the officer will do his best to give you a proper response."

(e) Vehicle Access – Honey Croft – Councillor Barnett

- 36.18 "Having crafted a horse shoe shaped cul de sac in my ward which has cars parked all the way around it making access and turning for City Clean vehicles, ambulances, fire engines and delivery vehicles almost impossible. It's not only the inconvenience but also

potentially very dangerous. Residents in Honeycroft have asked me to whether some double yellow lines could be painted on the road in order to make the situation safer?

Councillor Davey would please agree to meet me at Honeycroft so that I can show you how bad the situation is and will you agree to my residents' request?"

Reply from Councillor Davey, Lead Member for Transport

36.19 "I think the best approach is to contact the officers and put a proper request to get somebody to visit the site with you so a detailed professional assessment can be made."

36.20 Councillor Barnett asked the following supplementary question, "I have approached the officers on Highways to be told there is no funding left in the budget for double yellow lines until next April. All I'm asking is with the £1.5 Million you implement to the 20 mile per hour sites across the city maybe you have a surplus you could pay for the double yellow lines to be put in for us."

36.21 Councillor Davey replied, "That isn't the cost of the 20 mile per hour and the total budget amount is spread over several years and I'm afraid there is not any budget surplus this year."

(f) Parking in Wish Ward – Councillor Pissaridou

36.22 "Back in 2007, the Council introduced a light touch parking scheme to the west and including Wish Road in Hove it's called 'Scheme W' and it works exceedingly well.

In recent years residents and neighbouring streets to the west of zone w have complained to me about their real problems their having with displacement parking. Residents in other part of the ward suffer similar problems. I am really pleased that all the residents in Wish Ward are now going to be consulted as to whether or not they want to be part of a scheme and this is starting very soon.

I would like ask that the residents are asked whether or not they would like to be in a light touch scheme, an expansion of zone w and / or a full scheme. Can Councillor Davey tell me exactly how much a light touch scheme costs from the setting up costs with the lamppost, posters and the income generated so we can see exactly how much it costs? Also you can look to the streets east of Wish Road for evidence as to how often the traffic wardens go.

So can the Council commit to launching a parking consultation to the residents of Wish Ward with options of all potential parking schemes available?"

Reply from Councillor Davey, Lead Member for Transport

36.23 "I'm afraid I don't know how much a light touch scheme costs from putting up the lampposts and implementation I'm afraid I can't answer that question. The nature of the scheme that was being consulted on was agreed as part of the parking review and was voted on at the Transport Sustainability Committee in January and April and the proposal to consult as is about to take place is what was preferred by the Transport Committee and that was what was voted on by your Labour Colleagues so that is what

has already been decided by that Committee so any changes to that would need to go back to that Committee of which I am not chair; but those decisions are made by the Environment and Transport Sustainability Committee so that's where that question really needs to go."

36.24 Councillor Pissaridou asked the following supplementary question "I would really like to know the cost of the light touch scheme because I understand the decision to consult on a full scheme was made on the back of the costs of the light touch scheme not supporting the scheme itself. So if I could have those figures please Councillor Davey?"

I have also noticed new pedestrian islands being installed around my ward, there's one at the junction of Boundary Road and Seaford Road. I would just like to know why they were put there, what evidence is there for these islands being put in?

Were residents asked? Did residents request it? Also the cost of those as well please. Also there are white lines and yellow being repainted around my ward and the residents have said it's not necessary so I would like to know the price of those as well."

36.25 Councillor Davey replied, "There are several questions there so I think the most effective to get a proper answer is to put them in writing, send them to me and the head of Transport and I will pass them on to the appropriate officers for a proper answer."

(g) Hove Town Hall – Councillor Bennett

36.26 This question had been withdrawn.

37. CALL OVER FOR REPORTS OF COMMITTEES.

(a) Callover

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

- Item 38 - Economic Strategy and Action Plan 2013-18
- Item 41 - Modernising the Council – Workstyles Phase Three

(b) Receipt and/or Approval of Reports

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

- Item 39 - Appointment of Honorary Recorder

(c) Oral Questions from Members

37.3 The Mayor noted that there were no oral questions relating to items that had not been called.

38. ECONOMIC STRATEGY AND ACTION PLAN 2013-18

- 38.1 Councillor Bowden introduced the report which detailed the refresh of the Economic Strategy and Action Plan for 2013-2018. He noted that there was cross-party for the strategy and action plan and that the refresh process was a fine example of co-operative working between the council, the Economic Partnership and other agencies. It was a robust strategy and promoted sustainable growth which supported the City Plan. He therefore recommended it to the Council for approval.
- 38.2 Councillor Wealls welcomed the report but expressed concern over the length of the strategy and action plan and noted that there were a number of repetitions in terms of wording and questioned whether sufficient consideration had been given to the importance of retail and education in terms of influencing the local economy.
- 38.3 Councillor Janio supported Councillor Wealls and suggested that more support was required to support the local economy and businesses within the city. He noted that the aims of the City Deal project would be beneficial if it came to fruition but was minded to abstain on voting on the item.
- 38.4 Councillor Morgan welcomed the report and stated that the Labour & Co-operative Group supported the recommendations and he wished to commend the officers who had worked on the strategy and action plan. There was a need to have an economic strategy that covered the whole of the city and not just the city centre. He believed that more work was required to develop apprenticeships and support for higher education for example and to enable the city to compete on a national and European level, if it was to reach its potential.
- 38.5 Councillor Cox expressed his concern in regard to the information outlined in the strategy and questioned whether it would achieve the economic prosperity that it set out. He believed that it was a missed opportunity and hoped that the objective set out in paragraph 4.2.36 would be taken forward by all departments in the council. He also noted that had it not been for the need to agree to the City Deal he would be voting against the recommendations.
- 38.6 Councillor J. Kitcat stated that he could not understand the opposition being expressed to the report when it had been through both the Economic Development & Culture and Policy & Resources Committees with cross-party support. The need for a strong local economy was essential for the growth of the city and he noted that the latest figures showed that the city was ahead of all national indicators in terms of its economic position in the current economic climate. It was important to take this work forward and Members and officers were due to put forward the proposals for City Deal to Ministers in early November and he hoped that the council could show its support for this.
- 38.7 Councillor Mears stated there was a need to provide for the young people in the city and those living on the estates who may not be as academically inclined as others but needed the opportunity for employment. She was however concerned about the need for housing and whilst the proposed developments at Preston Barracks and Circus Street were welcome, they were aimed at student accommodation rather than addressing the housing shortage. She believed that more work was needed to enable

key workers to find homes in the city and to meet the demand for housing in general, something which she believed the report lacked.

- 38.8 Councillor Janio asked for a point of clarification in regard to whether the City Deal project was directly linked to the economic strategy and as such there was a need to consider and approve the report.
- 38.9 The Monitoring Officer stated that there was a significant degree of overlap between the Economic Strategy and the City Deal and in his opinion they were inter-dependent and as such should the strategy not be approved as recommended by the Policy & Resources Committee, it could undermine the City Deal bid.
- 38.10 Councillor Randall stated that there was a need to address the housing situation in the city both for students and residents and he hoped that the current projects would enable provision to be increased for everyone.
- 38.11 Councillor G. Theobald stated that he was concerned about the reference in the document to council tax increases and noted that the Conservative Group opposed any such increases at this time. The Group fully supported the City Deal project and recognised the importance of working with neighbouring authorities on this matter and given the Monitoring Officer's clarification would support the recommendations in the report. However, the report was poorly written and too long and he hoped it could be refined.
- 38.12 Councillor Peltzer Dunn stated that he had intended to abstain but given the need to support the City Deal bid would support the recommendations. However, he also felt that the document was far too long and in need of review.
- 38.13 Councillor Bowden thanked everyone for their contributions and noted that the strategy was one which had been formulated through partnership working and was being driven by the Economic Partnership. The reference to the council tax was an indication of the administration's intent but was subject to full council approval in due course. The issue of studentification was an important one and he hoped could be addressed so that housing could be released back to those on the waiting list and for key workers. He noted that the local economy was outperforming the national average and hoped that this would continue and therefore recommended the strategy to the council for adoption.
- 38.14 The Mayor noted that the report had moved and put the recommendations to the vote.
- 38.15 **RESOLVED:**
- (1) That the refresh of the Economic Strategy and Action Plan 2013 -2018 be approved;
 - (2) That the Economic Partnership and other business and voluntary sector partners be thanked for their contribution to the creation of the new Economic Strategy for the city;

- (3) That the Executive Director for Environment, Development & Housing be authorised to make any minor amendments relating to the report following further consultation with the Economic Partnership in September 2013; and
- (4) That the work taking place to align the Economic Strategy with the Greater Brighton City Deal proposals and emerging Coast to Capital Local Enterprise Partnership (LEP) Growth Strategy be noted.

39. APPOINTMENT OF HONORARY RECORDER

39.1 RESOLVED:

- (1) That the continuation of the role of Honorary Recorder of Brighton & Hove be agreed;
- (2) That the appointment of Her Honour Judge Shani Barnes as Honorary Recorder of Brighton & Hove during her tenure as Resident Judge at Lewes Crown Court be approved; and
- (3) That the Monitoring Officer, in consultation with the Mayor and Chief Executive, be requested to make appropriate arrangements to mark the appointment of Judge Barnes.

40. PROTOCOL FOR APPOINTMENT OF HONORARY FREEMEN/WOMEN

40.1 This item had been withdrawn.

41. MODERNISING THE COUNCIL - WORKSTYLES PHASE THREE

- 41.1 Councillor Littman introduced the report which had been referred from the Policy & Resources Committee meeting held on the 17th October 2013 to the council for information. He stated that it outlined the next phase of the workstyles programme which would contribute to the modernisation of the council and enable necessary investment in the council's workforce and IT systems and thereby generate long-term savings for the authority.
- 41.2 Councillor Wealls stated that he had previously put forward an amendment to the report to allow for part of Kings House to be used as a school. He believed that there was a genuine need for an additional school in Hove and that consideration should have been given to utilising the site, and that there was still time to do so. There was evidence to show that demand for places would increase and as yet there appeared to be no planning to meet that demand.
- 41.3 Councillor Shanks stated that there were currently places available in schools to meet demand and it was more of a question of encouraging parents to take up those places. The council had already heard from Mr. Georgiou about difficulties faced by schools in Portslade, which showed the need to get a balance across the city.
- 41.4 Councillor Mitchell noted that there had been discussions at a cross-party level on workstyles and at the Leaders Group and she was therefore puzzled by the

Conservative Group's amendment to the Policy & Resources Committee on the use of Kings House. There was a need to take the modernisation programme forward and look at the projections for school places and therefore a need to have accurate data both in regard to numbers of pupils and numbers of places available in current schools. She noted that there had been expansions in Portslade and yet there were empty places.

- 41.5 Councillor Peltzer Dunn expressed his concern in regard to the lack of consultation with residents in relation to the proposals for Hove Town Hall under the workstyles programme. He believed that there was a need to inform them and to seek their views as it provided a community facility which now appeared to be being taken away.
- 41.6 Councillor J. Kitcat stated that there was a need for the council to adapt and modernise and as part of that process to dispose of Kings House, which would generate necessary resources to provide better facilities and support for its services and staff. There were sufficient places across the city to meet the demand for school places and it was not in the Council's gift to control the establishment of free schools and academies.
- 41.7 Councillor G. Theobald stated that the rationalisation of council buildings was a logical step for the long-term efficiency of the council and the Conservative Group fully supported the disposal of Kings House. However, there was a need to look at the potential use of the building and the proposal for a school was one that should be considered as there was a demand for places and it was not constructive to bus children across the city to Moulsecoomb and Portslade.
- 41.8 Councillor Hamilton noted that projections for reception places in Portslade schools over the next 3 years showed an excess of 100 places, which meant that there was a problem waiting to happen. He was still waiting for the figures to be provided in regard to the number of 4, 5 and 6 year-olds in Portslade. He was also concerned about the workstyles programme and the impact for Portslade Town Hall as it still showed a distinct lack of car parking facilities compared with the likely number of people seeking to use the facilities there.
- 41.9 Councillor Littman noted the comments and stated that the disposal of Kings House was an important part of the Best Value programme and should the Education Funding Agency feel that it could be used then an appropriate offer at the going rate could be made. However, the earliest that a school could be up and running was 2017 and he was not sure it would be required by that time. He therefore hoped that the workstyles programme would be fully supported.
- 41.10 The Mayor noted that the report had been referred for information and asked that the Council agreed to note the report.
- 41.11 **RESOLVED:** That the report be noted.
- 41.12 The Mayor then adjourned the meeting for a refreshment break at 6.30pm.
- 41.13 The Mayor reconvened the meeting at 7.15pm.

42. NOTICES OF MOTION.**(a) Partnering with Faith Groups in the City**

- 42.1 The Notice of Motion as detailed in the agenda was proposed by Councillor Summers and seconded by Councillor Simson.
- 42.2 Councillor Randall moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor Deane.
- 42.3 The Mayor congratulated Councillor Daniel on her maiden speech during the debate on the motion.
- 42.4 The Mayor noted that the amendment had not been accepted by Councillor Summers and put it to the vote which was **lost**.
- 42.5 The Mayor then put the following motion to the vote:

“In June 2013 a report called ¹**Faith in the Community** was published by the ‘Clearing the Ground’ committee of inquiry itself launched in 2012 by Christians in Parliament, an official All-Party Parliamentary Group (APPG).

For UK faith groups the closest interaction that they have with government processes and institutions is at a local level. It is therefore important to understand how local authorities and faith groups work together, what they do and what barriers and benefits exist. The report explores these dynamics in order to promote closer and more fruitful relationships in the future.

In summer 2012 a survey was sent to all local authorities in England, Scotland and Wales that sought the perspectives of local authorities on their knowledge of and interaction with faith groups. From the 155 responses (which did not include Brighton & Hove City Council) it was clear that the engagement, for example, between churches and local authorities is often strong, fruitful and delivering much-needed support for our communities.

The areas that the report covers include identifying what faith groups do, how local authorities relate to faith groups, religious literacy (i.e. understanding why faith groups do what they do and addressing presumptions and prejudices that can restrict effective partnership), barriers to engagement between LAs and faith groups, and benefits for LAs of working with faith groups.

The 2011 census reports that nearly 48% of Brighton & Hove identifies with a faith (43% specifically as Christian). So almost half our population is potentially directly connected by a motivation that is outward-looking, freely-giving and therefore very generous. The potential benefits for the city that could be derived from faith groups, if a greater sense of collective partnership were cultivated with the council than at present for the wellbeing of everyone, is worth pursuing.

¹ <http://www.christiansinparliament.org.uk/publications/>

Whilst this council recognises the tremendous community and voluntary sector that exists in our city which, as the governing authority, we must continue to support, it also wishes to draw urgent attention to a collective resource that it is not felt is fully appreciated and engaged.

There are many and varied faith groups in our city and whilst a good proportion of them are evidently involved in wonderful works of service (very often without financial help) it is surely not the case that we are seeing or experiencing anywhere near the full force of input by such groups, the majority of whom are Christian.

This council, therefore, agrees:

- a) To acknowledge the important role played by faith groups within the community and voluntary sector in the city, and the services they provide to secure the wellbeing of many citizens especially in the difficult economic environment within which we live.
- b) The council has not been as forthcoming as it might in building relationships with faith groups and exploring partnerships of mutual benefit whilst recognizing and respecting their unique motives for serving and the motivations that inspire service towards others.
- c) That particularly in light of the Financial Inclusion Strategy adopted in March 2013, there should be a more formal, transparent and public demonstration of partnership working with faith groups both in terms of ongoing policy and of external communications as well as practical engagement.
- d) To introduce a new Member role of Champion for Faith Groups, in order to cement this partnership so that, irrespective of changing administrations, relationships and initiatives can continue and grow.
- e) To appoint a Member to the role with immediate effect.”

42.6 The motion was **carried**.

42.7 In view of the motion being carried, the Mayor sought nominations for the appointment of a Member to the role of Champion for Faith Groups.

42.8 Councillor G. Theobald proposed Councillor Summers.

42.9 Councillor Peltzer Dunn formally seconded the proposal.

42.10 There being no other nominations, the Mayor put the nomination of Councillor Summers to the vote which was **carried**.

42.11 **RESOLVED:** That Councillor Summers be appointed to the Member role of Champion for Faith Groups with immediate effect.

(b) Small Business Saturday

- 42.12 The Notice of Motion as detailed in the agenda was proposed by Councillor Morgan on behalf of the Labour & Co-operative Group and seconded by Councillor Robins.
- 42.13 Councillor Cox moved an amendment to the notice of motion on behalf of the Conservative Group which was seconded by Councillor G. Theobald.
- 42.14 Councillor Bowden moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor J. Kitcat.
- 42.15 The Mayor noted that the amendment moved by Councillor Cox had been accepted by Councillor Morgan and put it to the vote which was **carried**.
- 42.16 The Mayor noted that the amendment moved by Councillor Bowden had not been accepted by Councillor Morgan and put it to the vote which was lost.
- 42.17 The Mayor then put the following motion as amended to the vote.

“The council notes the upcoming Small Business Saturday, due to be held on Saturday 7th December at the peak of the Christmas shopping season, as an excellent opportunity to showcase the hundreds of excellent independent smaller businesses across the City of Brighton and Hove.

The independent campaign, which has received backing from American Express who started the equivalent campaign in the US, has the backing of a wide range of business organisations including the Association of Convenience Stores, the Association of Town and City Management, the British Chamber of Commerce, the Federation of Small Businesses and the Forum for Private Business.

The Council notes that Small Business Saturday could play a key role in reversing the recent downturn in trade that many smaller businesses across the city are suffering from as the result of changes to parking charges and on street parking schemes.

This Council resolves:

- 1) To ask the Chief Executive and Lead Officers to ensure the authority participates fully in Small Business Saturday on 7th December 2013;
- 2) To request that officers work closely with local business organisations and smaller enterprises across the City to make them aware of the day and help them participate in it; and
- 3) To request that officers ensure the authority promotes Small Business Saturday via the Council’s websites, social media and other external communication tools;

This Council also requests that a report be brought to a Policy & Resources Urgency Sub-Committee within the necessary time-scale to ensure that consideration can be given to:

- 1) The provision of free parking at Norton Road, London Road, Regency Square, High Street and Trafalgar Street car parks on Small Business Saturday in order to help boost trade.
- 2) The provision of free parking at Norton Road, London Road, Regency Square, High Street and Trafalgar Street car parks on the 3 Sundays before Christmas (8th, 15th and 22nd December)."

42.18 The motion was **carried**.

(c) High Strength Alcohol Ban

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

42.19 Councillor Powell moved an amendment to the notice of motion on behalf of the Green Group which was seconded by Councillor Deane.

42.20 The Mayor noted that the amendment had been accepted by Councillor Lepper and put it to the vote which was **carried**.

42.21 The Mayor then put the following motion as amended to the vote:

"The Council notes the impact that cheap and easy availability of high strength alcohol has on anti social behaviour and the potentially devastating effects on vulnerable street drinkers and alcoholics across the City. Recent media reports suggest that some off licences are selling beers and ciders that contain in one bottle more units of alcohol than the guideline recommended weekly intake levels.

This Council notes the success that Brighton and Hove and other local authorities, most notably Ipswich, have had, in introducing a voluntary ban on high-strength alcohol. In Brighton & Hove more than 60 off-licence retailers have already signed up to. In Ipswich, their scheme has seen anti social behaviour reduced across the town by nearly 50%, and in Brighton and Hove, this and other measures has seen alcohol-related hospital admissions significantly drop.⁽¹⁾

This Council acknowledges the work that has begun on tackling this locally and recognises the importance of accelerating this activity.

This Council further notes:

- 1) That following earlier work a report will be brought to the Licensing Committee on 21st November to formally launch the Sensible on Strength campaign which will further encourage the sale of beer, cider or lager with an alcohol by volume of over 6.5% across Brighton and Hove off licences;

- 2) The work currently being undertaken with retailers by Domain 2 of the Alcohol Programme Board and the cross-party Alcohol Scrutiny Panel.

This council resolves:

That subject to the Licensing Committee agreeing to (1) above, request that a progress report be brought back on the Sensible on Strength initiative to the March 2014 Licensing Committee Meeting.”

- (1) <http://www.brighton-hove.gov.uk/content/press-release/hospital-visits-because-alcohol-fall-brighton-hove-drug-treatment-successes>

42.22 The motion was **carried**.

(d) Empowering Local Communities

42.19 The Notice of Motion as detailed in the agenda was proposed by Councillor J. Kitcat on behalf of all of the Groups and jointly seconded by Councillors G. Theobald and Morgan.

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

“This council notes that England has the most centralised system of government in Europe. Devolution has also brought decisions about tax and spending, and the quality of public services, closer to voters in Scotland and Wales, but not residents in England. As a result major decisions on policies such as business rates, education and taxation are taken in Whitehall, away from communities’ local knowledge and talents.

Council notes the new cross-party Local Government Association (LGA) campaign called ‘Rewiring Public Services’.

This council notes the ten proposals of the LGA’s campaign, including proposals that local agencies should be able to prevent problems rather than just pick up the pieces; that voters should be given back a meaningful say on a wider range of tax and spending decisions; and ministers’ powers should be reduced so that they cannot intervene in local democracy, boundaries and decisions

This council believes that only through decentralising and devolving power will local communities and services receive the independence and sustainability they’ve long needed.

Further, this Council:

- Supports the cross-party ‘Rewiring Public Services’ campaign; and
- Resolves to ask city’s Members of Parliament to also support the *Rewiring Public Services* campaign”

42.21 The motion was **carried**.

43. CLOSE OF MEETING

43.1 The Mayor thanked everyone for attending and then closed the meeting.

The meeting concluded at 9.10pm

Signed

Chair

Dated this

day of

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 Cox

“In relation to the new City Clean bin rounds: a) How many refuse/recycling/communal bin vehicle breakdowns have there been since the introduction of the new rounds; b) How are staff deployed when their vehicles do break down; c) does the Council have ‘reserve’ vehicles or other effective contingency measures for when breakdowns do occur?”

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

(b) Councillor G. Theobald

“Does the Leader of the Council think that it is appropriate in a hung Council, and in the spirit of open government which he espouses, to hold a press briefing on his Budget proposals just before going abroad to represent the Council, and fully three days before the detailed report was released to opposition councillors and members of the public?”

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

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 Simson**
Subject matter – Information Security

Reply from Councillor J. Kitcat, Leader of the Council

- (b) **Councillor Hamilton**
Subject matter – Church Road, Portslade

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

- (c) **Councillor Summers**
Subject matter – Local Government Association

Reply from Councillor J. Kitcat, Leader of the Council

- (d) **Councillor Mears**
Subject matter – Council Investments

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

- (e) **Councillor Pissaridou**
Subject matter – School Places

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

(f) Councillor Carden
Subject matter – Bus Shelter – Thornhill Rise, Portslade

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

| | | | |
|--------------------------|--|---|--------------------|
| Subject: | Council Tax Reduction Review | | |
| Date of Meeting: | Council 12th December 2013 Policy & Resources Committee - 5 th December 2013 | | |
| Report of: | Executive Director of Finance & Resources | | |
| Contact Officer: | Name: | John Francis | Tel: 291913 |
| | Email: | John.Francis@Brighton-Hove.gcsx.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The council introduced a local Council Tax Reduction scheme from 1 April 2013 as a result of national changes localising the previous council tax benefits system. Under legislation the local Council Tax Reduction scheme must be reviewed each year. The purpose of this report is to set out that review and the resulting recommendations.
- 1.2 For 2014/15, it is not proposed to make any changes to the existing scheme. The reductions in funding in 2014/15 that the council is receiving from central government to pay for the local Council Tax Reduction scheme will be absorbed by the council and not passed on to those in receipt of support. Consequently, the Council Tax Reduction scheme as agreed at Full Council on 13th December 2012 shall continue to apply for the period 1st April 2014 to 31st March 2015.

2. RECOMMENDATIONS:

That Policy & Resources Committee:

- 2.1 Notes analysis undertaken on the implementation and operation of the Council Tax Reduction scheme in 2013/14 including the feedback from consultation.
- 2.2 Recommends to Council the proposed Council Tax Reduction scheme for 2014/15 which is unchanged from 2013/14.
- 2.3 Notes that the Executive Director Finance & Resources will, prior to 1st April 2014, exercise her delegated powers to increase the appropriate calculative elements of the scheme, to give effect to national changes.
- 2.4 Recommends to Council that the discretionary element of the scheme budget be set at £100,000 recurrently whilst maintaining one-off resources of £100,000 to top it up if necessary.

- 2.5 Grants delegated authority to the Executive Director Finance & Resources to continue to commission an independent money advice service for people who claim Council Tax Reduction for 2014/15.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The Government abolished Council Tax Benefit (CTB) from April 2013 and required councils to create their own schemes with a reduction in funding available for those schemes. Locally this reduction in funding was £2.8million.
- 3.2 The Government did not prescribe how schemes should be set for working people but protected people of pensionable age at equivalent levels of entitlement to that which they would have been entitled to under the old CTB scheme.
- 3.3 The council undertook significant and broad informal consultation when considering the options it had in developing its own scheme. This included informal consultation with members of the Community and Voluntary Sector Forum to scope out early ideas and once a set of proposals were developed formal consultation was undertaken. The scheme and the programme of work were called to the Overview & Scrutiny Committee prior to the final decision on the scheme being made. The council received positive feedback on the level and nature of the consultation it undertook.
- 3.4 The council agreed its Council Tax Reduction (CTR) scheme in December 2012. The council increased the amount single people keep from their earnings, introduced a discretionary scheme for vulnerable people and set the contribution for working age people at 8.5% of their council tax which enabled us to attract the Government's transitional funding and was lower than the 10% originally proposed by the council. Transitional protection was put in place to make sure no one would have to pay more than £3 a week extra as a result of the changes.
- 3.5 To facilitate the introduction of this scheme, the Revenues & Benefits Service undertook an extensive outreach programme with customers affected by the change. This included briefings to the advice services network and CVSF organisations; direct contact with customers through multiple letters; and telephone contact was made to people who had not paid Council Tax for more than ten years. A specific debt prevention team was established to engage with households who are identified as having difficulties paying council tax. (This team has also been working closely with the Housing Income Management Team where people may also have rent arrears).
- 3.6 A discretionary fund has also been established to help vulnerable people (previously CTB discretion could be claimed from Discretionary Housing Payments) which has been administered alongside other related discretionary funds. This fund is promoted on every CTR notification letter, on the website and leaflets. Staff are trained to promote the fund to people who are facing difficulties and the team that administer it also deal with Local Discretionary Social Fund and Discretionary Housing Payments. This means that people's multiple needs can be addressed once an issue with CTR has been highlighted. DCTR has also been regularly promoted through the Advice Services Network and other relevant groups.

- 3.7 Customers with budgeting issues are referred to Money Advice and Community Support (MACS) who were commissioned to offer independent budgeting advice to people affected by the changes. Initially this was for the first year but subject to a review there is an intention to provide a similar service in year 2. This is strongly related to the work of the financial inclusion commission which the welfare reform programme works very closely with.
- 3.8 As at October 2013 there are 26,700 households in receipt of CTR in Brighton & Hove. Of these, 9,850 are households of pensionable age. These households still receive a full rebate from CTR. There are 16,850 working age households who pay 8.5% of their bill before any taper reductions are applied.
- 3.9 For each financial year, the council must consider whether to revise its scheme or to replace it with another scheme. Any revision the council makes to its scheme must be made no later than 31st January in the financial year preceding that in which the revision is due to have effect.
- 3.10 Council Tax itself is paid over the full period of a year, and in reality because of payment arrangements, collection does extend beyond one year. As such full year financial data cannot be available at the time of this review.
- 3.11 The changes to support for Council Tax take place within the context of welfare reform nationally.
- 3.12 Council Tax is collected on behalf of the Police and Fire Authorities in addition to the council itself. 85% of receipts are paid to the council and 15% to other precepting authorities.
- 3.13 The Government has not indicated whether it will provide any transitional grant funding for 2014/15, on top of the base CTR funding. Without it, the scheme will cost more to run. In addition, 60% of the base CTR funding is now rolled into the council's main Revenue Support Grant (RSG) which is expected to be reduced by 20% in 2014/15. This is equivalent to a further £2.25 million reduction in CTR funding support for this council with further significant reductions in future years. Nonetheless it is proposed that the amount working age CTR customers are asked to pay is not increased beyond the current 8.5% of their Council Tax.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Prior to the introduction of CTR, people on a low income claimed CTB to get help with their Council Tax. CTB was based on the full amount of Council Tax.
- 4.2 With the reduction in funding available for CTR, claimants of working age no longer have their full Council Tax paid. Now with the working age contribution, the average weekly amount a working age household claiming CTR has to pay is £1.55 or £80.60 per annum before any taper deductions are applied. The maximum amount a person would have to pay as a result of these changes is £3.00 a week or £156.00 per annum. Of those working age people who have claimed CTR this year, indicative figures show that 18,088 accounts are up to date with payments and 2,703 have arrears. Of these households in arrears,

2,523 have made an arrangement to bring their account up to date. In many of these cases the arrears built up before people were on CTR.

- 4.3 Of the 180 households with no current arrangement to pay, the Revenues & Benefits Service are working through these cases and trying sensitively to establish a dialogue with the households concerned to set up arrangements to pay or to refer people to the discretionary fund.
- 4.4 However this position is not static, there is a constant turnover of cases with people coming off and on CTR as their circumstances change. In addition, payment arrangements are sometimes defaulted or need to be altered requiring further intervention.
- 4.5 Based on initial estimates, the 8.5% that working age recipients of CTR are due to pay cumulatively totals £1.2million.
- 4.6 Analysis of payments made through the year so far show that a significant number of families are choosing to clear the full amount owing in one payment rather than to set up a monthly arrangement. Many families are only entitled to CTR for short periods of time, for example during brief periods of unemployment. Distinguishing between payments made against arrears which have accumulated in periods where a person is not on CTR, as opposed to when they are, is not possible. The end of year Council Tax collection position will be reported within the Annual Performance Update to Policy & Resources Committee scheduled for July 2014.
- 4.7 In January 2013 the number of people claiming CTB was 27,506; this reduced to 27,025 people claiming CTR in June 2013 and 26,678 at the end of October.
- 4.8 The grant funding for CTR is now incorporated into the Revenue Support Grant and Business Rate Retention funding. Revenue Support Grant will reduce significantly across the current spending review period and is expected to reduce further in future years. Any reduction in cost due to lower caseload is expected to be minor against the overall reduction in funding over the next five years.

Discretionary Scheme

- 4.9 The Discretionary Council Tax Reduction scheme (DCTR) was established to assist vulnerable people meet the full cost of their Council Tax through temporary difficulties. The scheme prescribes that DCTR will be funded at a minimum of £100,000. For 2013/14, due to the unknown nature of the entire scheme being new, ongoing funding was increased to £200,000 and a further £100,000 was added as a one off top up if required. DCTR expenditure is currently forecast to be £70,000 for the full year.
- 4.10 All staff receive training about the discretionary scheme so people can be referred to it where it is appropriate to do so. Information about the scheme is on the council's website including how to access support in applying. Advice agencies and community groups have been briefed about it so they can support people to claim it. The Welfare Rights Team have provided training about CTR and the discretionary scheme. Promotion of take up for this scheme (and discretions in general) is central to the work of the service and the Welfare

Reform Team who work with teams across the council about this and will continue after April 2014.

- 4.11 Given that the DCTR spend is forecast to be lower than the current budget, it is proposed that it is reset to £100,000 to add £100,000 to the corporate savings required for 2014/15. This can be achieved even with an increase in take up over the current year position. To ensure a safe transition to this change it is also proposed an amount of at least £100,000 which exists as a current corporate contingency against multiple discretionary schemes is rolled forward to 2014/15 to protect against an unexpected sharp rise in demand.

Specific Aspects of the scheme

- 4.12 The council doubled the amount single people can earn before it is taken into account for CTR from £5 to £10. The intention was to incentivise work and address issues the consultation highlighted about the vulnerability of young single people. When the scheme was introduced, 1185 cases attracted this disregard. As at July 2013, 1205 people were single working and claiming CTR showing a small increase in the working caseload.
- 4.13 When the scheme was introduced transitional protection was provided for a year which meant that no one person would have to pay more than £3 per week as a result of the changes. At the point of transition this meant 44 cases were protected. Through the year, nine cases had a change of circumstances which meant this protection was lost. The scheme is only due to run for one year and expires on 31st March 2014. If, as a result of this protection ending, families find themselves facing difficulties, they will be invited to apply for the discretionary fund.
- 4.14 The council retained an aspect of Council Tax Benefit in its own scheme called Second Adult Rebate. Second Adult Rebate means that single people who decide to offer room in their own home to a person with a low income (often an elderly relative) do not have to pay more council tax than they did when they lived alone and had a single occupancy discount of 25% on their council tax bill. At any one time there are approximately 180 households which receive a reduction to their bill because they receive Second Adult Rebate.

Equalities

- 4.15 An equalities impact assessment based on people of working age who claim CTR shows that (taking recovery action as the key measure of impact) no one group with protected characteristics are significantly more or less negatively affected than others or non-protected groups.
- 4.16 The equalities profile of CTR recipients is complex and can be broken down into more detailed characteristics based on both socio-economic profiles and geography in Brighton & Hove. Information from the first set of consultations provided new insight about which groups may be considered particularly vulnerable – for example young single people who are under 25. More recent work by the financial inclusion team has identified ex-servicemen as a particularly vulnerable group.

- 4.17 As such the council's position is that the discretionary fund is the best way in which vulnerability can be addressed. This is because all unique circumstances can be taken into account, which would be impossible were one of more groups of people to be excluded from the requirement to make payment. This in turn would require higher payments from those who were not excluded.
- 4.18 Additionally, further support can be offered to households on an individual basis via budgeting and financial support through the Money Advice and Community Support contract.

Alternative Options

- 4.19 The council could choose to increase the minimum % of the Council Tax bill that a household would be liable for from 8.5% to some higher figure. Alternatively it could be reduced, potentially to zero. This report has explained why there is insufficient information at this early stage of the introduction of the scheme to propose major revisions. The council's overall financial position means that any reduction in % payable would create significant additional financial pressures elsewhere in the budget.

Administration

- 4.20 The CTR scheme is administered by the Revenues & Benefits Service. Staff that helped customers make claims for CTB now do the same for CTR.
- 4.21 A specific debt prevention team was established to work sensitively with customers who were affected by these changes. This has meant undertaking a pro-active approach in contacting customers directly by phone to explain and work through the details of the changes with them, to set up arrangements, refer to the Money Advice service or assist with a claim for discretionary payments as appropriate. This team has also been working with staff from the Housing Income Management Team so that customers who are also tenants of the council can have their needs met at the same time rather than having to deal with two different services separately.
- 4.22 The change to CTR effectively means the Revenues side of the service are now dealing at any one time with approximately 17,000 extra people who are due to pay an amount of Council Tax. This inevitably has led to a greater number of customer contacts for staff to deal with, in addition to the extra outreach work which has been done. The cost of extra resources to provide this support was built into the original proposal.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Substantial consultation was undertaken prior to the introduction of the CTR scheme in April 2012.
- 5.2 Since the introduction of the scheme, members of the Welfare Reform Team have attended the Advice Services Network's meetings to ask for feedback; the Community and Voluntary Sector Forum (CVSF) have been commissioned to solicit information about CTR and the affect it is having on people from its members organisations; information has been requested on an ongoing basis

from the Welfare Reform City Overview group; services within the council have fed back on the impact on their customers, including Housing and Children's services.

- 5.3 Overall the picture that is emerging is one where the changes to CTR are seen within the overall context of welfare reform and the economy. Many customers do not see additional Council Tax costs as a problem in isolation but a component part of the financial pressure they are facing
- 5.4 A review which examined awareness of the scheme was undertaken in summer 2013. The review found that, although knowledge of the scheme is good, work should continue to be done to promote awareness of the scheme generally and specifically the discretionary scheme. Promotion and access to discretionary schemes is a central part of the Welfare Reform Team's ongoing work.
- 5.5 Formal consultation was undertaken in September and October 2013. The consultation was circulated through the Community and Voluntary Sector Forum, the Advice Services Network, promoted through the Customer Services Centre, through the council's website and social media and through telephone and email communication to CTR customers.
- 5.6 90 people responded to the survey. Of those that replied, 68% were not in receipt of CTR. 81% were of working age, 32% lived alone, 3% were lone parents, 13% were in a couple with children and 29% were in a couple with no children.
- 5.7 Of the people who replied, 27% thought asking CTR customers to pay 8.5% of their Council Tax was about right, 21% thought the figure should be less or zero but 40% of people thought people on CTR should pay more than 8.5%. A slight majority agreed that the funds should be spread as evenly as possible across all groups but others thought some groups should receive higher amounts than others; these groups included disabled people, carers, young single people, lone parents and members of the armed forces. Specific areas of the scheme including transitional protection and an increase in the amount single people can earn were broadly supported.

6. CONCLUSION

- 6.1 The current scheme has been running for less than a year. Data so far suggests that the scheme is operating as expected. More comprehensive information will be available once the scheme has run for a full year. Changing the scheme prior to this could mean doing so when we do not fully understand the implications.
- 6.2 Communicating the changes to CTR is a very significant challenge. This work is ongoing but having a central message around which to press the message is vital. A clearer understanding of the scheme will result in greater engagement of the people affected. Keeping the scheme the same in year 2 will help deliver this message.
- 6.3 Reducing the contribution recipients of CTR are expected to pay would place either a greater burden on other Council Tax payers or extra costs to the council.

- 6.4 The budget process this year is being planned on the basis that the 8.5% contribution will not have to be increased.
- 6.5 Council Tax Reduction as a change is not happening in isolation. The Government's programme of welfare reform is ongoing. This means changes in people's Housing Benefit, sickness and disability benefits and the eventual transition to Universal Credit. Given the scale and number of the other changes recipients have to respond to, and understand, stability in the Council Tax Reduction scheme may be prudent.
- 6.6 Support is in place for the most vulnerable people through the discretionary scheme.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The Government grant for CTR for 2013/14 is £22.2million in Brighton & Hove covering the Council, Sussex Police and East Sussex Fire and Rescue Service. The original projected cost of the scheme was £23.437million; the current in year position is that the scheme will cost £22.387million net of the discretionary scheme due to falling caseload. The original planning expectation had been that increases in caseload were more likely than decreases.
- 7.2 The design of the 2013/14 scheme attracted transitional grant of £0.601m between the council, police and fire authority. This grant was for 2013/14 only and the impact of the loss of transitional grant and maintaining the current scheme has been built into the budget assumptions for 2014/15.
- 7.3 CTR grant is incorporated within the Revenue Support Grant (60%) and Business Rate Retention scheme (40%). The Revenue support grant is expected to be reduced by 20% in 2014/15 and further significant reductions in future years. The reduction in the numbers of people claiming CTR has meant the scheme is less costly to fund than initially estimated but the effect of the reduction in the Revenue Support Grant still means the overall burden to the council of running the scheme will rise far in excess of any gains related to caseload.
- 7.4 The Discretionary Council Tax Reduction Scheme budget will be set at £100,000 per annum with £100,000 additional one off resources available to top up if necessary. The one off resources will be carried forward from the unused provision in the current year. This will release £100,000 recurrent budget to support the council's financial position for 2014/15.
- 7.5 The additional costs of administrating the CTR scheme is being successfully managed within existing Revenues & Benefits Service budgets. This means the additional resources set aside to support the scheme administration in the current year can also be released to support the 2014/15 financial position.

Finance Officer Consulted: Name James Hengeveld Date: 07/11/13

Legal Implications:

7.6 Section 67 of the Local Government Finance Act 1992 requires that any revision to the Council Tax Reduction scheme be approved by the authority itself; such a determination is not capable of delegation. Technically, the current scheme has not been “revised” but simply re-applied for 2014/15. However, the scheme has been thoroughly reviewed before the proposal to keep it unchanged was formed. Further, the legislation envisages that decisions relating to the setting of the scheme are reserved to full Council. Accordingly, approval for the new scheme must be obtained from full Council. Recommendation 2.2 above reflects this requirement.

7.7 The duties referred to in paragraph 3.9 of this report are statutory duties pursuant to paragraph 5 of Schedule 1A to the Local Government Finance Act 1992.

Lawyer Consulted:

Oliver Dixon

Date: 05/11/13

Equalities Implications:

7.8 An equalities impact assessment has been undertaken a summary of which will be published on the Council’s website. The main findings are set out in section 4 of this report.

Sustainability Implications:

7.9 There are no sustainability implications resulting from this report.

SUPPORTING DOCUMENTATION

Appendices:

Documents in Members’ Rooms

Consultation summary

Background Documents

Council

12 December 2013

Agenda Item 55

Brighton & Hove City Council

| | | | |
|--------------------------|--|--|--------------------|
| Subject: | Council Tax Property Discounts | | |
| Date of Meeting: | Council 12th December 2013 Policy & Resources Committee - 5 th December 2013 | | |
| Report of: | Executive Director of Finance and Resources | | |
| Contact Officer: | Name: | Paul Ross-Dale | Tel: 291969 |
| | Email: | Paul.ross-dale@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE/ NOT FOR PUBLICATION**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 From 1 April 2013, the council used new statutory powers to remove second home discounts for Council Tax, along with reducing the empty and unfurnished discount from six months to six weeks. The proposals in this report seek to refine those changes with effect from 1 April 2014.
- 1.2 The proposals in this report are to reduce or remove two Council Tax property discounts. Firstly, it is proposed to reduce the 100% discount for empty and unfurnished properties from six weeks to four weeks in line with practice in neighbouring authorities. Secondly, it is proposed to remove the 10% discount for properties that are empty and intended for use as furnished lets.

2. RECOMMENDATIONS:

That Policy & Resources Committee recommends that Council—

- 2.1 Approves the reduction of the Council Tax discount for empty and unfurnished properties (known as the Class C discount) from six weeks to four weeks, with effect from 1 April 2014.
- 2.2 Approves the removal of the Council Tax discount for empty properties that are intended for use as furnished lets, with effect from 1 April 2014.
- 2.3 To give effect to the preceding recommendations, makes the formal determinations and decisions for the financial year commencing 1 April 2014 and subsequent financial years as set out in Appendix 1.
- 2.4 Grants delegated authority to the Director Finance & Resources to take all appropriate steps to implement and administer the preceding recommendations, including the publishing of any related data or information in accordance with statutory requirements.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The government introduced new discretion for local authorities around certain categories of property discount for Council Tax, with effect 1 April 2013.
- 3.2 The council determined that it would utilise the new powers in order to make changes to empty property discounts. Before 1 April 2013, an empty and unfurnished property could be totally exempt from Council Tax for up to six months. That amount was reduced to a maximum of six weeks, during which a 100% discount (eg nothing to pay) could be applied.
- 3.3 It is anticipated that in 2013/14 we will give approximately 18,000 six week discounts. Our analysis indicates that around 11,000 of these will only need a discount of four weeks or less and are therefore unaffected by changing to a four week discount. A further 7,000 properties will be for six weeks or more and will therefore be capped by the proposed four week rule. Of these, 5,000 are for more than six weeks, which is the current amount of discount available.
- 3.4 In Brighton and Hove, many empty periods are for a matter of days. In 2012/13, there were around 19,800 empty and unfurnished awards. 44% of cases were for 1 to 14 days and a further 18% were for 14 to 28 days. By reducing the empty property discount to four weeks, we can therefore still support 62% of applications for the entire duration of their empty period. The rest would still receive support for the first four weeks and would then have to pay full charge. Compared to the cost of providing a 6 week discount, we are likely to save around £0.257m.
- 3.5 When we introduced last year's changes, we had three aims:
- * Provide a reasonable but not excessive protection for standard gaps between occupancy.
 - * Encourage faster turnaround times on empty properties
 - * Reduce the number of long term properties

By encouraging a quicker occupation of empty properties, the policy would help to address the housing shortage in the city. It would also provide additional resources to support the council.

- 3.6 If we reduce the discount to four weeks, we would be in line with the other local authorities who have set shorter discount periods. In a sample check of 80 authorities (including all the Unitary Authorities, of which Brighton & Hove is one), 25 were offering a one month discount for 2013, and 22 had reduced their discount to zero. Our neighbouring authorities Adur, Mid Sussex and Lewes are among those who have restricted the discount to one month only.
- 3.7 When we introduced the six week discount in April 2013, we also included two further measures to support people with empty properties. Firstly, we created a local discretion to extend the discount in exceptional circumstances. We propose to keep this discretionary extended discount, up to a maximum of a further four weeks. An extension is for situations that are exceptional and not part of the standard processes that occur between lets or ownership. Examples of unusual situations could be fire or flood, whereas extensive refurbishments are inherent to

the business of running a property, so are not thought to be exceptional. The cost of this discretion is likely to be £0.075m.

- 3.8 The other measure that we will retain is supporting new liable parties with a full four week discount. In the pre-2013 rules, if a person took over a property while it was already empty, they would only be given a limited amount of exemption. For example, if the property had already attracted four months of the possible six month exemption, the new person would only be entitled to the remaining balance - a two month exemption. From 2013, when we introduced the new six week discount, we included a rule that meant if the liable parties changed, the new person would receive the new six week discount, even if a previous liable party had already had the same.
- 3.9 The 10% “furnished let” discount is awarded to properties that are empty and furnished and that are to be re-let (as opposed to unfurnished ones that are covered by the four week discount). The discount is similar to the Second Home Discount that was abolished from 1 April 2013. The 10% lasts for as long as we believe that the property is intended to be re-let. In practice, if this period lasts longer than six months, we assume that the property is not being re-let and we reclassify it as a second home, which no longer qualifies for a discount.
- 3.10 There are currently 450 furnished lets attracting the “furnished let discount”, which is currently budgeted at £0.040m in 2013/14.
- 3.11 When we changed the other property discounts for April 2013, we considered the furnished let and decided to leave it in place. Since we were continuing to support unfurnished empty properties, it made sense at the time to continue the existing arrangement for furnished empty properties. However, since applying the changes, we have been looking closely at the furnished let cases. We found that some “furnished let” situations were more like second homes, as they were not in practice being let.
- 3.12 To ensure that furnished lets are not actually second homes, we have been reviewing the cases regularly, by sending review forms to each recipient. The process involves quite a lot of administration, because we have to process each form and monitor the ones that are not returned, then make decisions about whether they are still “furnished lets”.
- 3.13 Due to the relatively low numbers of furnished lets and the high level of administration involved, we recommend that the discount is now removed.
- 3.14 There are a number of other exemptions available to help vulnerable people in certain situations. For example, if a property is empty because there has been a bereavement, the property will be fully exempt from Council Tax while waiting for probate, and for six months after probate is granted. Other exemptions exist for properties that are empty because the resident has moved away to receive personal care. See Appendix 3 for details of the other Council Tax exemptions.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 We have considered whether the six week “empty and unfurnished” discount should be removed completely, but our policy is still to encourage good

management and turnover of properties and provide some support to do that. If we remove the discount entirely, it would mean landlords and property owners are responsible for paying full Council Tax inbetween lets, even if the period of time is only a few days and the amount of tax payable is small. This would introduce a significant increase of bills into our system, which would impact on the service we provide, because we would have more queries to deal with, and more processes to follow for unpaid arrears.

- 4.2 A nominal figure of seven days could be used, but creates another set of problems. It would rule out billing for some very small debts, but would give only a very modest amount of support. Furthermore, due to the number of empty periods that exceed seven days, there would *still* be a large number of bills for small amounts (eg if a property is empty for ten days, we would have to bill for three days once the seven day discount had expired).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A public consultation was held via the council's consultation portal. The National Landlords Association and the Southern Landlords Association were invited to participate, along with registered social landlords. People who are currently in receipt of a furnished let discount were also contacted by letter.
- 5.2 There were 83 responses. 37 respondents (around 45%) thought that the four week discount was about right, with a further 19 (23%) thinking it should be shorter. 25 (30%) thought it should be longer and two respondents were not sure either way. Of those who wanted a longer period of discount, the most common feedback was that four weeks did not adequately reflect the time needed to turn round an empty property, and find a new tenant. There were fewer comments associated with those who said that the period should be shorter, or was about right. But several in these categories felt that this should be considered as a landlord or business cost and not be subject to a discount.
- 5.3 Regarding the "furnished let" discount, 57 (around 69%) agreed that the discount should be removed and 23 (around 28%) thought that it should remain, with three saying they were not sure. Of those who wanted the discount to remain, there was not a consistent set of reasons. However, a handful of people felt that furnished properties should be dealt with in the same way as unfurnished properties, and that they did not use the same facilities as an occupied property, so shouldn't be taxed the same way. There were few comments explaining why people thought the discount should be removed, except to say that it should.
- 5.4 Across both proposals, there were some concerns raised about situations where a property is empty due to a bereavement. It should be noted that there is a separate 100% council tax exemption for properties that are empty and awaiting the outcome of probate, and the exemption lasts a further six months after probate has been granted as long as the property is still empty.
- 5.5 The feedback has not led us to make any changes. It was already clear in the proposals we are making that we could not support every empty period, even if it takes longer than four weeks to turn a property round. However, we aim to provide reasonable support for landlords and other parties responsible for empty properties and the four week discount still covers a significant number of cases,

and partially covers the rest. Likewise with the proposed changes to furnished lets, the responses have not led us to make any changes.

6. CONCLUSION

6.1 The grounds for these decisions are outlined in the sections above.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 The report is proposing a reduction in the council tax discounts given for empty and unfurnished properties and the removal of the discount for empty properties intended for use as furnished lets. These changes will provide additional resources to the council of £0.347m per annum and a breakdown of this figure is given below:

- A reduction in the class C discount from six weeks to four weeks is estimated to generate additional resources for the council of £0.257m per annum. The exact level of additional resource for 2014/15 will be reported in the final tax base calculation which will be reported to P&R in January 2014.
- The reduction in the discretionary discount from six weeks to four weeks will generate a budget saving of £0.050m per annum.
- Any financial impact of the change in liable party discount is forecast to be minimal and therefore no saving is forecast for 2014/15.
- The removal of the 10% discount for furnished lets will generate a saving of £0.040m per annum.

Finance Officer Consulted: Heather Bentley

Date: 19/11/13

Legal Implications:

7.2 In accordance with section 67 of the Local Government Finance Act 1992, only full Council has authority to agree the recommendations in paragraph 2 of this report. The power is not delegable to a committee, sub-committee or officer.

The council's power to amend the level of council tax discount payable in respect of certain classes of property derives from section 11A of the Local Government Finance Act 1992.

The council is required to consult parties affected by the proposed changes to council tax discounts. Details of the consultation are set out in paragraph 5 above.

Lawyer Consulted:

Oliver Dixon

Date: 06/11/13

Equalities Implications:

- 7.3 An Equalities Impact Assessment has been carried out. The findings were that no protected group was likely to be adversely affected. However, individuals could be affected in any group. A number of exemptions already exist in Council Tax to cover some of these situations, for example there is an exemption if the property is occupied by somebody who is severely mentally impaired. A further example is the exemption for properties solely occupied by somebody who has now moved permanently into a residential home or hospital to receive care.

It is possible that elderly residents are more likely to own property and therefore might be affected by both the reduction of empty discount, and the removal of the furnished let discount. However, this effect would be mitigated by officer knowledge of advice and support available, such as Age Concern, Adult Social Care and the Pension Service.

There could also be potential occupancy issues around properties not being suitably adapted and the time frame involved in doing so. In these instances we could consider referrals to Private Sector Housing for a disabled facility grant. We also have the option of looking at individual cases to see whether they qualify for the discretionary extension of the empty and unfurnished discount.

Sustainability Implications:

- 7.4 By supporting the gaps between tenancies with a reasonable period of discount, we are encouraging good property management, for example modernisation of facilities and improvements to energy efficiency in properties.

Any Other Significant Implications:

- 7.5 In any system there are opportunities for fraud, although most applications for discounts are genuine. The Revenues Inspectors team is a flexible resource that we can call upon to police the discount scheme. They are able to conduct property visits where we suspect that there could be abuse of the system, or just for random sample checking.

SUPPORTING DOCUMENTATION

Appendices:

1. Determinations
2. Current / existing exemptions

Documents in Members' Rooms

Consultation summary

Background Documents

None

Council Tax Property Discounts from 1 April 2014

Report to Council (12 December 2013)

Determinations

The determinations set out below are made by Brighton & Hove City Council (“the Council”) on 12 December 2013. They come into effect on 1 April 2014 for the financial year 1 April 2014 to 31 March 2015 and will remain in force for subsequent years unless revoked. They are made by the Council under its powers in sections 11A of the Local Government Finance Act 1992 (“the 1992 Act”) and all other enabling powers. References to the 1992 Act include references to Regulations and Orders made under that Act and references to sections are to sections in the 1992 Act. The notes are explanatory and are not part of the determinations. For information, Classes A to F are set out in full at the end of this Appendix.

1. Discount for dwellings in Class C

The Council makes the following determinations in relation to the descriptions of dwellings set out below:-

(1) All dwellings within Class C

- if on any day such a dwelling is within Class C prescribed under section 11A(4A):-

- (a) the discount under section 11(2)(a) shall not apply and
- (b) for a period of up to 4 weeks from the date on which the dwelling first became unoccupied and substantially unfurnished the amount of discount in respect of that dwelling shall be 100 percent.

The following concessions shall also apply in respect of any such dwelling:-

- (a) If during any such 4 week period there is a change in the identity of the person (or all persons if more than one) who would be liable to pay council tax in respect of the dwelling if the 100 percent discount did not apply, the period of 4 weeks will begin again on the date of the change.
- (b) At the discretion of the Council in circumstances which it deems to be exceptional, the period of 4 weeks may be extended, but not beyond a maximum of 8 weeks from the date of commencement of the initial 4 week period. This concession is principally intended to be used in cases where dwellings require much more substantial repairs than usual between lettings, for example through flood or fire damage, but the circumstances fall short of entitlement to the separately available discount for uninhabitable properties (known as the Class D discount).

- (c) The determination regarding the “Discount for Dwellings in Class C” made by the council at its meeting on the 13/12/12 is hereby revoked with effect from 1/4/14.

2. Discount for “furnished let” properties

The Council makes the following determinations in relation to the descriptions of dwellings within Class A or B, as prescribed under Section 11A(4):

- 1) If on any day a dwelling in the Council’s area is within Class A or B prescribed under section 11A(4), the discount under section 11(2)(a) shall not apply.

(NOTE: The effect of this is to remove the “furnished let” discount; members decided in December 2012 to remove the second homes discount).

(GENERAL NOTE: Determinations on discounts made by the council under Sections 11A and 11B of the 1992 Act do not preclude the council from making such reductions as it might see fit in the amount of council tax a person is liable to pay in respect of a chargeable dwelling under powers contained in Section 13A of the 1992 Act).

Classes A to F (for information)

Regulation 4. Class A

The class of dwellings described in this regulation (“Class A”) comprises every chargeable dwelling in England—

- (a) which is not the sole or main residence of an individual;
- (b) which is furnished; and
- (c) the occupation of which is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year; except that the class of dwellings described in this regulation shall not include any dwelling which is excluded from that class by virtue of regulation 6 below.

Regulation 5. Class B

The class of dwellings described in this regulation (“Class B”) comprises every chargeable dwelling in England—

- (a) which is not the sole or main residence of an individual;
- (b) which is furnished; and
- (c) the occupation of which is not restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year; except that the class of dwellings described in this regulation shall not include any dwelling which is excluded from that class by virtue of regulation 6 below.

Regulation 6.— Exceptions (in relation to Classes A & B)

(1) Class A and Class B shall not include any dwelling which consists of a pitch occupied by a caravan, or a mooring occupied by a boat.

(2) Class A and Class B shall not include any dwelling—

(a) where a qualifying person in relation to that dwelling is a qualifying person in relation to another dwelling in England, Wales or Scotland which for him is job-related; or

(b) which for a qualifying person is job-related where that person is a qualifying person in relation to another dwelling in England, Wales or Scotland.

(3) For the purposes of sub-paragraph (a) of paragraph (2), a dwelling is job-related if it falls within the description set out in paragraph 1, 2 or 2A of the Schedule to these Regulations [*not copied in this Appendix*] and for the purposes of sub-paragraph (b) of paragraph (2), a dwelling is job-related if it falls within the description set out in paragraph 1 or 2 of that Schedule [*not copied in this appendix*].

Regulation 7. Class C

The class of dwellings described in this regulation (“Class C”) comprises every chargeable dwelling in England—

- (a) which is unoccupied; and
- (b) which is substantially unfurnished

Regulation 8.— Class D

The class of dwellings described in this regulation (“Class D”) comprises every chargeable dwelling in England—

(a) which satisfies the requirement set out in paragraph (b) unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) for the purposes of paragraph (b) above “major repair work” includes structural repair work.

Regulation 9.— Class E

(1) The class of dwellings described in this regulation (“Class E”) comprises every chargeable dwelling in England which—

(a) is the sole or main residence of an individual where that individual is a qualifying person in relation to another dwelling provided by the Secretary of State for Defence

for the purposes of armed forces accommodation, and which for that individual is job-related; or

(b) would be the sole or main residence of an individual if that individual were not a qualifying person in relation to another dwelling provided by the Secretary of State for Defence for the purposes of armed forces accommodation, and which for that individual is job-related.

(2) For the purposes of paragraph (1) a dwelling is job-related if it falls within the description set out in paragraph 1 of the Schedule to these Regulations [*not copied in this appendix*].

Regulation 10.— Class F

(1) The class of dwellings described in this regulation (“Class F”) comprises every chargeable dwelling in England—

(a) which forms part of a single property which includes at least one other dwelling; and

(b) which is being used by a resident of that other dwelling, or as the case may be, one of those other dwellings, as part of their sole or main residence.

(2) For the purposes of paragraph (1) “single property” means property which would apart from the Council Tax (Chargeable Dwellings) Order 1992 be one dwelling within the meaning of section 3 of the Act.

Current Council Tax exemptions

| Exemptions | Definition |
|------------------------|---|
| Uninhabitable discount | unoccupied and unfurnished property which needs or is undergoing major repairs or structural alteration (lasts for up to 12 months, or for 6 months after works are completed, whichever comes earlier. A full charge then applies if the property remains unoccupied or work has not finished.) |
| Class B | Unoccupied property owned and previously used by a charity (exemption lasts for six months from last occupied date). |
| Class C | (abolished April 2013) |
| Class D | Unoccupied property which was the home of someone who has gone into prison (except for not paying council tax or a fine). |
| Class E | Unoccupied property which was the home of someone who has moved permanently into a residential home or hospital to receive care |
| Class F | Unoccupied property which is waiting for probate or letters of administration to be granted (exemption lasts until probate is granted and for six months after this, whilst unoccupied and remains part of the estate). |
| Class G | Property is unoccupied because occupation is forbidden by law (for example it is declared unfit for human habitation by our environmental health service) |
| Class H | Unoccupied property which is waiting to be occupied by a minister of religion |
| Class I | Unoccupied property which was the home of someone who has moved into another residence (not a residential home or hospital) to receive personal care |
| Class J | Property left unoccupied by someone who has moved away to provide personal care for another person |
| Class K | Unoccupied property where the owner is a student who last lived in the dwelling as their main home and became a full-time student within six weeks of leaving the property. The exemption lasts as long as the person who would normally pay the council tax bill is a student. |
| Class L | Unoccupied property where a mortgage lender is in possession |
| Class M | Student halls of residence |
| Class N | Property occupied only by full-time students . Students can apply online for their student reductions and exemptions. |
| Class O | Property owned by the Secretary of State for Defence which is held for armed forces' accommodation |
| Class P | Property occupied by visiting forces |
| Class Q | Unoccupied property where the person who would normally pay the council tax bill is a bankrupt's or insolvent's trustee |
| Class R | A dwelling consisting of a pitch or a mooring which is not occupied by a caravan or, as the case may be, a boat |
| Class S | A dwelling only occupied by a person aged under 18 years old |
| Class T | Empty extension which, because of planning permission, cannot be rented out separately , for example a granny flat |
| Class U | Homes which only people who are severely mentally impaired live in (or if they live with full time students) |
| Class V | The home of a foreign diplomat |
| Class W | An annexe occupied by a dependent elderly or disabled relative |

Council12th December 2013**Agenda Item 56**

Brighton & Hove City Council

| | | | |
|-------------------------|--|---------------------|--|
| Subject: | Treasury Management Policy Statement 2013/14 (including Annual Investment Strategy 2013/14) – Mid Year Review | | |
| Date of Meeting: | Council 12th December 2013 Policy & Resources Committee - 5 th December 2013 | | |
| Report of: | Executive Director of Finance & Resources | | |
| Contact Officer: | Name: Mark Ireland | Tel: 29-1240 | |
| | E-mail: mark.ireland@brighton-hove.gov.uk | | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The Treasury Management Policy Statement 2013/14 (TMPS) and the Treasury Management Practices (including the schedules) for the year commencing 1 April 2013 were approved by the Policy & Resources Committee on 21 March 2013. Full Council approved the Annual Investment Strategy 2013/14 (AIS), which forms part of the TMPS, on 28 March 2013. The policy statement sets out the key role for treasury management, whilst the practices and schedules set out the annual targets for treasury management and the methods by which these targets shall be met. The AIS sets out the parameters within which investments can be made.
- 1.2 The purpose of this report is to advise of the action taken during the period April to September 2013 to meet the policy statement and practices and the investment strategy. In order to address the continuing difficulties of finding sufficient investment counterparties of suitable financial standing this report also recommends changes to the AIS which will need to be agreed by full Council. These proposals have been discussed and finalised with our treasury management advisers in the light of benchmarking data from other councils and recommendations include a doubling of our investment limits with the higher rated UK financial institutions, the inclusion of a few highly rated foreign banks with UK based branches and the addition of some different types of investment used by other local authorities where returns can be higher but investment risks are lower.

2. RECOMMENDATIONS:

- 2.1 That Policy & Resources Committee endorses the action taken during April - September 2013 to meet the Treasury Management Policy Statement 2013/14 and associated treasury management practices and the Annual Investment Strategy 2013/14.
- 2.2 That Policy & Resources notes the maximum indicator for risk agreed at 0.05%, the authorised borrowing limit and operational boundary have not been exceeded.

- 2.3 That Policy & Resources recommend that Full Council agree changes to the Annual Investment Strategy 2013/14 as set out in paragraphs 3.12 to 3.16 and appendix 3 of this report.

3. CONTEXT / BACKGROUND INFORMATION

Overview of markets

- 3.1 The last few months have seen fewer headlines about problems within the Euro Zone but this does not mean the problems have gone away and over the coming months Greek debt refinancing will need to be resolved and countries such as Slovenia may find themselves requiring financial bailouts. The UK economy has shown continued positive growth, unemployment is down and the inflation outlook is weaker but analysts have concerns about whether this improvement is sustainable particularly given continued weakness in our main trading partners.
- 3.2 The new Governor of the Bank of England, Mark Carney, has with the Federal Reserve and the European Central Bank, tried to stabilise the markets by setting out a forward guidance strategy which indicates that the Bank Rate is likely to remain at its historic low until late 2016. This has had the bizarre impact that the markets now perceive good economic news as bad as it may bring forward the date when interest rates are increased and other economic stimuli are reduced. Various government initiatives particularly those to stimulate the housing market have meant that the UK money markets are awash with cheap cash and short and medium term investment rates are exceptionally low.

Treasury management strategy

- 3.3 A summary of the action taken in the six months to September 2013 is provided in Appendix 1 to this report. The main points are:
- § The council did not enter into any new borrowing arrangements during the period;
 - § The highest risk indicator during the period was 0.015% which is well below the maximum set of 0.05%;
 - § The return on investments by the in-house treasury team and cash manager has exceeded the target rate but the return achieved by the in-house team is well below the budget forecast due to the very low rates achievable in the current money markets. There is scope to improve returns slightly by investing for longer periods whilst keeping within the maximum risk indicator;
 - § The two borrowing limits approved by Budget Council in February 2013 have not been exceeded in the first half of the year.
- 3.4 Treasury management activity in the half-year has focused on a short-term horizon as summarised in the table below.

| | Amount invested 1 April to 30 Sept 2013 | | | |
|----------------------------|---|--------------------|---------|------|
| | Fixed deposits | Money market funds | Total | |
| Up to 1 week | £27.3m | £165.0m | £192.3m | 55% |
| Between 1 week & 1 month | £28.0m | - | £28.0m | 8% |
| Between 1 month & 3 months | £98.7m | - | £98.7m | 28% |
| Over 3 months | £31.0m | - | £31.0m | 9% |
| | £185.0m | £165.0m | £350.0m | 100% |

- 3.5 Security and liquidity of the investment portfolio continues to be the main objective for the council's investment strategy. It is however increasingly difficult to find suitable investment counterparties using the current investment list and changes are recommended in paragraphs 3.11 to 3.15. The average period for fixed deposits (i.e. excluding money market funds) was around 35 days.

Summary of treasury activity April to September 2013

- 3.6 The table below summarises the treasury activity in the half-year to September 2013 with the corresponding period in the previous year.

| | Apr to Sep 12 | Apr to Sep 13 |
|-----------------------------|---------------|---------------|
| Long-term borrowing repaid | - | - |
| Short-term borrowing repaid | - | - |
| Investments made | £348.4m | £350.0m |
| Investments maturing | (£308.6m) | (£311.0m) |

- 3.7 The following table summarises how the day-to-day cash flows in the second half-year have been funded compared to the same period in the previous year.

| | Apr to Sep 12 | Apr to Sep 13 |
|--------------------------------------|---------------|---------------|
| Cash flow surplus | £39.8m | £39.0m |
| Decrease in long-term borrowing | - | - |
| Decrease in short-term borrowing | - | - |
| Decrease / (increase) in investments | (£39.8m) | (£39.0m) |

Security of investments

- 3.8 A summary of investments made by the in-house treasury team and outstanding as at 30 September 2013 is tabled below. The table shows that investments continue to be held in good quality, short-term instruments.

| | Balance o/s 30 Sept 2013 | |
|---|--------------------------|------|
| | | |
| 'AAA' rated funds | £26.9m | 39% |
| 'A' rated institutions | £26.4m | 38% |
| 'BBB' rated institutions | £16.0m | 23% |
| | £69.3m | 100% |
| Period – less than one week | £26.9m | 39% |
| Period – between one week and one month | £15.7m | 23% |
| Period – between one month and three months | £22.5m | 32% |
| Period – more than three months | £4.2m | 6% |
| | £69.3m | 100% |

- 3.9 The end of year report considered at the July meeting of Policy & Resources informed Members that the Coop Bank had been downgraded to below investment grade and that it had unveiled a rescue plan to deal with the £1.5bn hole in its balance sheet. Agreement with its bondholders has now almost been reached but this means that the hedge funds and the other bondholders will own about 70% of the bank. The bank has been removed from our lending list until their credit rating improves. In a review of its operations the Coop has recently written to all councils saying that it will no longer provide banking services to local authorities but will honour existing contracts. The council's banking contract with the Coop is due to end on 31 March 2015 and officers have already started to work up an options strategy to procure a new banking contract.

Risk

- 3.10 As part of the investment strategy for 2013/14 the Council agreed a maximum risk benchmark of 0.05%. The benchmark is a simple target that measures the risk based on the financial standing of counterparties and length of each investment based on historic default rates. The actual risk indicator has varied between 0.004% and 0.015% between April and September 2013. It should be remembered however that the benchmark is an average risk of default measure, and does not constitute an expectation of loss against a particular investment.

Performance

- 3.11 The following table summarises the performance on investments compared with the budgeted position and the benchmark rate. The council has recently joined a regional benchmark club to share investment strategies and performance on a confidential basis.

| (*) Annualised rates | In-house investments | | Cash manager investments | |
|---|----------------------|------------------|--------------------------|------------------|
| | Average balance | Average rate (*) | Average balance | Average rate (*) |
| Budget 2013/14– full year | £52.9m | 0.63% | £25.0m | 0.75% |
| Actual to end Sept 2013 | £90.2m | 0.47% | £25.1m | 0.53% |
| Benchmark rate (i.e. 7 day LIBID Rate) to end Sept 2013 | - | 0.36% | - | 0.36% |

Proposed Revision to Annual Investment Strategy 2013/14

- 3.12 The Annual Investment Strategy 2013/14 (AIS) was presented to full Council on 28th March 2013 and agreed.
- 3.13 The government's funding for lending scheme has amongst other initiatives significantly increased the amount of cash available in the UK money markets making it extremely hard to place cash investments with good quality counterparties and significantly reducing the rate of return. It is unlikely that this position will change in the medium term and has prompted a review of the current AIS by officers and our advisors.
- 3.14 Benchmarking with other council's with a similar sized investment portfolios has shown that the investment limits set by the council with the higher rated UK financial institutions (i.e. those with long term credit ratings of AAA, AA and A) are low and it is proposed that these are doubled from current levels. Given the added security of government support for the part nationalised banks it is proposed that their investment limits are raised slightly higher to £25m. The part nationalised banks are currently offering some of the best investment rates over the 6 months to 1 year period which to date the council has been able to take only limited advantage due to the restricted limits.
- 3.15 Our advisors have also suggested that our counterparty list should be enlarged to include a few Non-UK banks but only of the very high AA credit quality that are based in AAA rated countries. There are 5 banks that fall into this category who are active in the UK money markets:
- Toronto Dominion (Canada)
 - Nordea (Finland)
 - RABOBANK (Netherlands)
 - Commonwealth Bank of Australia
 - National Australia Bank
- 3.16 By adding these institutions to our list it should be possible to increase returns and reduce risk by investing in negotiable instruments (already authorised under the current AIS) such as Certificates of Deposit (CDs). Proposed changes to the AIS are set out in full in appendix 3.
- 3.17 It was announced by Lloyds Bank on 18 November the Scottish Widows Investment Partners (SWIP), our external cash managers, would be sold to Aberdeen Asset Management to create the biggest firm of investment managers in Europe. The sale is likely to take place in 3 or 4 months time and is unlikely to impact on the arrangements the council has currently in place with SWIP and has the potential to improve future returns given the influence the larger company will have on the markets.

4 EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 4.1 This report sets out action taken in the six months to September 2013 and proposed changes to the AIS. The changes to the AIS are designed to optimise flexibility in investment decisions and potentially improve investment returns whilst keeping within agreed risk parameters. An alternative would be to keep the AIS unchanged but this could lead to lower returns and higher risk.

5. CONSULTATION

- 5.1 The council's external treasury advisors have been consulted in the drafting of this report. No other consultation was necessary.

6. CONCLUSION

- 6.1 Treasury management is governed by a code that is recognised as "best and proper practice" under the Local Government Act 2003. the Code requires a minimum of two reports per year, one of which looks at the first 6 months of the year. This report fulfils this requirement..

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The financial implications arising from the action taken under the TMPS are included in Financing Costs. The month 6 forecast for financing costs shows a contribution to the Financing Costs Reserve of £25,000 as a result of higher than anticipated net cashflows for the year which have been largely offset by lower investment returns achieved as a result of lower interest rates in the money markets. Without the proposed changes to the AIS investment returns are likely to fall in line with money market rates. The proposed changes should allow officers to achieve slightly higher returns whilst maintaining or even reducing current risk parameters.

Finance Officer Consulted: Mark Ireland

Date: 08/11/13

Legal Implications:

- 7.2 Action under the TMPS must be in accordance with Part I of the Local Government Act 2003 and associated regulations. Relevant guidance also needs to be taken into account.
- 7.3 Under the council's constitution approval of the Annual Investment Strategy, and of any revisions to it, is reserved to full Council. This requirement is reflected in recommendation 2.3 of this report.

Lawyer Consulted:

Oliver Dixon

Date: 21/11/13

Equalities, Sustainability and other implications:

- 7.4 There are no direct implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. A summary of the action taken in the period April to September 2013
2. September 2013 Treasury Management Bulletin
3. Proposed changes to the Annual Investment Strategy

Documents In Members' Rooms

None

Background Documents

1. Part I of the Local Government Act 2003 and associated regulations
2. The Treasury Management Policy Statement and associated schedules 2013/14 approved by Policy & Resources on 21 March 2012
3. The Annual Investment Strategy 2013/14 approved by full Council on 28 March 2013
4. Treasury Management Policy Statement 2012/13 (including Annual Investment Strategy 2012/13) – End of year Review approved by Policy & Resources Committee on 11 July 2013.
5. Papers held within Strategic Finance, Finance & Resources Directorate
6. The Prudential Code for Capital Finance in Local Authorities published by CIPFA 2011

Summary of action taken in the period April to September 2013

Treasury Management Strategy

New long term borrowing

No new long-term borrowing raised in the first six months.

Debt maturity

No long-term borrowing was repaid in the first six months.

Lender options, where the lender has the exclusive option to request an increase in the loan interest rate and the council has the right to reject the higher rate and repay instead, on three loans were due in the 6 month period but no option was exercised.

Debt restructuring

Opportunities to restructure the debt portfolio are severely restricted under changes introduced by the Public Works Loan Board in October 2007. No restructuring was undertaken in the first 6 months.

Weighted average maturity profile

With no movement in the long-term debt portfolio the weighted average maturity period of the portfolio has decreased naturally by 6 months, from 32.3 years to 31.8 years.

Capital financing requirement

The prudential code introduces a number of indicators that compare borrowing with the capital financing requirement (CFR) – the CFR being amount of capital investment met from borrowing that is outstanding. Table 1 compares the CFR with actual borrowing.

Table 1 – Capital financing requirement compared to debt outstanding

| | 1 April 2013 | 30 Sept 2013 | Movement in period |
|-------------------------------------|--------------|------------------------|--------------------|
| Capital financing requirement (CFR) | £341.8m | | |
| Less PFI element | -£59.5m | | |
| Net CFR | £282.3m | ^(*) £286.8m | -£4.5m |
| Long-term debt | £207.8m | £207.8m | - |
| O/s debt to CFR (%) | 73.6% | 72.5% | -1.1% |

^(*) projected 31 March 2014

Traditionally the level of borrowing outstanding is at or near the maximum permitted in order to reduce the risk that demand for capital investment (and hence resources) falls in years when long-term interest rates are high (i.e. interest rate risk). However given the continued volatility and uncertainty within the financial markets, the council has maintained the strategy to keep borrowing at much lower levels (as investments are used to repay debt). Currently outstanding debt represents 72.5% of the capital financing requirement.

Cash flow debt / investments

The TMPS states that “The council will maintain an investment portfolio that is consistent with its long term funding requirements, spending plans and cash flow

movements.”

An analysis of the cash flows reveals a net surplus for the first six-months of £39.0m. The surplus has been used to increase investments (Table 2).

Table 2 – Cash flow April to September 2013

| | Payments | Receipts | Net cash |
|-------------------------|----------|----------|----------|
| Total for period | £444.6m | £483.6m | +£39.0m |
| Increase in investments | | | +£39.0m |

Prudential indicators

Budget Council approved a series of prudential indicators for 2013/14 at its meeting in February 2013. Taken together the indicators demonstrate that the council’s capital investment plans are affordable, prudent and sustainable.

In terms of treasury management the main indicators are the ‘authorised limit’ and ‘operational boundary’. The authorised limit is the maximum level of borrowing that can be outstanding at any one time. The limit is a statutory requirement as set out in the Local Government Act 2003. The limit includes ‘headroom’ for unexpected borrowing resulting from adverse cash flow.

The operational boundary represents the level of borrowing needed to meet the capital investment plans approved by the council. Effectively it is the authorised limit minus the headroom and is used as an in-year monitoring indicator to measure actual borrowing requirements against budgeted forecasts.

Table 3 compares both indicators with the maximum debt outstanding in the first half year.

Table 3 – Comparison of outstanding debt with Authorised Limit and Operational Boundary 2013/14

| | Authorised limit | Operational boundary |
|--|------------------|----------------------|
| Indicator set | £371.0m | £360.0m |
| Less PFI element | -£60.0m | -£60.0m |
| Indicator less PFI element | £311.0m | £300.0m |
| Maximum amount o/s in first half of year | £207.8m | £207.8m |
| Variance | (*)£103.2m | £92.2m |

(*) can not be less than zero

Performance

The series of charts in Appendix 2 provide a summary of the performance for both the debt and investment portfolios.

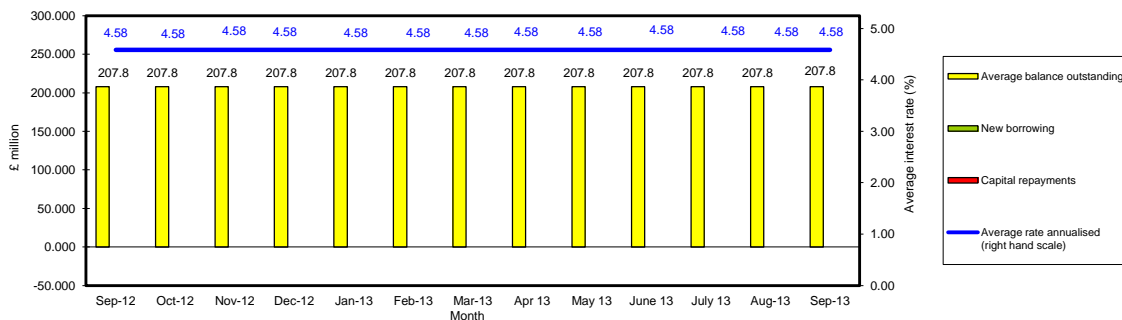
The graphs below show the monthly averages of borrowing and investments outstanding, monthly cashflows and the average monthly cost/return on debt/investments, over a thirteen month period.

Graph 1

This graph shows the average monthly balance outstanding on long term debt, together with the average cost.

It also shows the amount of new long term debt raised and the repayment of long term borrowing. There has not been any new or repayment of long term debt during the past twelve months

Graph 1 Long Term Debt Outstanding
Monthly averages



Graph 2

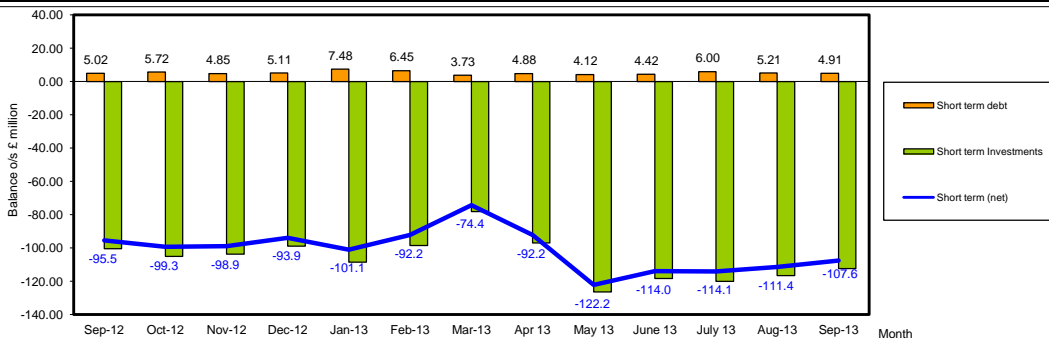
This graph shows the average monthly balance outstanding for:

- short term debt
- short term investments

The graph also shows the net monthly cash position, excluding long term borrowing

Short term debt includes the monies held on behalf of South Downs National Park Authority.

Graph 2 - Short Term Borrowing / Investments (all)
Monthly Averages

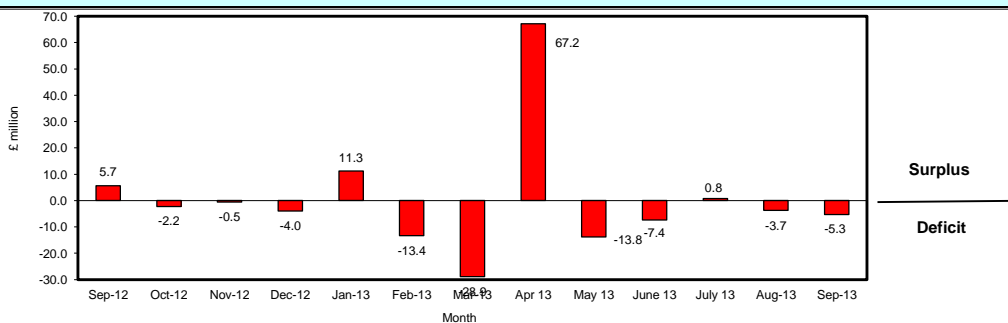


Graph 3

This graph shows the net monthly cash flow position, excluding movement in borrowing and investments.

Cashflow movements have resulted in a deficit for the month

Graph 3 - Monthly Cash Flows



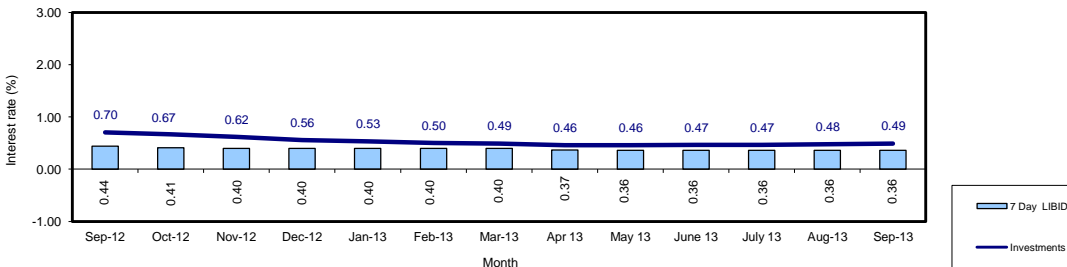
Graph 4a

This graph compares the average return on short term investments with the average 7 Day LIBID rate.

The target is for the return on short term investments to exceed the 7 Day rate by 5% in a 12 month period

In house investments continue to meet the target rate of return.

Graph 4a - Short Term Investments -v- 7 Day LIBID (In house)
Monthly averages - annualised (to 2 dec pl)



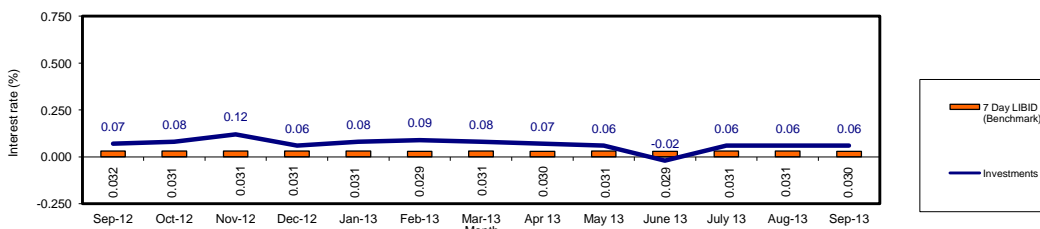
Graph 4b

This graph compares the average return on the fund with a benchmark of 7 Day LIBID (compounded weekly).

The target is for the return on investment to exceed the benchmark rate by 5% in a 12 month period.

The cash manager performance fluctuates due to changes in the value of the investments. Performance has been equal to or above target levels in 11 of the past 12 months.

Graph 4b Short Term Investments -v- Benchmark Rate (Cash Managers)
Monthly actuals (to 2 dec pl)



Investments by Sector

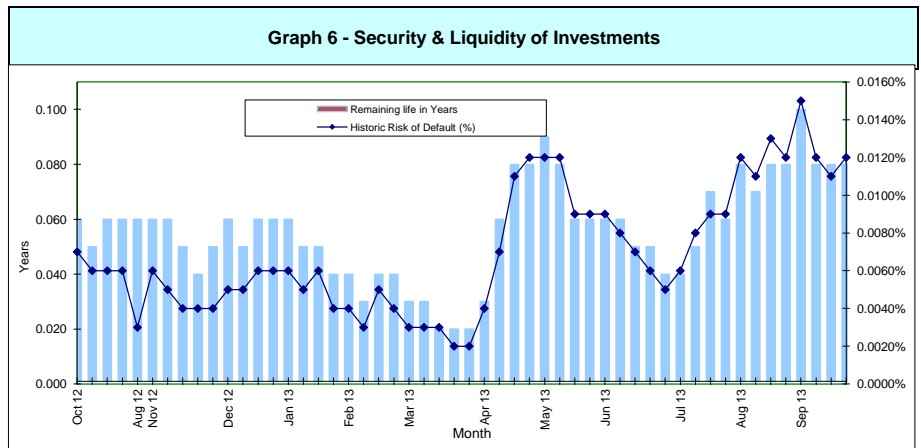
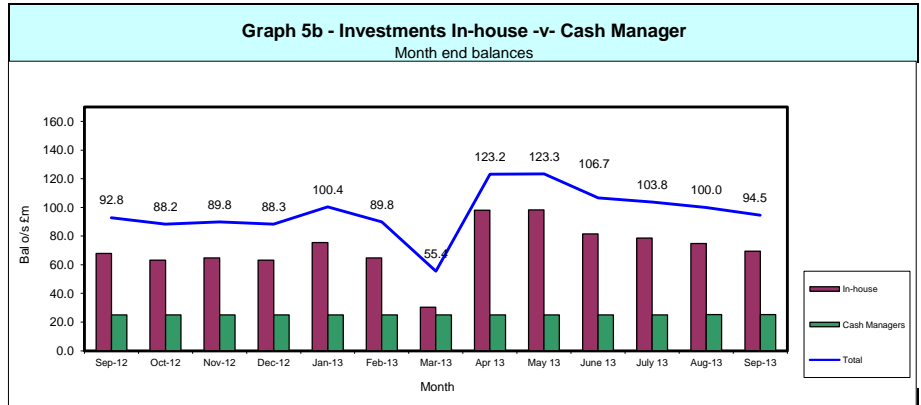
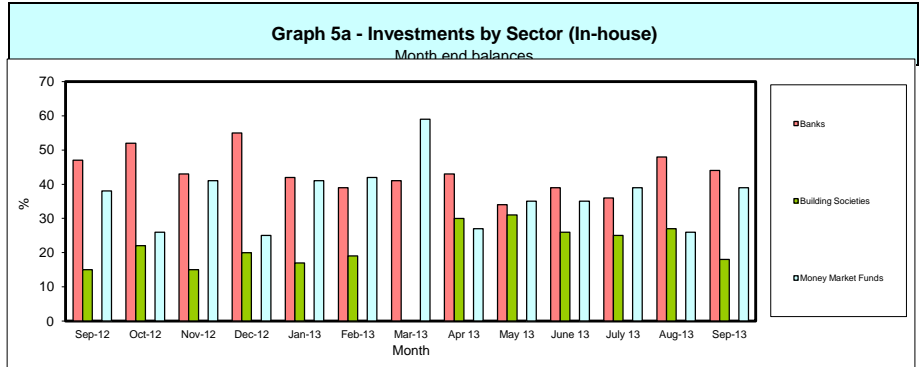
The 2013/14 Treasury Policy Statement states that with the exception of the banking sector and money market funds, no one sector shall have more than 75% of the investment portfolio at the time an investment is made. As at end of September 2013 investments were made as follows:-

| | £m | |
|--|---------------|--------|
| SWIP External Managers | 25.165 | |
| In-house Investments - Banks | | |
| Barclays Bank | 5.000 | |
| Crown Agents Bank | 1.000 | |
| Lloyds Bank plc | 10.000 | |
| N M Rothschild & Sons Ltd | 5.000 | |
| Royal Bank of Scotland | 4.186 | |
| Santander UK plc | 4.985 | |
| | <u>30.171</u> | 43.5 % |
| Money Market Funds | | |
| CCLA - Public Sector Deposit Fund | 1.405 | |
| Goldman Sachs Funds Plc | 0.586 | |
| Ignis Liquidity Fund | 9.670 | |
| Morgan Stanley Sterling Liquidity Fund | 9.958 | |
| State Street services | 0.201 | |
| SWIP GLF | 5.115 | 38.8 % |
| | <u>26.935</u> | |

| In-house Investments - Building Societies | | |
|--|---------------|----------------|
| Nationwide Bldg Soc | 2.250 | |
| Skipton Bldg Soc | 5.000 | |
| Yorkshire Building Society | 5.000 | 17.7 % |
| | <u>12.250</u> | |
| TOTAL - In-house Investments | 69.356 | 100.0 % |

Graph 6

Members agreed, as part of the 2013/14 Treasury Policy Statement, to set a maximum indicator for risk at 0.05%. Table 6 shows the risk factor to be well below the maximum set. Recent increases in the risk factor are due to lending for slightly longer periods with good quality counterparties to maintain investment returns as short-term rates in the market are falling.



Prudential Indicators (Treasury Management)

The Council sets each year a number of prudential indicators for treasury management. The following tables show that these indicators have not been exceeded in the month of September 2013.

| Gross Outstanding Debt (£millions) | | |
|---|------|-----|
| | Debt | PFI |
| Authorised limit | 321 | 60 |
| Operational boundary | 309 | 60 |
| Minimum o/s | 208 | - |
| Maximum o/s | 208 | - |

| Net Outstanding Debt (£millions) | | |
|---|------|-----|
| | Debt | PFI |
| Minimum capital financing requirement | 282 | 60 |
| Maximum net debt o/s | 113 | - |

| Variable Rate Debt (%age) | |
|----------------------------------|------|
| Maximum limit | 40.0 |
| Maximum amount o/s | 0.0 |

(NB. The maximum limit for fixed rate debt is 100% and cannot therefore be breached.)

| Debt Maturity Profile (%ages) | | | | | |
|--------------------------------------|----------|---------|---------|----------|---------|
| | <12 mths | 1-2 yrs | 2-5 yrs | 5-10 yrs | ≥10 yrs |
| Maximum limit | 40.0 | 40.0 | 50.0 | 75.0 | 100.0 |
| Minimum limit | 0.0 | 0.0 | 0.0 | 0.0 | 40.0 |
| Maximum o/s debt | 0.0 | 1.9 | 3.4 | 8.0 | 86.7 |

BRIGHTON & HOVE CITY
COUNCIL

ANNUAL INVESTMENT
STRATEGY
2013/14

The Annual Investment Strategy 2013/14 was approved by full Council on 28th March 2013.

This version contains proposed changes (*in italics and shaded*) subject to approval by Policy & Resources on 5th December 2013 and by full Council on 12th December 2013

Brighton & Hove City Council
Annual Investment Strategy 2013/14

This Strategy complies with guidance issued by the Secretary of State on investments and sets out the council's policy on investment criteria and counterparties. It should be noted that the minimum criteria set out in this document is only one factor taken into account for the investment of council funds. Other factors, such as Government guarantees and support and information available from the financial press and similar publications will also be taken into account when determining investment decisions. Counterparties that satisfy the minimum criteria are not automatically included on the council's approved investment list.

1 Criteria to be used for creating / managing approved counterparty lists / limits

Each counterparty included on the council's approved lending list must meet the criteria set out below. Without the prior approval of the council, no investment will be made in an instrument that falls outside the list below.

1.1 Capital security

Table 1 sets out the minimum capital security requirements for an investment to be made.

| <u>Table 1 – Minimum capital security requirements</u> | |
|--|--|
| Banks/building societies with a credit rating | the institution must have a minimum short term rating of good credit quality |
| Building societies that do not satisfy the minimum rating criteria above | the society must have an asset base in excess of £5 billion |
| Money market funds / CCLA Public Sector Deposit Fund | the rating of the fund meets the minimum requirement of triple A ('AAA' / Aaa) |
| Debt Management Account Deposit Facility | the deposit is made in accordance with the rules and regulations relating to such investment as issued by the Debt Management Office from time to time |

1.2 Maximum permitted investment by sector

Table 2 sets out the maximum permitted investment for each sector.

| <u>Table 2 – Maximum permitted investment by sector</u> | |
|---|---|
| <u>Sector</u> | <u>%age of total investment portfolio at the time the investment made</u> |
| Banking sector | 100% |
| Building society sector | 75% |
| Local authority sector | 100% |
| Money market funds / CCLA Public Sector Deposit Fund | 100% |
| Debt Management Account Deposit Facility | 50% |
| Maximum amount invested for | 25% (excl funds administered by external |

| <u>Table 2 – Maximum permitted investment by sector</u> | |
|---|---|
| <u>Sector</u> | <u>%age of total investment portfolio at the time the investment made</u> |
| more than 1 year | cash manager) |

1.3 Maximum permitted investment by counterparty

1.3.1 General

With the exception of money market funds, CCLA Public Sector Deposit Fund and the Debt Management Account Deposit Facility no one counterparty may have more than 75% of the relevant sector total at the time the investment is made.

1.3.2 Rated counterparties

Table 3 sets out the exposure limits and maximum periods for deposits based on various credit ratings.

| <u>Table 3 – Exposure limits and maximum periods per counterparty (with rating)</u> | | | | | |
|---|--|---------------------------------|---------------------------------|-------------------------------|--------------------------------|
| | <u>A rating of at least (lowest of Fitch (F) / Moody's (M) / Standard & Poor's (SP))</u> | | | | |
| Short-term rating | F = F1+ M = P-1 SP = A-1+ | F = F1+ M = P-1 SP = A-1+ | F = F1+ M = P-1 SP = A-1+ | F = F1 M = P-1 SP = A-1 | F = F2 M = P-2 SP = A-2 |
| Long-term rating | F = AA+ M = Aa1 SP = AA+ | F = AA- M = Aa3 SP = AA- | F = A M = A2 SP = A | F = A M = A2 SP = A | F = BBB M = Baa SP = BBB |
| Exposure Limit | £20m | £20m | £10m | £10m | £5m |
| Maximum period – fixed deposits | 3 years | 2 years | 1 year | 1 year | 6 months |
| Maximum period – negotiable instruments | 5 years | 5 years | 1 year | 1 year | 6 months |

In addition investment in money market funds and open ended investment companies with a rating of 'triple A' (i.e. AAA / Aaa) is permitted up to a value of £10 million per fund.

The exceptions to table 3 are:

- Financial institutions that have received Government support (i.e. part nationalized banks) are deemed to have the highest rating irrespective of the actual rating assigned to them. The limits on the amount advanced and length of investment will be **£25 million** and 1 year respectively.

Where there is a significant or sudden deterioration in one or more of the other ratings (e.g. financial strength, support) allocated to a counterparty, the Director of Finance will undertake a review and, where necessary, suspend the counterparty from the council's approved lending list.

1.3.3 Non-rated counterparties

Table 4 sets out the exposure limits and maximum periods for deposits for counterparties that are not rated.

| <u>Table 4 – Exposure limits and maximum periods per counterparty / fund</u> (with no rating) | | |
|--|-----------------------|-----------------------|
| <u>Counterparty</u> | <u>Exposure Limit</u> | <u>Maximum period</u> |
| Local authority | £10 million | 5 years |
| Non-rated building society with an asset base in excess of £5bn | £5 million | 6 months |
| Debt Management Account Deposit Facility | Unlimited | 6 months |

1.3.4 Cash manager

For the purposes of investments made by the council's external cash manager, the criteria in Table 5 will apply:

| <u>Table 5 – Exposure limits and maximum periods per counterparty</u> (Cash manager) | | |
|---|---|-----------------------|
| <u>Instrument</u> | <u>Exposure Limit</u> | <u>Maximum period</u> |
| Government stock | 100% of Fund | 10 years |
| Supra-national with minimum long-term rating of 'AA-' / Aa3 / AA- | 100% of Fund | 10 years |
| Regulation collective investment schemes | 100% of Fund | n/a |
| Fixed term investments – minimum short-term rating of 'F1 / P-1 / A-1' | 10% of Fund or £2.5m whichever is the greater | 1 year |
| Fixed term investments – minimum long-term rating of 'AA-' / Aa3 / AA- | 10% of Fund or £2.5m whichever is the greater | 5 years |

In addition to Table 5 the maximum average duration of the fund managed by the cash manager shall not exceed 4 years. All instruments used by the cash manager with a maturity of 3 months or more shall be negotiable.

1.4 Investment classification (regulatory)

The investment guidance issued by the Secretary of State requires the council to identify investments as either 'specified' or 'non-specified'. Table 6 sets out the requirements for each type.

| <u>Table 6 – Investment classification</u> | | |
|--|---------------------|----------------------|
| <u>Requirement</u> | <u>Specified</u> | <u>Non-specified</u> |
| Currency | Must be in Sterling | Any currency |
| Maturity period | Up to 12 months | Over 12 months |

| | | |
|--------------|--|-------|
| Credit worth | Counterparty with high credit rating or UK government or local authority | Other |
|--------------|--|-------|

All investments made by the council are denominated in Sterling and are made only in counterparties as set out in paragraph 1.3 above.

The maximum amount invested in non-specified investments will be 50% of the total value of investments. The use of non-specified investments is limited to:

- (a) investment in non-rated building societies with an asset base in excess of £5bn, or
- (b) investment for longer than 12 months in counterparties that meet the minimum long-term rating detailed in Tables 3 and 5 above.

2 Approved methodology for changing limits and adding / removing counterparties

A counterparty shall be removed from the council's list where a change in their credit rating results in a failure to meet the criteria set out above.

A new counterparty may only be added to the list with the written prior approval of the Director of Finance and only where the counterparty meets the minimum criteria set out above.

A counterparty's exposure limit will be reviewed (and changed where necessary) following notification of a change in that counterparty's credit rating or a view expressed by the credit rating agency warrants a change.

A counterparty's exposure limit will also be reviewed where information contained in the financial press or other similar publications indicates a possible worsening in credit worth of a counterparty. The review may lead to the suspension of a counterparty where it is considered appropriate to do so by the Director of Finance.

3 Full individual listings of counterparties and counterparty limits

For *2013/14, with the exception of the list of high quality AA rated Non-UK banks within AAA rated countries specified below*, investment by the in-house treasury team will be restricted financial institutions incorporated within the UK and regulated by the Financial Services Authority.

The in-house treasury team are able to invest in the following Non-UK banks:

- *Toronto Dominion (Canada)*
- *Nordea (Finland)*
- *RABOBANK (Netherlands)*
- *Commonwealth Bank of Australia*
- *National Australia Bank*

A full list of counterparties in which the council will invest surplus funds, together with limits and maximum investment periods is contained in Schedule 1 to this AIS.

There is no pre-determined list for investments made by the cash manager but all counterparties must meet the minimum criteria as set out in Table 5 above.

4 Details of credit rating agencies' services

Credit ratings will be based on those issued periodically by the Fitch Ratings Group, Moody's and Standard & Poor's.

5 Permitted types of investment instrument

All investments must be denominated in Sterling.

The in-house treasury team may invest in fixed term and variable term cash deposits, money market funds and open ended investment companies. The in-house treasury team may only invest in negotiable instruments **(including Certificates of Deposit and Enhanced Cash Funds)** where to do so offers additional value in terms of investment return and appropriate and supporting advice has been sought from the council's external treasury advisors on the suitability of such an investment.

The cash manager may invest in government stock, supranational institutions, regulation collective investment funds and fixed term instruments. All investments with a maturity of 3 months or more shall be negotiable.

6 Investment risk

6.1 Assessment of credit risk

Whilst the AIS relies primarily on the application of credit ratings to provide a pool of appropriate counterparties for the in-house treasury team to use, additional operational market information will be applied before making any specific investment decision from the agreed pool of counterparties. This additional market information (for example Credit Default Swaps, negative rating watches/outlooks) will be applied to compare the relative security of differing investment counterparties.

6.2 Investment risk matrix

The benchmark risk factor for 2013/14 is recommended at 0.05%, the same as 2012/13. This benchmark is a simple target (not limit) to measure investment risk and so may be breached from time to time, depending on movements in interest rates and counterparty criteria. The purpose of the benchmark is that the in-house treasury team will monitor the current and trend position and amend the operational strategy depending on any changes. Any breach of the benchmarks will be reported with supporting reasons in the mid year or end of year review.

6.3 Investment advisors

The council appoints treasury advisors through a regular competitive tendering process. One of the services provided by Sector is the provision of updated credit ratings and “watches” issued by the three rating agencies. In addition Sector are proactive in providing additional market information as set out in paragraph 6.1 above.

6.4 Investment training

The council’s advisors have a wide ranging programme of training giving council officers access to seminars and printed material. The council’s in-house treasury team is experienced in dealing with investments but where necessary further training and updates will be provided. Appropriate training will be made available to all Members who are involved in the treasury management decision-making process.

6.5 Investment of money borrowed in advance

The Council has the flexibility to borrow funds in advance of need (i.e. to fund future debt maturities). The Director of Finance may do this where, for instance, a sharp rise in interest rates is expected, and so borrowing early at fixed interest rates will be economically beneficial over the life of the loan or meet budgetary constraints.

Borrowing in advance will be made within the constraints set out in the treasury management strategy. The risks associated with such borrowing activity will be subject to appraisal in advance and subsequent reporting through the mid-year or end of year reviews.

6.6 Investment liquidity

Liquidity is achieved by limiting the maximum period for investment and by investing to dates where cash flow demands are known or forecast.

7 Ethical investment statement

The council has approved the following ethical investment statement that will apply to all cash investments made by, or on behalf of, the council

“Brighton & Hove City Council, in making investments through its treasury management function, fully supports the ethos of socially responsible investments. We will actively seek to communicate this support to those institutions we invest in as well as those we are considering investing in by:

- *encouraging those institutions to adopt and publicise policies on socially responsible investments;*
- *requesting those institutions to apply council deposits in a socially responsible manner.”*

Counterparties shall be advised of the above statement each and every time a deposit is placed with them.

8 Glossary

Long-term – period in excess of 12 months

Negotiable instrument – an investment where the council can receive back the amount invested earlier than originally agreed (subject to conditions)

Non-specified investment – see Table 6 above

Short-term – period up to and including 12 months

Specified investment – see Table 6 above

Supra-national – an organisation that encompasses more than one nation, such as the World Bank

Brighton & Hove City Council

Banks and Other Institutions
Annual Investment Strategy 2013/14
In-house Treasury Team

| <u>Counterparty</u> | <u>Specified/ Non- specified¹</u> | <u>Short-term</u> <u>F = Fitch</u> | | | <u>Long-term</u> <u>F = Fitch</u> | | | <u>Max amou nt</u> | <u>Max period – fixed deposits</u> |
|--|--|---------------------------------------|-------------|------------------------------|--------------------------------------|-------------|------------------------------|----------------------------|--|
| | | <u>M = Moody's</u> | <u>SP =</u> | <u>Standard & Poor's</u> | <u>M = Moody's</u> | <u>SP =</u> | <u>Standard & Poor's</u> | | |
| | | F | M | SP | F | M | SP | | |
| Bank of Scotland / Lloyds TSB Bank | Specified | F1 | P-1 | A-1 | A | A2 | A | £25m | 1 year |
| Barclays Bank plc | Specified | F1 | P-1 | A-1 | A | A2 | A | £10m | 1 year |
| Close Brothers | Specified | F1 | P-2 | | A | A3 | | £5m | 6 months |
| Clydesdale Bank | Specified | F1 | P-2 | A-2 | A | Baa2 | BBB+ | £5m | 6 months |
| Crown Agents Bank Ltd | Specified | F2 | | | BBB+ | | | £5m | 6 months |
| HSBC Bank plc | Specified | F1+ | P-1 | A-1+ | AA- | Aa3 | AA- | £20m | 2 years |
| National Westminster Bank / Royal Bank of Scotland | Specified | F1 | P-2 | A-2 | A | A3 | A- | £25m | 1 year |
| NM Rothschild & Sons | Specified | F2 | | | BBB+ | | | £5m | 6 months |
| Virgin Money plc | Specified | F3 | | A-2 | BBB | | BBB+ | £5m | 6 months |
| Santander UK plc | Specified | F1 | P-1 | A-1 | A | A2 | A | £10m | 1 year |
| Schroders plc | Specified | F1 | | A-1 | A+ | | A+ | £10m | 1 year |
| Standard Chartered Bank | Specified | F1+ | P-1 | A-1+ | AA- | A1 | AA- | £20m | 2 years |
| <u>BUILDING SOCIETIES</u> | | | | | | | | | |
| <u>(+)</u> | | | | | | | | | |
| Coventry (3) | Specified | F1 | P-2 | | A | A3 | | £5m | 6 months |
| Leeds (5) | Specified | F2 | P-2 | | A-1 | A3 | | £5m | 6 months |
| Nationwide (1) | Specified | F1 | P-1 | A-1 | A | A2 | A | £10m | 1 year |
| Principality (6) | Specified | F2 | NP | | BBB+ | Ba1 | | £5m | 6 months |
| Skipton (4) | Specified | F3 | NP | | BBB- | Ba1 | | £5m | 6 months |
| Yorkshire (2) | Specified | F2 | P-2 | | BBB+ | Baa2 | | £5m | 6 months |
| <u>NON-UK BANKS</u> | | | | | | | | | |
| Toronto Dominion (Canada) | Specified | F1+ | P-1 | A-1+ | AA- | Aa3 | AA- | £20m | 1 year |
| Nordea bank (Finland) | Specified | F1+ | P-1 | A-1+ | AA- | Aa3 | AA- | £20m | 1 year |
| Rabobank Group (Netherlands) | Specified | F1+ | P-1 | A-1+ | AA | Aa2 | AA- | £20m | 1 year |
| Commonwealth Bank of Australia | Specified | F1+ | P-1 | A-1+ | AA- | Aa2 | AA- | £20m | 1 year |
| National Australia Bank Ltd | Specified | F1+ | P-1 | A-1+ | AA- | Aa2 | AA- | £20m | 1 year |
| <u>OTHER</u> | | | | | | | | | |
| Other Local Authorities (per Authority) | Specified | | | | | | | £10m | 5 year |
| Debt Management Acc Deposit Facility | Specified | | | | | | | Unltd. | 6 months |

Appendix 3

| | | | | | | | | | |
|-----------------------------------|-----------|--|--|--|--|--|--|------|--------|
| Enhanced Cash Funds (Per fund) | Specified | | | | | | | £10m | Liquid |
| Money market funds (per fund) | Specified | | | | | | | £10m | Liquid |

(*) Ratings as advised by Sector November 2013

(+) UK Building Societies ranking based on Total Asset size – Source: Sector November 2013

¹ distinction is a requirement under the investment regulations

Some minor changes have been made to Counterparty Credit Limits and Maximum lending periods due changes in credit ratings since the last release, and to ensure consistency with the lending criteria set out in Table 5.

| | | | |
|--------------------------|--|--|---------------------|
| Subject: | Response to the Publicly Accessible Toilets Scrutiny Panel Recommendations | | |
| Date of Meeting: | Council 12th December 2013 Policy & Resources Committee - 5 th December 2013 | | |
| Report of: | Executive Director Environment, Development & Housing | | |
| Contact Officer: | Name: | Jan Jonker | Tel: 29-4722 |
| | Email: | jan.jonker@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

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

- 1.1 This reports sets out the response to the recommendations of the Scrutiny Panel on Publicly Accessible Toilets.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the evidence, findings and recommendations of the Scrutiny Panel on publicly accessible toilets.
- 2.2 That the committee agrees the actions and comments summarised in Appendix 1 to this report, in response to the Panels recommendations.
- 2.3 That the committee forward its response to Full Council for information

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In September 2012 a request to scrutinise public toilet provision in Brighton & Hove was endorsed by the Overview and Scrutiny Committee in response to the budget debate around this service and acknowledging of the importance of accessible toilets, in particular for people with health conditions, older people, children and visitors to the city.
- 3.2 The scrutiny panel considered how to maintain or expand provision of publicly accessible toilets when public funds for the service are likely to reduce. The recommendations from the committee aimed to deliver the following outcomes:
- Managing the service and the assets the council owns more effectively
 - Looking to the community and businesses in the city to open up their toilets to the public
 - Ensuring publicly accessible toilets continue to meet the needs of their users.

3.3 The scrutiny report (Appendix 2) sets out the scrutiny process, summarises evidence, findings and recommendations.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 The scrutiny panel heard evidence from five groups who particularly depend upon publicly accessible toilets as detailed in the report attached as Appendix 2. These groups will be engaged as part of the development of the action plan recommended by the scrutiny panel. Consultation will take place with other stakeholders including relevant representatives from the business sector.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications associated with the recommendations in this report. The financial implications associated with carrying out the actions recommended by the Scrutiny Panel will be reported at a future committee meeting.

Finance Officer Consulted: Steven Bedford Date: 25/10/13

Legal Implications:

5.2 There are no legal implications arising from the recommendations in the report. Any equalities or other legal implications will be assessed as part of the review of the proposed action plan.

Lawyer Consulted: Elizabeth Culbert Date: 29/10/ 2013

Equalities Implications:

5.3 The scrutiny process has identified the importance of a high standard of accessible toilet provision, particularly to certain groups within the community. Reducing the availability of accessible toilets can have a significant impact on the quality of life of people and the proposed Action Plan will be subject to an Equalities Impact Assessment.

Sustainability Implications:

5.4 There are no sustainability implications for this report. Sustainability implications of future toilet provision will be considered as part of the Action Plan.

Crime & Disorder Implications:

5.5 Public toilets are prone to anti-social behaviour. Preventing anti-social behaviour will be a key consideration in the Action Plan.

Risk and Opportunity Management Implications:

5.6 The scrutiny process has identified a number of risks to the future provision of public toilets which relate mainly to the ongoing revenue and capital costs.

Opportunities to minimise these risks will be explored as part of the production of the Action Plan.

Public Health Implications:

- 5.7 The provision of accessible public toilets is particularly important for elderly people and people with some disabilities or medical conditions. Insufficient provision of toilets can significantly hamper their ability to get around the city. These factors will be considered in developing the Action Plan and as part of the Equalities Impact Assessment.

Corporate / Citywide Implications:

- 5.8 Corporate and city wide implications will be considered as part of the Action Plan.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The scrutiny process identified a number of options to be explored in relation to the future provision of public toilets. These will be considered and evaluated as part of the development of the Action Plan.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations have been developed by the scrutiny panel considering the future provision of public toilets.

SUPPORTING DOCUMENTATION

Appendices:

1. Officer Response to Scrutiny Recommendations
2. Report of the Scrutiny Panel on Publicly Accessible Toilets.

Appendix 1 – Response to the Publicly Accessible Toilets Scrutiny Panel Recommendations

| No | Recommendation | Response |
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| 1 | <p>The panel recommends that Brighton & Hove City Council develops an action plan for publicly accessible toilets in the city. This plan should be led by Cityclean, but draw on contributions from services such as Property & Design, Licensing and Planning where appropriate. While the plan is held by the council it will also be a partnership document which sets out how they will work with public sector partners, the community and businesses to maintain the capacity of this service. The action plan would cover both toilets owned directly by the council and other facilities which are publicly accessible, such as those in our Use Our Loos scheme. The action plan would come under the oversight of the Assistant Chief Executive, to ensure that all the relevant council services contribute to this plan.</p> | <p>Recommendation Accepted</p> <p>The provision of public toilets will continue to face budget pressures. The scrutiny has identified that the current provision in the city is good with the council topping the national awards for provision of public toilets. It has also identified the importance of good provision to residents and visitors to the city.</p> <p>The challenge is how to maintain provision, improve or change the provision through engagement with the business community, in particular the hospitality, tourism and health sectors. The question has been asked if/how provision can be extended, in particular in relation to the night time economy.</p> <p>The Action Plan will review the current provision of public toilets and as far as possible identify the resources required to retain provision and alternative ways of providing in future. The Action Plan needs to be flexible as any recommendations accepted in principle are subject to future challenge under the ongoing strategic review of our property assets and services.</p> <p>The scrutiny has identified a number of alternative options for future provision. The feasibility of these will be tested as part of the action plan which will inform if and how they can help reduce the pressure on the service in future.</p> |

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| 2 | <p>The panel recommends that this action plan contains, or is based upon a business plan for the toilets which are directly owned by the council. This business plan would need to:</p> <ul style="list-style-type: none"> • Clarify what revenue and capital expenditure is required per toilet for the next 15 years. This should cover as a minimum the cost of management and day-to-day maintenance (including responsive maintenance and cleaning) and future planned maintenance. This should include in-house costs and contractor costs. This would enable the council to identify the most cost-effective way of managing these assets. • Clarify what was the cost of providing publicly accessible toilets in 2012/13, including both the capital and revenue expenditure and which service, and budget heading, is responsible for each key aspect of the service. • Ensure a stock condition survey is carried out by Property & Design of all the toilets directly owned by the council to identify a plan of future maintenance. <p>The information in the action plan would inform the strategic, and budget, decisions about publicly accessible toilets. It would enable decisions to be made in relevant areas such as:</p> <ul style="list-style-type: none"> • Investment | <p>The time-scale for the completion of the action plan is June 2014.</p> <p>Recommendation Accepted in Principle</p> <p>Accurately projecting revenue and capital costs for the provision of public toilets for the next 15 years will be difficult. The main revenue costs are the servicing of the toilets by Wettons and utility costs. The Wettons contract will be re-tendered in 2017 and future costs will not be known until this exercise has been completed.</p> <p>The action plan will however inform the procurement process to ensure that as far as possible it meets the future needs of the service. The procurement process will encourage alternative models of service provision which have investment and income related outcomes to minimise the cost to the authority.</p> <p>Many of the council's public toilets are in old buildings which will require substantial investment if they are all to be retained for the next 15 years. The council's asset management plan & corporate property and building maintenance strategy sets out the process and priorities through which properties are reviewed and challenged to ensure they are fit for purpose . The property performance of operational buildings is evaluated on a decision matrix to identify properties for disposal, in poor condition requiring significant investment, unsuitable for current use and alternative/ change of use options. A high level stock condition survey is to be carried out on all the toilets owned directly by the council to assess their property performance and identify which buildings are fit for purpose and those requiring substantial investment. This will inform the future strategic and budget decisions about public toilets.</p> |
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| | <ul style="list-style-type: none"> • Disposal of sites • Change of use • Alternative means of provision. | |
| <p>3</p> | <p>The panel recommends that this action plan includes a statement of the council's commitment to enabling public access to toilets in its own properties.</p> <p>The panel believes that providing public access to the toilets in its own buildings should be the default position, where practicable and safe. So the suitability of providing public access to toilets should be assessed when the council either renovates an existing building or opens a new building. Where it is not possible to provide public access in a council building, a clear explanation of the reasons should be incorporated into the action plan.</p> <p>Where toilets in council buildings are publicly accessible, the panel believe that it is important that they are clearly signposted and advertised so that the public are aware that they can use these facilities (see p45).</p> | <p>As the council's current Wettons contract is a day to day management contract it does not support the long term maintenance of the council's public toilets stock.</p> <p>Where public toilets are located in main administrative buildings, libraries and the like, the buildings are covered by the council's planned maintenance programmes of work, prioritised through the corporate property objectives and building maintenance strategy. These look at the council's core operational buildings, those that contain the priority service functions, ensure maximum return, require minimum maintenance and have a large public footfall.</p> <p>It must be recognised that public toilets fall within the non-core service operational category:- an asset to be in a condition to meet minimum and statutory requirements.</p> <p>Where public toilets are located within the council's main office buildings it will look to support this provision where practicable and safe and this will be assessed on a case by case basis when these buildings are being refurbished and/ or extended. Provision where possible will review relevant signage, as part of the overall building business case which will focus on the significant costs associated with statutory compliance, health & safety, security issues and other relevant impacts on costs.</p> |

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| | | In a climate of acute financial constraints it is necessary for the council to look at its service priorities as a whole and to consider alternative public toilet provision through partnership investment, regeneration sites and local planning requirements. |
| 4 | The panel welcomes the intention of Cityclean to refocus the Use our Loos scheme in order to link it to the Can't Wait Card. The panel agrees with the service's plan to start by exploring the possibility of re-launching this scheme in partnership with GPs surgeries, then work to spread this scheme out across other suitable outlets in the city | <p>Recommendation Accepted</p> <p>The Council has been running the Use our Loo scheme for several years. It currently has 21 businesses and organisations taking part in the scheme. In 2012 a concerted effort was made to increase the number of businesses taking part in the scheme, however, the level of interest was low.</p> <p>The scrutiny panel heard evidence from small businesses explaining some of the issues that prevent them from joining the scheme.</p> <p>Officers will consult with colleagues in Public Health to explore use of the 'Can't Wait Card' to allow people access to their toilets as well as looking at other outlets.</p> |
| 5 | The panel recommends that effective consultation is carried out with service users before building new toilets. This is especially true when building toilet provision for people with disabilities, for example to ensure that the location and type of toilet will meet their needs | <p>Recommendation Accepted</p> <p>All new toilets will be wheelchair accessible and officers will work with stakeholders such as the Federation for Independent Living when designing new facilities.</p> |
| 6 | The panel recognised the importance of the Changing Places provision to provide toilets for those with profound | <p>Recommendation Accepted in Principle</p> <p>The panel recognises the importance of changing places toilets for</p> |

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| | <p>and multiple disabilities. They recognise that the council is not likely to be able to provide any more Changing Places toilets itself, since they have built one of these toilets and are currently building another. So the panel would like to see Changing Places toilets, or other kinds of wheelchair accessible toilets, included where possible in private developments. The council should work with work with partners such as Network Rail to identify further funding opportunities to develop these kinds of provision. Examples include European Funds, organisational funds related to Corporate Responsibility and the City Plan. The aim should be, where possible, to situate such toilets in high use areas such as Churchill Square and railway stations.</p> | <p>people with profound and multiple disabilities. Installing these facilities is costly, has specific requirements eg in terms of space and need to have an attendant on site to allow access.</p> <p>As part of the action plan opportunities for funding will be explored and potential partners approached regarding the possibility of installing more Changing Places facilities.</p> <p>In the current economic climate funding opportunities for Changing Places facilities are likely to be limited.</p> |
| 7 | <p>The panel felt that evidence submitted to them highlighted a number of reasons why small businesses in the city, such as independent retail outlets, are not likely to be suitable for inclusion in the Use our Loos scheme.</p> <p>However the panel feel that it was important to explore whether other businesses, such as cafes and pubs, could be encouraged called upon to contribute to publicly accessible toilet provision</p> | <p>Recommendation Accepted</p> <p>Please refer to response to Action 4 above. Officers have actively tried to recruit businesses including cafes and pubs to the Use Our Loo Scheme but many of them are reluctant for a range of reasons which have come to light as part of the scrutiny. Based on discussions with businesses in the hospitality sector they wish to retain their toilets for the exclusive use of their customers.</p> <p>Officers will explore use of the ‘Cant Wait’ card to allow holders access to toilets in GP surgeries and other buildings (Action 4). Other businesses will continue to be encouraged to join the scheme although uptake is expected to be low.</p> |
| 8 | <p>Evidence to the panel demonstrated the impact of the night time economy and the potentially unmet needs that arise from it in relation to toilets. The panel understood why</p> | <p>Recommendation Agreed in Principle but implementation dependent on decision to implement levy by full Council and prioritisation of limited resources should it be implemented.</p> |

traditional publicly accessible toilets were not open 24 hours, for reasons of cost and vulnerability to anti-social behaviour (ASB).

However the action plan should consider what kind of provision is needed after public toilets close and the ways of securing funding for this. Innovative ways of meeting the need could include temporary toilets or 'pissiors' The council should meet with the hospitality and retail sectors to explore if there are any means to grow night time provision. It is also crucial for the council, particularly Regulatory Services, to liaise with the police to assess the potential of the Late Night Levy

The decision to introduce the levy is for the full Council of the licensing authority to make. The licensing authority is expected to consider the need for a levy with the chief officer of police and police and crime commissioner ("PCC") for the police area in which it is proposed the levy will be introduced. When considering whether to introduce a levy, licensing authorities should note that any financial risk rests at a local level and should be fully considered prior to implementation. The levy may not generate enough revenue to make it cost effective to collect as a viable option. The Council as licensing authority can deduct the costs it incurs in connection with the introduction or variation, administration, collection and enforcement of the levy, prior to the levy revenue being apportioned. Before formal consultation the licensing authority should discuss the need for a levy with the relevant PCC and the relevant chief officer of police. The net levy revenue must be split between the licensing authority and the relevant PCC. The licensing authority must pay at least 70 per cent of the net levy revenue to the police. There are no restrictions on what the PCC's portion of the levy revenue can be spent on, in line with standard practice on the allocation of police funds. The Home Office recommends that the PCC should consider allocating the funds raised from the levy back to local commanders to allow the revenue to be spent on tackling alcohol-related crime and disorder in the area in which the levy was raised. The licensing authority will be able to retain up to 30 per cent of the net levy revenue to fund services it provides to tackle late night alcohol-related crime and disorder and services connected to the management of the night-time economy. Specifically, these activities must have regard to the connection with the supply of alcohol during the late night supply

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| | | <p>period and related to arrangements for:</p> <ul style="list-style-type: none"> • the reduction of crime and disorder; • the promotion of public safety; • the reduction or prevention of public nuisance; or • the cleaning of any relevant highway or relevant land in the local authority area. <p>Identified local priorities include taxi marshalling and “Safe Space”. There would be competing priorities for limited funds, if the decision was made to introduce.</p> |
| 9 | <p>The panel recommend that the City Plan is updated to include a statement of priority regarding publicly accessible toilet provision. This is seen by the panel as a key means of securing new provision of this service. The City Plan could specifically outline the expectation that appropriate developments, such as large tourist developments or supermarkets, enable general public access to their customer toilets. This would not be additional provision, but designing the toilets which were already built so that they are publicly accessible</p> | <p>Recommendation Accepted in Principle</p> <p>A policy on the provision of public toilets will be considered for Part 2 of the City Plan work on which will commence towards the end of 2013.</p> <p>It may be more appropriate to include requirements for public toilet provision in development briefs for a specific location and scale of development.</p> |
| 10 | <p>The panel was pleased that the council had succeeded in leasing a number of park cafes to include either new toilet provision within the café building or to incorporate existing adjoining public toilets into the lease. This then releases funds to be used elsewhere on the toilet service. The panel recommends that the action plan sets out the intention of the council to work towards a situation where all park cafes take on the responsibility for the toilets, where this is practicable and would not jeopardise the leasing of the café</p> | <p>Recommendation Accepted</p> <p>Including the requirement to provide toilets in café leases is a cost effective way to maintain provision. This has been successfully achieved in Park, Wild Park, Aldrington Recreation Ground</p> <p>Locations will be assessed for suitability :- whether it is technically possible ie access to drainage or nearby sewers , footfall, the café opening times and the proximity of the toilets to the café. The</p> |

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| | | option will be evaluated for all sites as and when leases come up for renewal or when options for renegotiation arise. |
| 11 | The panel welcomed the toilet provision that was to be secured by the Community Interest Company, in the renovation of the Open Market, and expects other innovative, partnership solutions to be sought by the council to either improve, or increase, toilet provision in the city. Any programme of such schemes should be included in the action plan | <p>Recommendation Accepted in Principle</p> <p>Implementation of this recommendation is subject to incorporation of a new policy in the City Plan (see 9 above). Until or unless such a policy is in place implementation will be subject to voluntary co-operation and negotiation at the early design stages.</p> |
| 12 | <p>The panel recognises the importance of providing the best and most up-to- date information on the publicly accessible toilets in Brighton & Hove. The panel would like to see resources allocated for providing local data on this service to facilitate the collation of national or international online information. In addition, enabling VisitBrighton and other services to provide up to date information on this service to tourists and residents in a range of formats (for example social media, websites, apps and printed material if practicable).</p> <p>The panel also recommend that the signage to, and at, toilets is as clear as possible, while at the same time recognising the need to reduce street clutter and utilise existing ‘finger signage’</p> | <p>Recommendation Accepted</p> <p>There is a significant amount of information already available regarding toilet provision in the city:</p> <ul style="list-style-type: none"> • A list of facilities with opening times is available on line • There is a mobile phone app which holds a national database of public toilets includes facilities in BHCC and is regularly updated • Location maps in central parts of the city include toilet locations • On the sea-front ‘tear drop’ flags are used to highlight toilet locations, particularly on busy days. • Many pedestrian directional signs (including in parks) already contain information about toilet locations <p>Further work will be undertaken with partners including VisitBrighton to promote the locations of public toilets.</p> |
| 13 | The panel suggest that the council assesses the practicability of charging for toilets, either across the whole city or identifying any sites where it would be possible and/or | <p>Recommendation Accepted</p> <p>The council previously charged for toilets at the bottom of West</p> |

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| | <p>worthwhile. This could involve examining areas such as the seafront or Pavilion Gardens where this model could work, rather than just individual sites as this may not prove effective. The assessment could be then be referred to when building new sites or renovating existing sites so that the necessary equipment could be fitted, if it was financially viable</p> | <p>Street on the sea front. A second attendant was required to collect the monies and the cost exceeded the income.</p> <p>Automated payment entry systems are now becoming more common, for example at stations. Their use is dependent on there being enough room to install them and ensuring the toilets remain accessible for wheelchairs and buggies. They do require an attendant for these reasons and are only cost effective at busy sites.</p> <p>Many of the councils current facilities would be physically unsuitable for the installation of payment barriers or require extensive modification.</p> <p>New toilets are being installed under the arches by the West Pier and the feasibility of and business case for installing charging mechanisms will be considered along with other sea front toilets and Pavilion Gardens.</p> |
| 14 | <p>The panel were impressed by the work of the BHLINK Toilet user group and hope that this kind of consultation with service users can remain under Healthwatch.</p> | <p>Recommendation Accepted</p> <p>Council officers work closely with stakeholders including BHLINK who provide valuable information</p> |

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| Subject: | Report of the Scrutiny Panel on Publicly Accessible Toilets | | |
| Date of Meeting: | 15th July 2013 | | |
| Report of: | Head of Law/Monitoring Officer | | |
| Contact Officer: | Name: | Karen Amsden | Tel: 29-1084 |
| | Email: | Karen.amsden@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 In 2013 a scrutiny panel was established to investigate the provision of publicly accessible toilets in the city. These 81 toilets consist of:

- 44 traditional council owned toilets
- 18 toilets in libraries, museums and leisure centres
- 19 toilets in the 'Use our Loo' community scheme

1.2 However this service is vulnerable in times of reducing resources because the provision and maintenance of toilets in public places is at the discretion of local authorities. Under section 87 of the Public Health Act (PHA) 1936, councils have the power to provide public conveniences, but no duty to do so.

1.3 There has been considerable debate regarding the future provision of public toilets during the budget setting process for a number of years. Therefore the key focus of this panel has been to consider the range of ways to bring into use, or keep, publicly accessible toilets.

1.4 The scrutiny panel report, including recommendations for making improvements in services directed to the city council and key local partners, is included as **Appendix 1** to this report.

2. RECOMMENDATIONS:

2.1 That Overview & Scrutiny Committee members endorse the scrutiny panel report and recommendations (**Appendix 1**) and refer it for consideration to the relevant decision-making bodies.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In Summer 2012 Cllr Pete West asked for the issue to be considered as part of the annual consultation on potential scrutiny topics. He felt that because of the need for public access to toilets, at a time of dwindling resources, a scrutiny review could take ‘...a *strategic approach across all sectors*’ to make the case for a publicly accessible toilet strategy for Brighton & Hove.
- 3.2 The panel agreed that the Terms of Reference for the panel was to consider:
- The future of the service
 - Future funding
 - Types of provision
 - Improving general access to the service
 - Improving access to this service for particular need groups
- 3.3 The panel gathered evidence on how important this service is for the following reasons:
- Environmental health reasons
 - Enabling those who need to visit toilets more frequently (e.g. families with young children; some older people; pregnant women and people with medical conditions and disabilities) to move around freely
 - Enabling residents, tourists and other visitors to enjoy the city and contribute to its economy

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 It was very important to the panel to hear from groups in the community which particularly depend upon publicly accessible toilets. Therefore a whole public meeting of the panel was held to hear evidence from people representing the following groups:
- **Mencap:** representing the Changing Places campaign for toilets to be sited which are suitable for people who needed a toilet which was provided with an adjustable bench and had sufficient space for both the person with disabilities and their carer(s)
 - **Parent Carers Council (PaCC):** on the experience of being a parent of a child with disabilities and using wheelchair accessible toilets in Brighton & Hove
 - **The Fed Centre for Independent Living:** on their views on the provision of wheelchair accessible toilets in the city
 - **Crohn’s and Colitis UK, Brighton & West Sussex Group:** on how their condition impacts upon their need for publicly accessible toilets
 - **BHLink:** representing the views of the BHLink Toilet Users Group
- 4.2 In addition the panel received written evidence from individual residents, councillors in city centre wards, Crohn’s and Colitis UK, Brighton & West Sussex Group and the BHLink Toilet User Group.
- 4.3 The scrutiny officer supporting the panel also attended two meetings of the BHLink Toilet User Group to canvass the views of service users.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The financial implications from the reports recommendations will be highlighted when reported through to Policy and Resources Committee.

Finance Officer Consulted: Anne Silley

Date: 03/07/13

Legal Implications:

- 5.2 In accordance with the Overview & Scrutiny Procedure Rules, once OSC has agreed the Panel's recommendations it will prepare a report and submit it to the Chief Executive for consideration at the relevant policy committee.

Lawyer Consulted: Oliver Dixon

Date: 03/07/13

Equalities Implications:

- 5.3 An EIA has been undertaken in relation to the work of the scrutiny panel and the panel consulted with representatives of a number of key groups in relation to this service through the review process (see 4.1).

Sustainability Implications:

- 5.4 None identified

Crime & Disorder Implications:

- 5.5 None directly, but this service is affected by issues relating to Anti-Social Behaviour.

Risk and Opportunity Management Implications:

- 5.6 None specifically identified.

Public Health Implications:

- 5.7 The potential reduction in the provision of publicly accessible toilets could have a negative impact on the health and wellbeing of groups, including:

- Pregnant women
- Older people
- BME communities
- People living with disabilities

Corporate / Citywide Implications:

- 5.8 The scrutiny panel makes recommendations which seek to meet two of the council's corporate priorities: Priority 1- Tackling Inequality (improving health and well-being) and Priority 2 – Creating a more sustainable city. The panel

recommendations also relate to the council's City Plan, Seafront Strategy and Tourism Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The scrutiny panel made its recommendations on the options to address the issues raised which 1) they agreed upon; 2) would prove the most practicable to implement and 3) have the most impact on addressing the issues raised in relation to publicly accessible toilet provision.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The scrutiny panel report makes recommendations which seek to plan for the future provision of publicly accessible toilets. If agreed, the recommendation of this cover report will ensure that the scrutiny panel recommendations are considered by the appropriate decision making bodies.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of the Scrutiny Panel on Publicly Accessible Toilets

Background Documents

1. Volume 2: minutes and evidence gathered by the panel, available on-line following the publication of the scrutiny panel report

Council12th December 2013**Agenda Item 58**

Brighton & Hove City Council

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| Subject: | Review of Members' Allowances – Report of the Independent Remuneration Panel | | |
| Date of Meeting: | Council 12th December 2013 Policy & Resources Committee - 5 th December 2013 | | |
| Report of: | Head of Law | | |
| Contact Officer: | Name: Mark Wall | Tel: 29-1006 | |
| | E-mail: mark.wall@brighton-hove.gcsx.gov.uk | | |
| Wards Affected: | All | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The current Members Allowances Scheme was approved in April 2012 following the decision to adopt a new committee system. Since then, the Independent Remuneration Panel has been reappointed following the previous Panel members completing their terms of office. The new Panel held its first meeting in July and decided that it should meet with the Leaders of the Groups and other Members in September, before deciding on the need and extent of any review of the allowances scheme.
- 1.2 The Panel met each of the Group Leaders, Chairs & Deputy Chairs of Committees, Opposition Spokespersons and Backbenchers in September and has taken on board the comments received. In so doing, the Panel has concluded that a full review of the Members Allowances Scheme should be conducted over the next 10 months, with a view to reporting to the Council in October 2014. The expectation being that a revised scheme would be recommended for adoption with effect from May 2015.
- 1.3 The Panel were mindful that there was a need for the Council to approve a scheme for 2014/15 and therefore recommended that the report be submitted to the Council in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003 and that it should take effect from Annual Council in May 2014.

2. RECOMMENDATIONS:

- 2.1 That the Panel's desire to undertake a full review of the Members Allowances Scheme be noted,
- 2.2 That the level of Basic Allowance be increased in line with the recent Public Sector pay award of 1%, thereby increasing it from £11,463 to £11,578 to be effective from the day after the Annual Council Meeting in May 2014;

- 2.3 That the Council be recommended to adopt the existing Members Allowances Scheme for the payment of allowances in 2014/15, subject to 2.2 above, with effect from day after the Annual Council Meeting in May 2014.
- 2.4 That the Chief Executive be authorised to issue the Brighton & Hove Members' Allowances Scheme in accordance with the regulations following council approval;
- 2.5 That the allowance payable to each of the members of the Independent Remuneration Panel be increased by 1% in line with the Public Sector pay award with effect from 1 September 2013, in recognition of the time commitment and the role of the Panel.

3. CONTEXT / BACKGROUND INFORMATION:

- 3.1 Following its meeting with various Members in September, the Panel felt that there was a need to undertake a comprehensive review of the Members Allowances Scheme. Such a review would take some time and therefore the Panel agreed to it should aim to report back to the Policy & Resources Committee and Full Council in October 2014. The intention being that the Council would be able to approve a new scheme to be effective from the Annual Council Meeting in 2015, which would then apply for the duration of the new Council following the local elections in May. It would also provide for the scheme to be agreed by an outgoing council and enable any perspective councillors to be aware of the arrangements that would be in place should they be elected.
- 3.2 Notwithstanding the decision to undertake a full review of the allowances scheme, the Panel noted from the evidence given by Members that the role of a councillor had changed and the time commitment was an important factor. The Panel also noted that support to councillors in terms of child care and dependant care remained a concern and felt that this should be given due consideration as part of their forthcoming review.
- 3.3 The Panel were keen to be able to hear from other Members and to look at the impact of the committee system on their roles and therefore felt that it required more time to review the scheme. However, the Panel felt that it was clear from the evidence received that there was a justification for an increase the Basic Allowance in line with the Public Sector pay award. The Panel were also mindful of the fact that the Basic Allowance had remained at its current level for 3 years.
- 3.4 The Panel received a presentation from Finance Officers in regard to the council's budgetary position and the pressures that it faced and felt that this was another reason why an extensive review was required. They wished to gain a greater understanding of the various roles that attributed a Special Responsibility Allowance as well as how the role of a councillor had changed and whether the basic and dependant care allowances were appropriate for that role.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 In order to revise its Members' Allowances Scheme, the Council is required to have regard to the recommendations of the Independent Remuneration Panel.

4.2 The Panel took the view that in line with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the introduction of the committee system in May 2012, it would undertake a comprehensive review of the Members' Allowances Scheme and make recommendations to the Council on :

- (a) The level of Basic Allowance to be paid to all councillors;
- (b) The responsibilities for which Special Responsibility Allowances (SRA's) should be payable (only one Special Responsibility Allowance is payable per councillor);
- (c) The levels of SRA payable;
- (d) The payment of Travel & Subsistence Allowances and appropriate mileage and subsistence rates payable to councillors undertaking approved council duties;
- (e) The payment of a Co-optee's Allowance;
- (f) The payment of Childcare & Dependant Carer's Allowances, the level of such payments, any upper limits and capping that should apply.

4.3 The Panel will take account of the latest regional and national earnings information in relation to any increase in allowances and will make comparisons with the council's own salary inflation rate, public sector pay awards and comparable authorities.

4.4 When the Panel next review the scheme for Members' allowances, the option of formulating a scheme that covers a longer period of, say, 4 years will be considered. Such a scheme could provide the basis for a basic formula that gets updated annually by reference to the retail prices index or some other benchmarks. This would avoid some of the uncertainty and enable any Councillors standing for elections for the first time, as well as continuing Councillors, clarity in terms of what to expect so far as allowances are concerned.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The Panel has met with the Group Leaders and other Members, including post holders and back benchers and will undertake further consultation during its full review during 2014/15.

5.2 The Panel also put forward its recommendations to the Leaders Group for the changes to the current scheme in May 2014 and its future review.

5.3 The Panel intend to engage and consult with all Members during its next full review in various ways and seek their support to enable the review to be as comprehensive as possible.

6. CONCLUSION

- 6.1 The Panel have recommended an increase to the Basic Allowance with effect from the 2014 municipal year and will be undertaking a full review of the allowances scheme prior to reporting to the Council in October 2014.
- 6.2 The Panel believe that there is a justification for equity in recommending that the Basic Allowance is increased in line with the public sector pay award. The Panel were also mindful that allowances had remained at their current level for the last three years.
- 6.3 The Basic Allowance is paid in recognition of the decision to become a councillor and to help support a councillor to fulfil their role. Having heard from Members of the changes to their roles, the Panel were of the opinion that an increase in the Basic Allowance was justified as this would be across all councillors and was in line with that given to public service officers.
- 6.4 The Panel wish to review both the number and level of Special Responsibility Allowances which it feels are based on pre-dated models and to give consideration to the level and how dependant care allowances are set and paid.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The proposed increase of 1% to the basic allowance plus associated on-costs of the current Members Allowances scheme will cost approximately £10k extra in 2014/15. It is expected that this increase will be covered by the corporate inflationary uplift to the budget for the service in 2014/15, subject to any further adjustments during the budget setting process.
- 7.2 It is proposed that a full review of the Members Allowances scheme be undertaken, reporting back with any recommendations and implications to this Committee and Full Council in October 2014. It is understood that the review will be done in-house, and absorbed within existing workloads.

Finance Officer Consulted: Peter Francis

Date: 05/11/13

Legal Implications:

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

Lawyer Consulted: *Abraham Ghebre-Ghiorghis* *Date: 05/11/13*

Equalities Implications:

- 7.5 The proposed increase to the basic allowance provides an equal benefit to all councillors.
- 7.6 The recommendations explicitly seek to encourage a wider cross-section of the community to become councillors, and reduce the financial disincentives, which deter a broader spectrum of people from serving as councillors.

Sustainability Implications:

- 7.7 There are no sustainability implications arising directly from the report.

Any Other Significant Implications:

- 7.8 There are no other significant implications associated with the report.

SUPPORTING DOCUMENTATION

Appendices:

Proposed Members Allowances Scheme for 2014/15.

Documents in Members' Rooms

None

Background Documents:

(a) Independent Remuneration Panel's Annual Report 2012

(b) Members' Allowances Scheme 2013/14

BRIGHTON & HOVE CITY COUNCIL

MEMBERS' ALLOWANCES SCHEME

The Brighton & Hove City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1. This Scheme may be cited as the Brighton & Hove City Council Members' Allowances Scheme 2014 and shall have effect on and from the day after the Annual Council Meeting held in May 2014 unless stated otherwise.
2. In this Scheme,
 - “the council” means Brighton & Hove City Council;
 - “councillor” means a Member of the Brighton & Hove City Council who is a councillor;
 - “co-opted member” means a member of a committee or sub-committee of the council who is not a member of the authority;
 - “total estimated allowances” means the aggregate of the amounts estimated by the Responsible Finance Officer, at a time when a payment of Basic Allowance or Special Responsibility Allowance is made, to be payable under this Scheme in relation to the relevant year, and for this purpose any election under paragraph 11 shall be disregarded;
 - “year” means the 12 months ending with 31 March.
3. **Basic Allowance**
 - 3.1 Subject to paragraphs 10 and 11, for each year a Basic Allowance of £11,578 shall be paid to each councillor.
4. **Special Responsibility Allowances**
 - 4.1 For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the council that are specified in Schedule 1 to this Scheme. These payments came into effect on and from 18 May 2012 and remain as listed.
 - 4.2 Where a councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or highest of the relevant allowances.
 - 4.3 Subject to paragraph 11 and 12, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
5. **Attendance Allowance**
 - 5.1 No Attendance Allowance shall be payable.

6. Travel, Subsistence and Dependants' Carers Allowances

6.1 Travel, Subsistence and Dependants' Carers' Allowances shall be paid to councillors and co-opted members in accordance with Schedule 2 to the Scheme.

7. Pensions

7.1 All eligible members of the Council may elect to join the Local Government Pension Scheme (LGPS) with effect from the first day of the month following the Council's receipt of the pensions option form.

7.2 Where members elect to join the Scheme, both the Basic Allowance and any Special Responsibility Allowance to which they may be entitled or may become entitled, shall be treated as amounts in respect of which a pension is payable.

7.3 The Local Government Pension Scheme and the Discretionary Compensation (Local Authority Members in England) Regulations 2003 shall apply to Members who elect to join the LGPS.

8. Co-optee's Allowance

8.1 For each year a Co-optee's Allowance shall be paid to the Chairman of the Audit & Standards Committee provided the post is held by an Independent Member.

8.2 For each year a Co-optee's Allowance shall be paid to the Deputy Chairman of the Audit & Standards Committee provided the post is held by an Independent Member.

9. Withholding of allowances

9.1 Where payment of any allowance is due or has already been made in respect of any period during which the member concerned is

(a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000, or regulations made under that Part; or

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period,

the authority may withhold the payment of an allowance for that period or, as the case may be, require that such part of the allowance already paid as relates to any such period be repaid to the authority.

9.2 The term "member" in this paragraph covers both councillors and co-opted members

9.3 Decisions as to the withholding or repayment of allowances under the above provisions shall be taken by the Standards (Local Determinations) Hearing Panel.

10. **Renunciation**

- 10.1 A councillor or a co-opted member may by notice in writing given to the Responsible Finance Officer elect to forego any part of his/her entitlement to an allowance under this Scheme.

11. **Part-Year Entitlement**

- 11.1 Subject to paragraph 11.7, the provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this Scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.

- 11.2 If an amendment to this Scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

- 11.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a Basic Allowance shall be to the payment to such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

- 11.4 Where the Scheme is amended as mentioned in sub-paragraph 11.2, and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph 11.2(a), the entitlement of any such councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.

- 11.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- 11.6 Where this Scheme is amended as mentioned in sub-paragraph 11.2, and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 11.2(a) of that paragraph any special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- 11.7 The provisions of this paragraph, subject to necessary modifications, shall apply to Co-optees' Allowances as if the reference to a "Member" included a co-opted member.

12. Claims and Payments

- 12.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph 11.2, in instalments of one-twelfth of the amount specified in this Scheme on the last day of each month (or the last working day before that day if it is not a working day).
- 12.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 11.6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 12.3 The provisions of this paragraph shall apply to Co-optees' Allowances in the same way as they apply to Basic and Special Responsibility Allowances.

This Scheme was approved by Full Council at its meeting on 12 December 2013 and takes effect from the day after the Annual Council Meeting in May 2014 unless stated otherwise.

SCHEDULE 1

Special Responsibility Allowances

| Responsibility | SRA (£) |
|--|--------------------|
| Leader of the Council | 28,758 |
| Deputy Leader of the Council (x2) | 17,254 |
| Chairs of Committees | |
| Policy & Resources | 10,927 |
| Adult Care & Health | 10,927 |
| Children & Young People | 10,927 |
| Economic Development & Culture | 10,927 |
| Environment & Sustainability | 10,927 |
| Housing | 10,927 |
| Transport | 10,927 |
| Chairs of Regulatory Committees | |
| Planning | 10,927 |
| Licensing (dual role) | 8,626 |
| Audit & Standards | 8,626 |
| Chairs of Overview & Scrutiny Committees | |
| Overview & Scrutiny | 8,626 |
| Health & Wellbeing OSC | 8,626 |
| Deputy Chairs of Committees | |
| Policy & Resources (with responsibility for Finance & Resources) | 8,626 |
| Adult Care & Health | 2,156 |
| Children & Young People | 2,156 |
| Economic Development & Culture | 2,156 |
| Environment & Sustainability | 2,156 |
| Housing | 2,156 |
| Transport | 2,156 |
| Deputy Chairs of Regulatory Committees | |
| Planning | 3,594 |
| Licensing (dual role) | 3,594 |
| Audit & Standards | 2,156 |
| Other positions of additional responsibility | |
| Leader of the Opposition Group | 13,803 |
| Deputy Leader of the Opposition Group (x2 max) | 7,188 |
| Opposition Spokesperson (x4) | 2,156 |
| Leader of the Minority Group | 7,188 |

Note :

- The payment of allowances to the Leadership shall apply as follows:
 - the Leader of the Council and two Deputy Leaders, or
 - The Leader of the Council and one Deputy Leader
- A maximum of two Deputy Leaders of the Opposition have been included in the Members' Allowances Scheme
- The remits and responsibilities of the Chairs of the two Overview & Scrutiny Committees may change without requiring amendment to the Members' Allowances Scheme.
- Where a councillor holds more than one position of Special Responsibility, only one Special Responsibility Allowance shall be paid and this is the higher or the highest of the relevant allowances.

Co-optee's Allowances

Chairman

Independent Chairman of Audit & Standards Committee 4,313

Deputy Chairman

Independent Deputy Chairman of Audit & Standards Committee
(if the post is held by an independent member) 548

Special Responsibility Allowances and Co-optees' Allowances are payable from May 2014.

SCHEDULE 2

Approved Duties

Brighton & Hove City Council specifies the following as approved duties for the purpose of the payment of Travel, Subsistence and Dependants' Carers' Allowances.

1. Attendance at :
 - (a) The council, or any of its committees and sub-committees.
 - (b) The bodies to which the council makes appointments or nominations at either Annual Council or Policy & Resources Committee including any committee or sub-committee of such a body.
 - (c) The following meetings, the holding of which is authorised by the council, or any of its committees or sub-committees, or by any joint committee (or sub-committee thereof) of the council and any other authority, provided that it is a meeting to which councillors of at least two political groups of the council have been invited:
 - i) Meetings of the council's formally established consultative fora and partnerships, scrutiny review panels and select committees.
 - ii) Meetings with outside bodies in pursuit of economic development objectives which have been authorised by the council, or any of its committees or sub-committees.
 - iii) Councillors' tours of the authority's area which have been authorised by the council, or any of its committees or sub-committees.
 - iv) Internal training sessions organised and facilitated by officers of the council for the induction of councillors or for the better performance of their duties and responsibilities or to enable better understanding of the council's functions.
2. The following meetings of associations of authorities of which this authority is a member:

The Local Government Association and its committees
3. Any other duty, or class of duty approved by any committee, or officer of the council acting under delegated powers, such duty or class of duty to be for the purposes of or in connection with the discharge of the functions of the council, or its committees or sub-committees.

Payments in respect of the above approved duties shall be paid in accordance with the following rates:

A. Travel and Subsistence Allowance

Public Transport

Actual standard class rail fares (first class travel will only be reimbursed with prior agreement where councillors have to work on the journey).

Long distance travel undertaken by car will be reimbursed at the rail fare rate where this is a cheaper option.

Councillors purchasing their own rail tickets should provide their receipt or ticket when claiming reimbursement.

For local travel councillors may choose:

Either

- (a) an annual saver ticket valid for Brighton & Hove buses where bus fares would otherwise be payable (bus travel is free for those aged 60 and over travelling after 9.00am and the disabled),

Or

- (b) a combination of reimbursement of cycle mileage and (ticketed) bus travel

Or

- (c) reimbursement of cycle mileage and passes to the Lanes and Hove Town Hall Car Parks

Mileage Allowances

Motor mileage for attendance at approved council duties is payable for travel **outside** the city boundaries only, except in exceptional circumstances where the use of taxis/personal transport shall be permitted with the agreement of the Monitoring Officer for example by Members who have a disability or injury, or former mayors undertaking mayoral duties on behalf of the Mayor. Taxis may also be claimed in cases of urgency, meetings outside normal working hours (8.30am-6.30pm) or where there is no public transport available. Receipts must be provided. Motor mileage within the city's boundaries is deemed to be covered by the Basic Allowance.

All mileage is paid at Inland Revenue advisory rates and these will automatically be updated by the council to reflect any changes the Inland Revenue introduces. The current rates are -

| | |
|----------------------------------|--|
| Cars | 45p per mile |
| Supplement for Passengers | 5p per mile for each official passenger, up to a maximum of 4 passengers |
| Motor Cycle Allowance | 24p per mile |
| Cycle Allowance | 20p per mile |

In addition, those Members opting for either (b) or (c) above may also take advantage of either the council's Bike Loan Scheme or the new Tax-free Bike Scheme and they will have access to the showering and secure lock-up facilities at three sites across the city.

Day Subsistence

Subsistence for approved council duties is payable for attendances **outside** the city boundaries only, except in exceptional circumstances. Where refreshments are not provided, subsistence costs within the city's boundaries are deemed to be covered by the Basic Allowance. Where claims can be made, eligibility is based on the time of day meals are taken and time away from home, as follows: -

| | | | |
|------------------------|---|--|--------|
| Breakfast allowance | - | more than four hours' absence before 11.00am | £6.50 |
| Lunch allowance | - | more than four hours' absence including 12 noon – 2.00pm | £8.50 |
| Tea allowance | - | more than four hours' absence including 3.00pm – 6.00pm | £3.50 |
| Evening Meal allowance | - | more than four hours' absence ending after 7.00pm | £15.00 |

Receipts should be provided for all subsistence claimed.

Overnight Subsistence

Where an overnight stay is required, overnight subsistence may be claimed up to a maximum of:

| | | |
|------------------------|---------------|---------|
| London/Conference Rate | not exceeding | £114.00 |
| Standard Rate | not exceeding | £100.00 |

The above sums are for all subsistence received over a 24-hour period.

Meals on Trains

When main meals are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full, within the limits specified below. Where the cost of meals taken on trains is reimbursed, the rate of day subsistence allowance for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by four hours in respect of each meal taken.

The limitations on reimbursement are:

- (i) Absence of more than four but not more than eight hours, the cost of one main meal.
- (ii) Absence of more than eight hours but not more than 12 hours, the cost of two main meals.
- (iii) Absence of more than 12 hours, the cost of three main meals.

Where the cost of meals taken on trains is reimbursed, the rate of day subsistence for that period of duty shall not exceed the maximum payable if the period of absence from the usual place of residence were reduced by 4 hours in respect of each meal taken.

NOTE:

1. The council will not reimburse the cost of any alcohol purchased.
2. With effect from 1 September 2007 motor mileage within the authority's boundaries can only be claimed in exceptional circumstances and councillors should either use the bus or cycle within the city.
3. With effect from 1 September 2007 subsistence within the authority's boundaries can only be claimed in exceptional circumstances.

Car mileage rates were revised from 1 April 2011.

All other travel and subsistence rates apply from 28 November 2003 and these have been re-affirmed by Full Council on 21 October 2011.

B. Dependants' Carers' Allowance

Dependants' Carers' Allowance (for children and adult dependants) may be paid retrospectively to either councillor or care provider when a councillor attends any of the approved duties identified in Schedule 2 to this Scheme and incurs costs for care provision.

This claims-based scheme is subject to tax and national insurance deductions at personal rates (liability falling to whoever receives the payment).

Childcare

Eligible councillors may claim no more than the actual amount paid for childcare provision, up to a maximum of £7.00 per hour for a single child, or up to a total of £9.00 per hour for two or more children, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Childcare costs may be claimed for children until the Saturday following the 1 September after their 15th birthday in line with the government's eligibility criteria for Working Tax Credits.

The restriction on the use of household members for caring (family and otherwise) applies as a matter of good practice in line with other local authorities.

The minimum age for any carer should be 18 years.

The annual cap for childcare is set at £1,200 pa per councillor.

Dependant Care

This allowance is payable for both children with severe disabilities and also dependent adult relatives living in the councillor's home and for whom the councillor is directly responsible. It applies to the care of dependants on social or medical grounds.

Eligible councillors may claim no more than the actual amount paid for specialist dependant care up to a maximum of £7.50 per hour, provided the appropriate form is completed and the relevant receipts are attached.

Up to a total of one hour travelling time may be added to the claim (where applicable) to enable the councillor to travel to and from meetings, provided the dependant remains with the carer for the duration.

The minimum age for any carer should be 18 years.

The annual cap for dependant care is set at £1,200 pa per councillor.

The Dependants' Carers' Allowance was revised at Full Council on 20 October 2011.

SCHEDULE 3

Other Allowances

NB These allowances which do not form part of the Members' Allowances Scheme are included here for information only:

Mayoral Allowances

Mayor's Allowance for 2014/15 £12,572 pa

Deputy Mayor's Allowance for 2014/15 £ 3,518 pa

The Mayoral Allowances were approved by Full Council on 28 April 2005 and have been uplifted by inflation each year since, following the recommendations of the Independent Remuneration Panel.

Payments to Former Mayors £35 per
duty

This is currently a flat rate allowance which is not subject to inflationary increases, although it is subject to further review as required by the Independent Remuneration Panel.

Independent Remuneration Panel

Members of the Independent Remuneration Panel (4) £533 pa each

The IRP' Allowance was revised at Full Council on 12 December 2013 to be effective from September 2013.

| | | | |
|--------------------------|--|---|---------------------|
| Subject: | Update to Health and Wellbeing Board Terms of Reference | | |
| Date of Meeting: | 12 December 2013 | | |
| Report of: | Monitoring Officer | | |
| Contact Officer: | Name: | Elizabeth Culbert | Tel: 29-1215 |
| | Email: | elizabeth.culbert@brighton-hove.gcsx.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 As part of the June 2013 Spending Round the Government set out plans to establish a health and social care Integration Transformation Fund (ITF). The ITF will require oversight and sign off by the Council's Health and Wellbeing Board.
- 1.2 This report sets out the amendments that are needed to the Terms of Reference for the Council's Health and Wellbeing Board in order to meet the government requirements.

2. RECOMMENDATIONS:

- 2.1 That the Council agrees the amendments to the Health and Wellbeing Board Terms of Reference as set out at Appendix Two.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Government's planned health and social care Integration Transformation Fund (ITF) is described in the joint statement from NHS England and the Local Government Association attached at Appendix One.
- 3.2 The ITF of £3.8billion was announced in the June 2013 Spending Round and includes proposals for a single pooled budget for health and social care services to encourage those services to work more closely together in local areas.
- 3.3 To access the ITF the Council and the CCG are required to submit two year plans for 2014/2015 and 2015.16 by 31st March 2014. These plans will need to set out how the pooled funding will be used and how the national and local targets will be met.
- 3.4 The Government has required that these plans for the use of ITF pooled funding must be developed jointly by the CCG and the Council and signed off by both parties at the Health and Wellbeing Board. The LGA statement (Appendix One) explains the role of the Health and Wellbeing Board as follows:

'A condition of the transfer is that the local authority agrees with its local health partners how the funding is best used within social care, and the outcomes expected from this investment. Health and wellbeing boards will be the natural place for discussions between the Board, clinical commissioning groups and local authorities on how the funding should be spent, as part of their wider discussions on the use of their total health and care resources.'

- 3.5 This represents a new responsibility for the Health and Wellbeing Board and therefore the Terms of Reference for the Board will need to be amended to incorporate its new role in relation to the ITF.
- 3.6 There are also a number of other government initiatives that require Health and Wellbeing Boards to receive reports and/or approve plans and therefore a general delegation in relation to these new matters is included in the amended Terms of Reference. The proposed new Terms of Reference are set out at Appendix Two.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is necessary for the Health and Wellbeing Board Terms of Reference to be amended in order to comply with government requirements for the ITF.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 The recommendations in this report are made in response to national guidance and government requirements which must be met in order to access the ITF. Therefore community involvement would not be appropriate in relation to the proposed amendments to the HWB Terms of Reference.

6. CONCLUSION

- 6.1 The Council will be required to work together with the CCG in order to develop and agree pooled budget plans in order to access ITF funding. The sign off and oversight of these plans by the HWB is a pre-condition of the plans being accepted and assured by NHS England.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications in relation to the recommendations in this report. The significant financial implications in relation to the ITF itself were reported to Adult Care & Health Committee on 23rd September 2013.

Finance Officer Consulted: James Hengeveld

Date: 01/12/13

Legal Implications:

- 7.2 The Health and Wellbeing Board is the body the Government has stated must agree – and oversee - the pooled budget plans in relation to the ITF. If the Health and Wellbeing Board does not have the requisite delegated authority to take decisions in relation to the ITF (or other initiatives that are required to come to it) then any decisions taken by the HWB would be open to challenge. It is therefore

important to ensure that the Terms of Reference are amended as recommended in the report.

Lawyer Consulted: Elizabeth Culbert

Date: 01/12/13

Equalities Implications:

- 7.3 There are no equalities implications arising from this report.

Sustainability Implications

- 7.4 There are no sustainability implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. LGA Statement on the health and social care Integration Transformation Fund
2. Proposed amended Terms of Reference of Brighton & Hove City Council's Health and Wellbeing Board.

17 October 2013

To: CCG Clinical Leads
Health and Wellbeing Board Chairs
Chief Executives of upper tier Local Authorities
Directors of Adult Social Services

cc: CCG Accountable Officers
NHS England Regional and Area Directors

Dear Colleagues

Next Steps on implementing the Integration Transformation Fund

We wrote to you on 8 August 2013 setting out the opportunities presented by the integration transformation fund (ITF) announced in the spending review at the end of June. While a number of policy decisions are still being finalised with ministers, we know that you want early advice on the next steps. This letter therefore gives the best information available at this stage as you plan for the next two years.

Why the fund really matters

Residents and patients need Councils and Clinical Commissioning Groups (CCGs) to deliver on the aims and requirements of the ITF. It is a genuine catalyst to improve services and value for money. The alternative would be indefensible reductions in service volume and quality.

There is a real opportunity to create a shared plan for the totality of health and social care activity and expenditure that will have benefits way beyond the effective use of the mandated pooled fund. We encourage Health and Wellbeing Boards to extend the scope of the plan and pooled budgets.

Changing services and spending patterns will take time. The plan for 2015/16 needs to start in 2014 and form part of a five year strategy for health and care. Accordingly the NHS planning framework will invite CCGs to agree five year strategies, including a two year operational plan that covers the ITF through their Health and Wellbeing Board.

A fully integrated service calls for a step change in our current arrangements to share information, share staff, share money and share risk. There is excellent practice in some areas that needs to be replicated everywhere. The ingredients are the same across England; the recipe for success differs locality by locality.

Integrated Care Pioneers, to be announced shortly, will be valuable in accelerating development of successful approaches. We are collaborating with all the national partners to support accelerated adoption of integrated approaches, and will be launching support programmes and tools later in 2013.

Where does the money come from?

The fund does not in itself address the financial pressures faced by local authorities and CCGs in 2015/16, which remain very challenging. The £3.8bn pool brings together NHS and Local Government resources that are already committed to existing core activity. (The requirements of the fund are likely to significantly exceed existing pooled budget arrangements). Councils and CCGs will, therefore, have to redirect funds from these activities to shared programmes that deliver better outcomes for individuals. This calls for a new shared approach to delivering services and setting priorities, and presents Councils and CCGs, working together through their Health and Wellbeing Board, with an unprecedented opportunity to shape sustainable health and care for the foreseeable future.

Working with providers

It will be essential for CCGs and Local Authorities to engage from the outset with all providers, both NHS and social care, likely to be affected by the use of the fund in order to achieve the best outcomes for local people. They should develop a shared view of the future shape of services. This should include an assessment of future capacity requirements across the system. CCGs and Local Authorities should also work with providers to help manage the transition to new patterns of provision including, for example, the use of non-recurrent funding to support disinvestment from services. It is also essential that the implications for local providers are set out clearly for Health and Wellbeing Boards and that their agreement for the deployment of the fund includes agreement to the service change consequences.

Supporting localities to deliver

We are acutely aware that time is pressing, and that Councils and CCGs need as much certainty as possible about how the detail of the fund will be implemented. Some elements of the ITF are matters of Government policy on which Ministers will make decisions. These will be communicated by Government in the normal way. The Local Government Association and NHS England are working closely together, and collaborating with government officials, to arrive at arrangements that support all localities to make the best possible use of the fund, for the benefit of their residents and patients. In that spirit we have set out in the attached annex our best advice on how the Fund will work and how Councils and CCGs should prepare for it.

The Government has made clear that part of the fund will be linked to performance. We know that there is a lot of interest amongst CCGs and Local Authorities in how this “pay-for-performance” element will work. Ministers have yet to make decisions on this. The types of performance metrics we can use (at least initially) are likely to be largely determined by data that is already available. However, it is important that local discussions are not constrained by what we can measure. The emphasis should be on using the fund as a catalyst for agreeing a joint vision of how integrated

care will improve outcomes for local people and using it to build commitment among local partners for accelerated change.

Joint local decision making and planning will be crucial to the delivery of integrated care for people and a more joined up use of resources locally. The ITF is intended to support and encourage delivery of integrated care at scale and pace whilst respecting the autonomy of locally accountable organisations.

This annex to this letter sets out further information on:

- How the pooled fund will be distributed;
- How councils and CCGs will set goals and be rewarded for achieving them;
- Possible changes in the statutory framework to underpin the fund;
- The format of the plans for integrated care and a template to assist localities with drawing up plans that meet the criteria agreed for the fund;
- Definitions of the national conditions that have to be met in order to draw on the pooled fund in any locality; and
- Further information on how local authorities, CCGs, NHS England and government departments will be assured on the effective delivery of integrated care using the pooled fund.

Leads from the NHS and Local Government will be identified to assist us to work with Councils and CCGs to support implementation. More details on this can be found in the annex. We will issue a monthly bulletin to Councils and CCGs with updates on the Integration Transformation Fund.

Yours faithfully



Carolyn Downs
Chief Executive
Local Government Association



Bill McCarthy
National Director: Policy
NHS England

NHS England Publications Gateway Ref. No.00535

Advice on the Integration Transformation Fund

What is included in the ITF and what does it cover?

Details of the ITF Fund

| The June 2013 SR set out the following: | |
|---|--|
| 2014/15 | 2015/16 |
| An additional £200m transfer from the NHS to social care, in addition to the £900m transfer already planned | £3.8bn pooled budget to be deployed locally on health and social care through pooled budget arrangements |
| In 2015/16 the ITF will be created from the following: | |
| £1.9bn NHS funding | |
| £1.9bn based on existing funding in 2014/15 that is allocated across the health and wider care system. Composed of: | |
| <ul style="list-style-type: none"> • £130m Carers' Breaks funding • £300m CCG reablement funding • £354m capital funding (including c.£220m of Disabled Facilities Grant) • £1.1bn existing transfer from health to social care | |

1. The Integration Transformation Fund will be £3.8 billion worth of funding in 2015/16 to be spent locally on health and care to drive closer integration and improve outcomes for patients and service users. In 2014/15 an additional £200m transfer from the NHS to social care in addition to the £900m transfer already planned will enable localities to prepare for the full ITF in 2015/16.
2. In 2014/15 use of pooled budgets remains consistent with the guidance¹ from the Department of Health to NHS England on 19 December 2012 on the funding transfer from NHS to social care in 2013/14. In line with this:
3. *“The funding must be used to support adult social care services in each local authority, which also has a health benefit. However, beyond this broad condition we want to provide flexibility for local areas to determine how this investment in social care services is best used.*
4. *A condition of the transfer is that the local authority agrees with its local health partners how the funding is best used within social care, and the outcomes expected from this investment. Health and wellbeing boards will be the natural place for*

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213223/Funding-transfer-from-the-NHS-to-social-care-in-2013-14.pdf

discussions between the Board, clinical commissioning groups and local authorities on how the funding should be spent, as part of their wider discussions on the use of their total health and care resources.

5. *In line with our responsibilities under the Health and Social Care Act, NHS England is also making it a condition of the transfer that local authorities and clinical commissioning groups have regard to the Joint Strategic Needs Assessment for their local population, and existing commissioning plans for both health and social care, in how the funding is used.*
6. *NHS England is also making it a condition of the transfer that local authorities demonstrate how the funding transfer will make a positive difference to social care services, and outcomes for service users, compared to service plans in the absence of the funding transfer”*
7. In 2015/16 The fund will be allocated to local areas, where it will be put into pooled budgets under joint governance between CCGs and local authorities. A condition on accessing the money in the fund is that CCGs and local authorities must jointly agree plans for how the money will be spent, and these plans must meet certain requirements.

How will the ITF be distributed?

8. Councils will receive their detailed funding allocation following the Autumn Statement in the normal way. When allocations are made and announced later this year, they will be two-year allocations for 2014/15 and 2015/16 to enable planning.
9. In 2014/15 the existing £900m s.256 transfer to Local Authorities for social care to benefit health, and the additional £200m will be distributed using the same formula as at present.
10. The formula for distribution of the full £3.8bn fund in 2015/16 will be subject to ministerial decisions in the coming weeks.
11. In total each Health and Wellbeing Board area will receive a notification of its share of the pooled fund for 2014/15 and 2015/6 based on the aggregate of these allocation mechanisms to be determined by ministers. The allocation letter will also specify the amount that is included in the pay-for-performance element, and is therefore contingent in part on planning and performance in 2014/5 and in part on achieving specified goals in 2015/6.

How will Councils and CCGs be rewarded for meeting goals?

12. The Spending Review agreed that £1bn of the £3.8bn would be linked to achieving outcomes.
13. In summary 50% of the pay-for-performance element will be paid at the beginning of 2015/16, contingent on the Health and Wellbeing Board adopting a plan that

meets the national conditions by April 2014, and on the basis of 2014/15 performance. The remaining 50% will be paid in the second half of the year and could be based on in-year performance. We are still agreeing the detail of how this will work, including for any locally agreed measures.

14. In practice there is a very limited choice of national measures that can be used in 2015/6 because it must be possible to baseline them in 2014/5 and therefore they need to be collected now with sufficient regularity and rigour. For simplicity we want to keep the number of measures small and, while the exact measures are still to be determined, the areas under consideration include:

- Delayed transfers of care;
- Emergency admissions;
- Effectiveness of re-ablement;
- Admissions to residential and nursing care;
- Patient and service user experience.

15. In future we would hope to have better indicators that focus on outcomes for individuals and we are working with Government to develop such measures. These can be introduced after 2016/7 as the approach develops and subject to the usual consultation and testing.

16. When levels of ambition are set it will be clear how much money localities will receive for different levels of performance. In the event that the agreed levels of performance are not achieved, there will be a process of peer review, facilitated by NHS England and the LGA, to avoid large financial penalties which could impact on the quality of service provided to local people. The funding will remain allocated for the benefit of local patients and residents and the arrangements for commissioning services will be reconsidered.

Does the fund require a change in statutory framework?

17. The Department of Health is considering what legislation may be necessary to establish the Integrated Transformation Fund, including arrangements to create the pooled budgets and the payment for performance framework. Government officials are exploring options for laying any required legislation in the Care Bill. Further details will be made available in due course. The wider powers to use Health Act flexibilities to pool funds, share information and staff are unaffected and will be helpful in taking this work forward.

How should councils and CCGs develop and agree a joint plan for the fund?

18. Each upper tier Health and Wellbeing Board will sign off the plan for its constituent local authorities and CCGs. The specific priorities and performance goals are clearly a matter for each locality but it will be valuable to be able to:

- Aggregate the ambitions set for the fund across all Health and Wellbeing Boards;

- Assure that the national conditions have been achieved; and
- Understand the performance goals and payment regimes have been agreed in each area.

19. To assist Health and Wellbeing Boards we have developed a draft template which we expect everyone to use in developing, agreeing and publishing their integration plan. This is attached as a separate Excel spread sheet.

20. The template sets out the key information and metrics that all Health and Wellbeing Boards will need to assure themselves that the plan addresses the conditions of the ITF. We strongly encourage Councils and CCGs to make immediate use of this template while awaiting further guidance on NHS planning and financial allocations.

21. Local areas will be asked to provide an agreed shared risk register, with agreed risk sharing and mitigation covering, as a minimum, steps that will be taken if activity volumes do not change as planned. For example if emergency admissions increase or nursing home admissions increase.

What are the National Conditions?

22. The Spending Review established six national conditions:

| National Condition | Definition |
|--|--|
| Plans to be jointly agreed | <p>The Integration Plan covering a minimum of the pooled fund specified in the Spending Review, and potentially extending to the totality of the health and care spend in the Health and Wellbeing Board area, should be signed off by the Health and Well Being Board itself, and by the constituent Councils and Clinical Commissioning Groups.</p> <p>In agreeing the plan, CCGs and Local Authorities should engage with all providers likely to be affected by the use of the fund in order to achieve the best outcomes for local people. They should develop a shared view of the future shape of services. This should include an assessment of future capacity requirements across the system. The implications for local providers should be set out clearly for Health and Wellbeing Boards so that their agreement for the deployment of the fund includes recognition of the service change consequences.</p> |
| Protection for social care services (not spending) | <p>Local areas must include an explanation of how local social care services will be protected within their plans. The definition of protecting services is to be agreed locally. It should be consistent with the 2012 Department of Health guidance referred to in paragraphs 2 to 6,</p> |

| National Condition | Definition |
|--|--|
| | above. |
| <p>As part of agreed local plans, 7-day services in health and social care to support patients being discharged and prevent unnecessary admissions at weekends</p> | <p>Local areas are asked to confirm how their plans will provide 7-day services to support patients being discharged and prevent unnecessary admissions at weekends. If they are not able to provide such plans, they must explain why. There will not be a nationally defined level of 7-day services to be provided. This will be for local determination and agreement.</p> <p>There is clear evidence that many patients are not discharged from hospital at weekends when they are clinically fit to be discharged because the supporting services are not available to facilitate it. The forthcoming national review of urgent and emergency care sponsored by Sir Bruce Keogh for NHS England will provide guidance on establishing effective 7-day services within existing resources.</p> |
| <p>Better data sharing between health and social care, based on the NHS number</p> | <p>The safe, secure sharing of data in the best interests of people who use care and support is essential to the provision of safe, seamless care. The use of the NHS number as a primary identifier is an important element of this, as is progress towards systems and processes that allow the safe and timely sharing of information. It is also vital that the right cultures, behaviours and leadership are demonstrated locally, fostering a culture of secure, lawful and appropriate sharing of data to support better care.</p> <p>Local areas will be asked to:</p> <ul style="list-style-type: none"> • confirm that they are using the NHS Number as the primary identifier for health and care services, and if they are not, when they plan to; • confirm that they are pursuing open APIs (ie. systems that speak to each other); and • ensure they have the appropriate Information Governance controls in place for information sharing in line with Caldicott 2, and if not, when they plan for it to be in place. <p>NHS England has already produced guidance that relates to both of these areas, and will make this available alongside the planning template. (It is recognised that progress on this issue will require the resolution of some Information Governance issues by the Department of Health).</p> |

| National Condition | Definition |
|--|--|
| Ensure a joint approach to assessments and care planning and ensure that, where funding is used for integrated packages of care, there will be an accountable professional | Local areas will be asked to identify which proportion of their population will be receiving case management and a lead accountable professional, and which proportions will be receiving self-management help - following the principles of person-centred care planning. |
| Agreement on the consequential impact of changes in the acute sector | Local areas will be asked to identify, provider-by-provider, what the impact will be in their local area. Assurance will also be sought on public and patient engagement in this planning, as well as plans for political buy-in. |

How will preparation and plans be assured?

23. Ministers will wish to be assured that the ITF is being used for the intended purpose, and that the local plans credibly set out how improved outcomes and wellbeing for people will be achieved, with effective protection of social care and integrated activity to reduce emergency and urgent health demand.
24. To maximise our collective capacity to achieve these outcomes and deliver sustainable services we will have a shared approach to supporting local areas and assuring plans. This process will be aligned as closely as possible to the existing NHS planning rounds, and CCGs can work with their Area Teams to develop their ITF plans alongside their other planning requirements.
25. We will establish in each region a lead local authority Chief Executive who will work with the Area and Regional Teams, Councils, ADASS branches, DPHs and other interested parties to identify how Health and Wellbeing Boards can support one another and work collaboratively to develop good local plans and delivery arrangements.
26. Where issues are identified, these will be shared locally for resolution and also nationally through the Health Transformation Task Group hosted by LGA, so that the national partners can broker advice, guidance and support to local Health and Well Being Boards, and link the ITF planning to other national programmes including the Health and Care Integration Pioneers and the Health and Well Being Board Peer Challenge programme. We will have a first review of readiness in early November 2013.
27. We will ask Health and Well Being Boards to return the completed planning template (draft attached) by 15 February 2014, so that we can aggregate them to provide a composite report, and identify any areas where it has proved challenging to agree plans for the ITF.

HEALTH & WELLBEING BOARD

Explanatory Note

The Health & Wellbeing Board (HWB) is established as a Committee of the Council pursuant to Section 194 of the Health and Social Care Act 2012 and in accordance with the modifications enacted by the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013. The HWB is responsible for advancing the health and wellbeing of the people in its area through the development of improved and integrated health and social care services. In particular, it is responsible for approving a Joint Health and Wellbeing Strategy and a Joint Strategic Needs Assessment.

The HWB comprises 7 Councillors and 7 further voting members determined having regard to the requirements of Section 194 of the Health and Social Care Act 2012. In addition, the Health & Wellbeing Board may appoint additional non voting co-optees in line with relevant legislation and guidance.

Delegated Functions

1. To promote integration and joint working in health and social care services across the City in order to improve the health and wellbeing of the people of Brighton & Hove;
2. To provide City-wide strategic leadership to public health, health, adults and children's social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts;
3. To approve and publish the Joint Strategic Needs Assessment (JSNA) for the City;
4. To approve and publish a Joint Health & Wellbeing Strategy (JHWS) for the City, monitoring the outcomes goals set out in the JHWS and using its authority to ensure that the public health, health, adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the City;
5. To receive the Clinical Commissioning Group's draft annual commissioning plan and to respond with its opinion as to whether the draft commissioning plan takes proper account of the relevant Joint Health and Wellbeing Strategy. Where considered appropriate by the HWB, to refer its opinion on the annual commissioning plan to the National Health Service Commissioning Board and to provide the CCG with a copy of this referral;
6. To receive the Local Safeguarding Children's Board's Annual Report for comment;
7. To support joint commissioning and pooled budget arrangements where agreed by the HWB that this is appropriate;

8. To establish and maintain a dialogue with the Council's Local Strategic Partnership Board, including consulting on its proposed strategies and reporting on outcomes in line with the City's Performance and Risk Management Framework.
9. To involve stakeholders, users and the public in quality of life issues and health and wellbeing choices, by
 - communicating and explaining the JHW Strategy;
 - developing and implementing a Communications and Engagement Strategy;
10. To represent Brighton & Hove on health and wellbeing issues at all levels, influencing and negotiating on behalf of the members of the Board and working closely with the local HealthWatch;
11. To appoint non-voting co-optees in compliance with relevant legislation and guidance;
12. To operate in accordance with the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.
13. To review annual progress against city priorities in line with the national public health outcomes framework.
14. To receive reports from relevant programme boards and related multi-sector committees with a remit for public health in order to inform the Health and Wellbeing Strategy including: the Alcohol Programme Board, the Substance Misuse Programme Board, the Healthy Weight Programme Board and the Sexual Health Programme Board.
15. To agree and sign off local plans required to access the Integrated Transformation Fund (ITF), the first of which to be signed off and submitted by 31st March 2014.
16. To oversee and monitor the implementation of local ITF plans.
17. To receive and approve any further plans or strategies that are required either as a matter of law or policy to be approved by the Health and Wellbeing Board.

Council

12 December 2013

Agenda Item 60

Brighton & Hove City Council

Subject: Winter Service Pressures – Extract from the proceedings of the Health & Wellbeing Board meeting held on the 27th November 2013

Date of Meeting: 12 December 2013

Report of: Head of Law

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

Wards Affected: All

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

To note the report referred for information by the Leaders Group. An extract from the minutes of the Health & Wellbeing Board are also attached for information.

Recommendation:

(1) That the report be noted.

HEALTH & WELLBEING BOARD

4.00 pm 27 November 2013
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor Jarrett (Chair) Councillor K Norman (Opposition Spokesperson), Meadows (Opposition Spokesperson), Bennett, Bowden and Deane

Other Members present: Pinaki Ghoshal, Statutory Director of Children's Services Denise D'Souza, Statutory Director of Adult Social Care Dr. Tom Scanlon, Statutory Director of Public Health Dr. Xavier Nalletamby, Geraldine Hoban, Clinical Commissioning Group and Hayyan Asif Youth Council.

PART ONE

- 35.1 The Board considered a report of the Director of Public Health which identified the range of activity in hand to manage winter pressures in a coordinated and integrated way.
- 35.2 **RESOLVED** – That the range of activities are noted and that the Director of Public Health is given delegated responsibility to develop further mechanisms to ensure coordinated and integrated working.

Council

12 December 2013

Agenda Item 60

Brighton & Hove City Council

| | | | |
|--------------------------|--|--|--------------------------|
| Subject: | Winter Service Pressures | | |
| Date of Meeting: | 2nd December 2013 Health & Wellbeing Board - 27th November 2013 | | |
| Report of: | Director of Public Health | | |
| Contact Officer: | Name: | Max Kammerling | Tel: 01273 574861 |
| | Email: | Max.kammerling@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report identifies the range of activity in hand to manage winter pressures in a coordinated and integrated fashion.

2. RECOMMENDATIONS:

- 2.1 That the Health and Wellbeing Board notes the range of activities and delegates the Director of Public Health to develop further mechanisms to ensure coordinated and integrated working.

3. CONTEXT/ BACKGROUND INFORMATION / PLANNING

The requirement for effective winter planning crosses different organisations and a wide range of services, such as highways, emergency planning, housing, adult social care, schools, primary and secondary health care services. Some organisations produce their own detailed operational winter plans. This paper summary paper describes the preparations and connectivity in winter planning across the local authority and clinical commissioning group in Brighton & Hove.

CURRENT PLANNING AND RECENT REVIEWS

Current Planning

- 3.1. BHCC has a Winter Service Plan, which describes how the Council meets its legal obligations under the Highways Act. The Council has a duty as a highway authority to ensure, ***as far as is reasonably practicable***, that safe passage along a highway is not endangered by snow or ice. This means that although some form of service is mandatory, it is recognised that it is impossible to ensure that all or part of the network is always completely clear of snow or ice.
- 3.2. The Council has other winter-related plans related to specific service provision, such as Social Care procedures for service delivery during severe weather, and other initiatives to tackle fuel poverty, and excess winter deaths. Some joint

agency winter arrangements involving BHCC exist, for example, the MOU around the winter transport hub.

- 3.3. The Council has a well - established and documented process to escalate the response to incidents and a regularly exercised process for warning departments of periods of severe weather. Individual services use these warning as the trigger to activate their own response. This includes enhancing the Communications and Media messages. Where necessary communications are escalated to an Executive Director to give a strategic lead. A Major Incident Support Team meets on a regular basis and discusses the winter service arrangements so that operational managers are reminded of the actions required during winter
- 3.4. The local health economy has a Surge Plan, covering winter issues, and an agreed local escalation plan, jointly produced by a range of health agencies, and the Adult Social Services team within the Council. An Urgent Care Programme Board oversees the development of the plan and the high level strategic approach, and a local Urgent Care Task Force meets weekly over the winter to coordinate local responses in relation to the health economy around the Royal Sussex hospitals.
- 3.5. However, there is no cross-directorate, multi-agency overarching 'winter plan' that brings together diverse areas such as health, social care, transport, health protection, gritting, schools etc. While links are reflected in the various plans, beyond health and social care, plans are still developed separately. This means that opportunities for enhancing and/or simplifying service delivery in severe weather through operational synergies may be missed.
- 3.6. The legal obligations on the Council changed with the passing of the Health and Social Care Act 2012 ("the Act"), which gave the Council new duties to:
 - Improve the health of the people in its area, and
 - Take steps to ensure that plan are in place to protect the health of the population.

It also transferred a significant public health resource to support this role.

- 3.7. This change gives the opportunity for a revised approach to planning for winter in a more holistic fashion.
- 3.8. As well as the usual process for winter planning, a number of other initiatives have been established to ensure a coordinated, effective and efficient response across multiple agencies, and these are described below.

Findings from recent reviews

- 3.9. The Winter Service Plan Review Scrutiny panel in 2010 identified a range of improvements needed, including the need for greater coordination within BHCC and with partners, more streamlined chains of command, better linkages with schools & better communication. A debriefing of staff involved in winter planning in 2012/13 identified improvements in local resilience over recent years, but also noted the need for improved strategic direction and oversight of such issues. In

particular, the more integrated planning approach in the NHS is perceived to have had significant benefits in ensuring business continuity.

MANAGING WINTER PRESSURES

National Cold Weather Plan

- 3.10. A National Cold Weather Plan has been released annually since 2011, and this year's plan was released in late October. The plan encourages multi-agency cooperation to reduce excess winter deaths and promote health and wellbeing during winter & severe weather, and suggests this should be coordinated by Public Health.
- 3.11. Last year's national plan encouraged areas to apply for 'warm homes' healthy people funding. BHCC successfully applied for this funding, and incorporated the associated actions into the winter planning process. However, this funding will not continue into 2013/14. Instead, this year's plan states that what is required is "strong local leadership and partnership working at all levels across sectors to tackle the range of causes and reduce the number of "excess" deaths observed each winter".
- 3.12. This year's plan emphasises the commissioner and local authority role, requiring holistic planning linking in housing, schools and transport as well as 'health', to identify vulnerable people, and prevent morbidity and mortality, and highlights that the greatest total health burden occurs at relatively moderate cold temperatures.

Flu Vaccination

- 3.13. Flu continues to be a potentially serious illness in older, vulnerable people, and younger adults with coexisting chronic conditions. Although commissioning seasonal flu vaccination services is now carried out by NHS England, the Council has a role in assuring itself that this is being carried out robustly, and in supporting and encouraging the take up of the vaccine in the target groups. Locally, uptake amongst the over 65s is much lower than elsewhere in England. A social marketing survey trying to identify the barriers to immunisation in this age group has been commissioned for this year, funded by the former SHA.
- 3.14. The CCG is agreeing specific measures with the NHS Area Team to improve vaccination rates, including additional payments to practices that achieve higher rates, and additional financial support to increase immunisation rates among the housebound (including people in nursing homes).
- 3.15. When flu is common in the community, it increases the workload required to support patients/clients. However, flu also has an impact on the health of the workforce, and can result in significant loss of staff time due to staff contracting flu. Hence, encouraging flu vaccination amongst care staff both helps tackle business continuity issues, but also meets the duty of care to employees, who are likely to have more exposure to people with flu than the normal population.
- 3.16. This year's target for staff vaccination rates in agencies with frontline healthcare staff is 75%. Some extra funding made available to acute trusts (including

BSUHT) is in-part dependant on reaching targets. Frontline Council staff, particularly those in social care, are being strongly encouraged to take up the offer of vaccination by Occupational Health Teams. Work continues in partnership with the CCG to increase support for other non-statutory providers, especially the care home sector.

- 3.17. In addition, a seasonal flu vaccination programme for children has started; initially targeting children aged 2-3 years. One of the major aims of this programme is to reduce the circulation of flu virus in the community, and increase the protection for vulnerable adults and the elderly. Over time, this programme will be rolled-out to all ages of children, possibly through an annual schools based programme.

Pandemic Flu

- 3.18. Although there is no new specific risk of the start of a flu pandemic, it remains a high nationally identified risk. Further national guidance is due shortly, and local flu plans will be revisited in the light of its recommendations. Much work will take place across the wider community, within the Local Health Resilience Partnership, and the Strategic Resilience Forum, but local planning will still be needed, for example, to confirm collection points for anti-viral medication, and there may also be a local 'coordinating role'.

Winter health system escalation

- 3.19. In Brighton & Hove, the Winter Services Plan for highways is based on treating all main roads and all bus routes. The road network is treated throughout winter in advance of ice, frost and snow. In total, 192 miles or nearly 50% of the road network is treated. However, latest research across Europe, North America and UK confirms that treating roads with salt before snowfall removes only light snow flurries. If there is significant snow, it can be expected to settle even on treated roads. Salting before snowfall acts as a de-bonding layer between road and snow to help with clearance afterwards, but it is often impractical to spread sufficient salt to melt anticipated quantities of snow.
- 3.20. The Transport Hub arrangements for this winter have been revised. Activation will occur if major road problems are severe and/or prolonged (for example, lasting for more than one week).
- 3.21. The CCG is coordinating local winter surge escalation arrangements for the health economy. Adult social care is an active partner in the planning process
- 3.22. An additional £2.3m funding has been provided for the local health economy (CCG, Acute Trust, social care and other providers) to ensure that winter performance is maintained, particularly in relation to the 4-hour A&E wait.
- 3.23. A Local Health Economy Surge plan is attached as a supporting document. It was developed by the Urgent Care Programme Board – a multi-agency CEO level group that includes representatives from BHCC Adult Social Care. Its key components are:

- Robust single agency plans for business continuity
- Good communications and shared governance arrangements during a winter surge, including a local Urgent Care Task Force, meeting weekly at peak times
- Joint LHE plan for the management of outbreaks of infectious diarrhoea across acute, primary and community settings
- Flu immunisation, including frontline staff
- Targeted interventions for at risk groups
- Creating capacity in primary care to manage urgent care demand
- Reducing avoidable ambulance admissions

3.24. There are a range of risks around managing the winter pressures successfully, which have outlined in section 9 of the Surge Plan

Integrated working

3.25. Staff from NHS England's Area Team, and the Council delivered a Sussex Health CEO-level exercise on Fri 25th Oct. This has resulted in a draft protocol for surge escalation for the local health economy. This includes the following elements:

- Operational meetings across the Local Health Economy
- Prioritising referrals and assessment activity across the system
- Open extra hospital capacity and review staffing of services
- Authorisation of social care placements above normal funding levels, including spot purchasing of additional capacity
- Engagement and escalation processes with the overall social care market
- Supporting a co-ordinated approach across all agencies in relation to visits to vulnerable people

3.26. Within social care services, a number of work streams are in place to ensure robust business continuity

3.26.1. In-house service provision

- Each service has an up-to-date business continuity plan and information has been collated on the availability of all staff members, flexibility to work in alternate bases and alternate times of day as well as the skill base to complete alternative tasks.
- 'Independence at Home' has plans in place for 4X4 vehicle support, reviewed orders for winter grit, salt and shovels, and have purchased shoe socks for the county car and additional shoe grippers for individual staff.
- A vulnerability scale matrix continues to be used by Independence at Home, Independent Home Care Providers and District Nurses to allow a quick response to the most dependant service users/ patients in the community.

3.26.2. *Contracted services provision*

- Linking with service providers to remind them of their contractual requirements in relation to business continuity plans and business continuity within the monthly audit programme;
 - Ensuring providers receive key information, such as severe weather alerts and the flu vaccination programme;
 - Supporting home care providers to work collectively when severe weather conditions significantly impact on service delivery, such as heavy snow on the ground
- 3.27. Schools make their own decisions regarding closure due to weather conditions. However, during periods of severe weather, the Council issues advice to schools about risks, issues and the likely impact, to inform the local decisions about school closure. The Council is informed by schools immediately a decision to close its taken, and the Council website is updated very rapidly thereafter, to assure as much up to date information as possible is widely available.
- 3.28. A shared programme of work between Public Health & Housing is in place for this winter, providing a range of support, including:
- training for front line staff on warmer homes,
 - training for older people and volunteers to cascade warmer homes information to peers and colleagues
 - advice on managing energy bills and saving energy in the home
 - targeted financial inclusion checks
 - warm packs for rough sleepers and vulnerable residents, and
 - a small emergency grant scheme.
 - the *Winter Warmth Campaign* - a £20K PH funded campaign distributing advice cards with details of relevant services and thermometers to vulnerable people through children's and community centres, GP practices, libraries, pharmacies and supermarkets.
- 3.29. To maximise the success of integrated planning across the community, Council, staff from Public health, Social care and the Civil Contingencies Team, NHS providers, CCG, 3rd Sector, GP out of hours services and the NHS Area team are meeting to assure themselves that the winter plans are as robust and joined up as possible, and to see if they are messages in the national Cold Weather Plan that need to be taken on board.

Vulnerable People

- 3.30. There are plans to contact vulnerable people during an incident - and this relates not just to winter planning, but also in a heat-wave or other major incidents.
- 3.31. Current local arrangements are based upon identifying who, in which agency, would hold that agency's list of vulnerable people. There remain concerns about whether this arrangement is sufficiently developed to support shared working and prioritisation across multiple agencies, in the event of a very severe or long-term incident.

- 3.32. The Strategic Resilience Forum has recently updated its Vulnerable People Plan and this is being used as a starting point for work to develop a more robust local system. A development group has been established to progress this work.
- 3.33. There will be a specific local exercise in the New Year to test any new arrangements in one specific area, involving the operational staff who would need to make it work in a real emergency.

Severe Weather Emergency Provision (SWEP) for Rough Sleepers

- 3.34. Planning for the Severe Weather Provision in Brighton & Hove commences in September. We have two provider organisations responsible for the provision alongside the local authority. BHT are commissioned to provide and co-ordinate the shelter provision, CRI provide assertive outreach to rough sleepers to notify them of the emergency provision and co-ordinate lists of rough sleepers, the local authority provide emergency placement (B&B) accommodation.
- 3.35. A multi agency list of rough sleepers within the city is held by BHT First Base Day Centre and CRI Rough Sleepers Team, this is updated weekly and keeps track of those entering and leaving the city, this list is used to plan the amount of provision needed within the city during SWEP. The list is also used to manage the risk posed by some rough sleepers to each other and to staff within shelters, every step is made to avoid excluding individuals from the provision and by utilising the different shelter locations we can separate individuals and house vulnerable clients within emergency placement accommodation.
- 3.36. The majority of provision is made up of halls, dining rooms and day centres which provide some food, hot drinks, mats and sleeping bags. All local authority commissioned provision is staffed by experienced rough sleeper, homeless and hostel staff.
- 3.37. This year the following provision has been set up:
- BHT First Base Day Centre 30 spaces
 - New Steine Mews Hostel 10 spaces
 - St Patricks Hostel 15 spaces
 - Friends First Centre 10 spaces
 - B&B provision unknown dependent on vacancies
 - Churches Nightshelter 15 spaces (not part of the local authority commissioned provision but working closely with providers)
- 3.38. Because of the high numbers of rough sleepers this year we have made arrangements for two additional shelters which could open should the numbers require it. This would provide an additional 20 spaces.
- 3.39. SWEP provision is enacted when the temperature is predicted to drop below 0 degrees Celsius for 3 consecutive nights. The weather forecast is checked early in the morning on a daily basis through the Met Office and discussion is held about the need to open the shelters. Notification is sent to partner agencies and outreach to rough sleepers begins early in the morning should the decision be

made to open. The provision closes when the temperature is predicted to go above one degree Celsius for two days or more however this arrangement is flexible for example if the temperature is predicted to rise but there is snow on the ground then the shelters

Winter pressures and the revised local authority health protection function

- 3.40. Nationally produced advice to local authorities on their new health protection responsibilities has recommended the establishment of a health protection group, possibly reporting the Health and Wellbeing Board.
- 3.41. Local reviews have also noted the potential benefits of a defined council strategic lead for Health Protection.
- 3.42. The joint winter planning approach could be seen as a test bed for a new style of working on health protection issues.
- 3.43. As well as ensuring stronger integration for all the Council/health service run elements, the joint working group will explore whether there are ways of encouraging increased resilience through closer link with schools, other educational establishments, the third sector and other relevant bodies.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Continuation of the current system of planning in separate directorates. Whilst this will deliver the core responsibilities for all parts of the Council, it is likely that some potential benefits of more integrated working will be missed.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 As this relates to internal Council functions, no specific community consultation has taken place. However, third sector partners such as age concern play an important role in supporting vulnerable people and assisting local authorities in delivering relevant programmes.

6. CONCLUSION

- 6.1 The new duties of the local authority to take steps to ensure that plans are in place to protect the health of the population, offer opportunities to develop a more holistic approach to winter planning, as well as other similar planning tasks.
- 6.2 Each agency has produced its own business continuity plans, and cooperated in agreeing a multi-agency surge plan and escalation protocol for the local health economy.
- 6.3 Joint work has been initiated this winter to tackle specific multi-agency issues, such as the transport hub, or ensuring the safety of vulnerable people. An overarching group is also reviewing the National Cold Weather Plan to consider what improvements which could be made to local plans, and to ensure that we can maximise the synergies between plans. The success or otherwise of this group will be used to inform discussions on further ways of enhancing cooperation and integration between agencies.

6.4 Specific areas identified as needing further work which the joint planning group could address are:

- Working with the Director of Children's Services to explore how to ensure that as many schools as possible stay open as is safe and practicable during bad weather. This would involve close liaison and coordination with head teachers
- Continued engagement with primary care, via the CCG, to encourage the uptake of flu vaccination
- Ensuring continued running of core IT systems during severe weather, to maintain resilience.

7. FINANCIAL & OTHER IMPLICATIONS:

There is provision for Winter Planning within the budget and in reserves. Adult Social Care receives approximately £500k per annum of winter pressure funding (£570k in 2012/13) which is funded through health, joint commissioning plans are agreed with health on how such funding is applied. Transport has a revenue budget of £297k for winter maintenance in 2013-14. There is also a winter maintenance reserve which is used to supplement the transport budget if conditions are severe.

Housing management does not have a specific budget for winter planning. The estates services team would be on alert to clear snow and ice from council tenants' walkways and housing give money advice, especially over the winter months where tenants are struggling to pay their fuel bills. Housing management's capital programme for 2013/14 includes £8.2 million for works to communal boilers, Solar PV's and over-cladding work specifically targeted at reducing fuel poverty.

Finance Officer Consulted: Anne Silley

Date: 11/11/13

Legal Implications:

7.1 The proposed approach of increased integration in relation to winter planning is in line with the Council's legal responsibilities, in particular in relation to public health. The role of promoting integration and joint working in health and social care services across the City is delegated to the Health and Wellbeing Board.

Lawyer Consulted: Elizabeth Culbert

Date: 13/11/13

Equalities Implications:

7.2 Equalities implications will need to be considered for any plans emerging from the revised planning arrangements

Sustainability Implications:

7.3 None identified

Any Other Significant Implications:

7.4 None identified

Supporting Documentation

1. Surge Plan 13/14: Brighton and Hove LHE

Surge Plan 13/14

Brighton and Hove LHE

V4

Contributing Organisations:

Brighton and Hove Clinical Commissioning Group (BHCCG)

Brighton and Sussex University Hospitals NHS Trust (BSUH)

Sussex Community Trust (SCT)

Brighton and Hove City Council (BHCC)

Sussex Partnership Foundation NHS Trust (SPFT)

South East Coast Ambulance Service NHS Foundation Trust (SECAmb)

Integrated Care 24 (IC24)

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1 Introduction

This surge plan sets out the expectations and contingency arrangements, agreed across the Brighton and Hove Local Health Economy (LHE), to ensure appropriate management of anticipated and unplanned peaks in demand. This includes the winter period.

Drawing on experience from previous years and work already underway via our improvement work programme, this plan includes a summary of:

- operational readiness across the LHE to meet demand;
- our key system priorities and actions including preventive strategies ;
- additional contingency arrangements identified after a review of lessons learnt from last year
- actions being taken against the 8 priority areas highlighted in the winter planning toolkit for 13/14.

2 Planning Context

All providers are expected to be able to demonstrate that they have:

- detailed projections of likely demand informed by historic patterns of activity, seasonal fluctuations and other factors such as the impact of significant service changes and prolonged holiday periods;
- robust plans in place to meet the expected levels of demand and to continue to meet all agreed contractual requirements, targets and service standards.

3 Operational Readiness

3.1 Leads

Across the LHE, each organisation has identified senior personnel who are the named surge planning lead (see Appendix 1). Due to the nature of the patient catchment area for Brighton and Sussex University Hospitals NHS Trust (BSUH), this includes the surge planning leads for the Crawley, Horsham and Mid Sussex and High Weald Lewes Havens Clinical Commissioning Groups. The surge plan for Crawley, Horsham and Mid Sussex CCGs is attached at Appendix 2.

3.2 Local networks for surge planning

The BSUH LHE Urgent Care Programme Board provides strategic leadership for surge planning across the system. The governance, membership and terms of reference for this group are attached at Appendix 3.

The Programme Board is supported at a local level by the Urgent Care Task Forces (UCTF) of which there are two – one for the north and south of the patch. Urgent Care

Task Force (South) meets fortnightly to oversee the operational delivery of the surge plan. From November the UCTF will meet weekly to maintain to provide a coordinated oversight of any emerging system pressures.

4 Learning from last year

The local health and social care system experienced a very long and difficult winter and system pressures continued well into the spring of 2013. System pressures were compounded by:

- the unplanned long term closure of some community rehabilitation beds
- lack of clarity for the public how to access urgent care
- loss of public confidence in GP out of hours and the start of the new NHS 111 service
- confusion over roles and responsibilities in systems management and escalation

This resulted in a deterioration of the 4 hour A&E standard, unprecedented levels of 12 hour trolley waits and declining performance hospital handover delays.

A number of diagnostic and lessons learned sessions have taken place to inform the development of this year's plan. Key areas of focus for this year include:

- A more effective means of ensuring that clinicians know about the range of good quality services which act as alternatives to hospital and how to access them.
- A greater focus on creating capacity in primary care to manage urgent care
- Planning in advance to flex community bed/home based rehabilitation resource to meet levels of demand
- Building resilience and spare capacity in core staff groups e.g. nursing
- More capacity in community urgent care services that have been proven to work e.g. community rapid response capacity
- More coordinated support for care homes e.g. access to out of hours social care support
- Better information sharing between professionals about patients and greater use of technological solutions to share basic information such as medication
- A more effective escalation system – with clarity around roles and responsibilities and pre-agreed actions that are appropriate to the problem.

5 Escalation and System Management

5.1 Local escalation processes

Following learning from last year, the Programme Board members are in the process of revising the current escalation process for the Local Health Economy. This process will be consistent with and aligned to the Surrey and Sussex Pressure Escalation Framework (see Appendix 4) and the Brighton and Sussex University Hospitals Patient Flow and Escalation Policy and Procedure (see Appendix 5).

The revisions will ensure that:

- Robust multi agency plans are in place for a range of scenarios including acute trust pressures and cold weather affecting the whole
- The plans describes clear local actions (that are agreed and planned in advance) for each level of escalation by organisation which are appropriate to the scenario being managed
- There is a degree of visibility in terms of actions taken by each organisation
- There is seamless transition from Level 3 Red escalation which will be managed within the LHE to Level 4 Black

This is underpinned by a system wide agreement that management of severe pressure is a whole system responsibility and organisations may need to accept and manage additional risk.

The current draft will be tested at a Sussex Crisis Simulation Exercise Workshop in late October.

In addition, the local system is working in conjunction with NHS England to support the role out of the Capacity Management System (CMS) by mid-October. This will provide transparency and consistent reporting in terms of acute hospital pressures.

5.2 Business Continuity and Incident Response

As Category 2 responders the CCGs have a legal requirement to co-operate and share relevant information with other Category 1 and 2 responders. In practice, CCG's are responsible for coordination of the local health system including hospital trusts, community and social care, and for 'local' health incidents within that area, and for supporting the NHS England Area Team (NHS E AT) in their coordination of response to larger pan-Sussex incidents. The CCG along with its local partners therefore maintains 24/7 on-call arrangements. The details of this are attached at Appendix 6.

In Sussex, the multi-agency response to a major incident is likely to be coordinated by a 'Strategic Coordination Group', facilitated by Sussex Police at Police HQ, Lewes.

Within this, health operates at a pan-Sussex level via the NHS England Area Team, (NHS E AT), which coordinates links and response arrangements with all provider trusts, CCG's, Public Health England and major health partners, and provides a multi-agency link to the Sussex Resilience Forum. Sussex Health planning is strategically led and coordinated by the nationally mandated 'Local Health Resilience Partnership'. The Sussex LHRP is co-chaired by a Sussex Director of Public Health and the NHS E AT Operations Director.

Brighton and Hove City Council (BHCC) as a Category 1 responder maintains a duty 'Gold' director and has a Civil Contingencies Team with an on-call officer. The PH directorate includes a Resilience Manager who advises on health protection and multi-

agency resilience issues for the community of B&H, provides a resilience service to B&H CCG and who works in partnership with the LA Civil Contingencies Team.

All main providers including BSUH, SCT, SPFT and BHCC also have full major incident plans underpinned by internal escalation processes.

5.3 *Flu Pandemic Planning*

Sussex Resilience Forum maintains a multi-agency Pandemic Flu plan for Sussex, which is currently being updated by the SRF pandemic planning group, under the leadership of the PHE centre. Recent multi-agency planning guidance for pandemic influenza suggested that 'local' flu plans need to continue to be agreed to support the overarching plans regarding provision of anti-viral collection points within local health economies (LHE's). The SRF group, including PHE and the NHS England Area Team are now awaiting updated health planning guidance for pandemic influenza to come from NHS England.

Public Health and the CCG are leading a city-wide planning group for Pandemic Influenza for the Brighton and Hove LHE that will ensure that each agency plans is able to effectively respond to the threat of flu pandemic across the LHE and cover all issues from the provision and coordination of antiviral collection points, to procedures detailing the vaccination of staff and vulnerable groups in the event of a pandemic.

5.4 *Cold weather and snow contingency*

All key providers within the LHE are required to have comprehensive cold weather and adverse weather plans. The Sussex Resilience Forum ensures there is an agreed multi-agency procedure for responding to all types severe weather events via its Adverse Weather Response Framework (Appendix 7).

In preparation for this winter, the memorandum of understanding for the Brighton and Hove transport hub has been refreshed involving all key partners. Triggers for mobilising the hub have been clarified along with providers own responsibilities regarding business continuity.

The BHCC Highways Winter Service Plan is attached at Appendix 8. This includes:

- The establishment of a winter maintenance service from 1 November until the end of March which will operate 24 hours a day, 7 days a week
- Plans for salt gritting the main network in advance of road frost, ice or snow
- the provision of salt/grit bins at outlying ungritted roads
- In prolonged snowfall, plans for snow ploughing and pavement clearance.
- Arrangements for road closures in conjunction with the police if they become impassable or road conditions become hazardous

This year's National Cold Weather plan is expected in Mid-October 2013. It is expected that the Met Office will continue to circulate cold weather and adverse weather alerts to all Civil Contingencies Act Category One responders, via Emergency planning Officers and on-call staff. At the CCG, the Resilience Manager will inform the CCG On-Call Manager.

SECAmb, BSUHT, SPFT, SCT & BHCC (including ASC) etc. will all be aware of such alerts via their EPO's and on-call staff, and should have planning and Business Continuity arrangements in place to ensure that Health professionals are adhering to the requirements of the National Plan, in checking on and where necessary, making arrangements for patients who may be vulnerable to the effects of cold weather.

The Council operates a duty officer system. The CCG has received and accepted assurance via the Brighton and Hove Resilience Manager from the Civil Contingencies Manager at BHCC that communications procedures between the Duty Officer, Civil Contingency Manager and Senior Directors during 'Out Of Hours' are robust and adequate.

Due to changes to the NHS this year, the CCG resilience Manager is seeking resolution to two issues which remain unclear:

- Whether NHS E AT will be informing all B&H Pharmacies (as well as GP Practices)
- Whether Brighton and Hove Adult Social Care will inform all Brighton and Hove care & nursing homes or only the ones they contract with.

If these issues are being managed, then the CCG will only be responsible for alerting other providers such as IC24 and local 3rd sector responders. A winter planning meeting has been timetabled for 10 am on Friday 9th November 2013 in order to give local agencies time to plan following release of this year's National cold Weather Plan.

Last winter a number of schemes were implemented as part of the Brighton & Hove Warm Homes Healthy People Programme 2012-13. The aim of the partnership was to reduce local excess winter deaths, the impact of cold homes on the health of local people and fuel poverty. The impact of these schemes has been evaluated however it is unclear as yet whether any central funding will be available consequently provisional plans are being made for funding/no funding scenarios.

5.5 *Diarrhoea and vomiting / norovirus*

A joint LHE plan is in operation to ensure there is consistent management of infection control across acute, primary and community settings. Specifically this includes a good practice agreement and joint discharge and referral documentation to highlight infection control status and risk to prevent inadvertent spread of infection and unnecessary closure of capacity (please see appendix 9)

All Short Term Service community beds provided by Sussex Community Trust and/or jointly with BHCC have a common evidenced based policy to manage infectious outbreaks. This builds on work progressed last winter and includes a daily contact from a specialist infection control nurse during an outbreak who can access immediate advice from the consultant in infection control and liaison with the Health Protection Agency. The aim of this approach is to ensure timely decision making and clinical accountability for closure; equality for patients and efficient safe reopening that is aligned with BSUH who have infection control management and monitoring policies in situ, supported by daily reporting processed.

6 Prevention

6.1 *Immunisation of at risk groups*

The CCG is engaged with all key agencies to ensure preparedness for the 2013/14 flu season, and to improve the local uptake of the flu vaccine. Last year Brighton and Hove achieved an uptake of 69% for over 65s and 50.5% for under 65s in at risk groups.

This year, the responsibility for commissioning flu vaccination programmes has passed to the NHS Area team, and we maintain close contact with them through our public health links.

The CCG has recognised that the efforts last year were not as successful as we wished, and has now agreed to fund further investment through enhancement of the Directly Enhanced Service which should provide additional nursing staff to target people who are housebound and who are most likely to miss out through their mobility problems.

Building on work from last year, the Area team is maintaining the vaccination programme in key hospital settings for patients with long term conditions. The target group this year is patients undergoing renal dialysis.

Monitoring of vaccine ordering in primary care is being carried out by the NSH Area Team, and we are looking for their assurance that the process is working successfully, and are ready to support them if specific problems emerge

Flu publicity will be led by Public Health England and Brighton and Hove City Council with a national campaign being distributed locally.

6.2 *Immunisation of frontline staff*

Main providers with the system are expected to deliver a significant improvement in staff vaccination rates this year moving towards a compliance rate of 75% for 2014. Last year's rates were as follows:

| Organisation Name | % of vaccinated health care workers involved in direct |
|-------------------|--|
|-------------------|--|

| | |
|---|--------------|
| | patient care |
| Sussex Community NHS Trust | 28.5% |
| Sussex Partnership Foundation Trust | 39.5% |
| Brighton and Sussex University Hospital NHS Trust | 30% |
| East Sussex Hospitals NHS Trust | 27.1% |
| South East Coast Ambulance Service | 40.8% |

Staff vaccination programmes are in place across local provider organisations. Although uptake will be monitored by NHS England, we are also planning to monitor local providers via the Urgent Care Task Forces and Performance and Quality Boards. In particular we will be seeking assurances that providers have:

- Sourced sufficient levels of vaccinations based on an assumption that uptake rates will increase significantly this rather than last year's outturn
- Developed appropriate improvement plans that are over and above actions taken last year and informed by best practice e.g. use national resources such as NHS Employers Flu Fighters materials

Working in partnership with the local authority, we are also encouraging all Care Homes with Nursing to vaccinate their residents this year.

The City Council has made arrangements with the Healthy Living Pharmacies for their directly employed frontline staff to be offered vaccination. The negotiated rate per vaccine will also be available for staff of other private health and social care organisations if their employers chose to use the service. The communications teams from the various organisations will be working jointly to promote the programme.

6.3 Targeted intervention for at risk groups

This year's surge plan includes targeted intervention for a number of identified at risk groups:

- Targeted support for homeless hostels in the city to prevent admission and facilitate discharge from hospital
- Targeted training and education support for care homes in the city to encourage use of community alternatives to ringing 999 and
- Dedicated social care and mental health capacity in Integrated Primary Care Teams
- Roll out of IBIS for key at risk patient groups – COPD, dementia, end of life, mental health and falls

- A respiratory nurse in A&E to provide liaison with community respiratory teams and expedite discharge
- 7 day a week rapid access clinics

7 Capacity in Key Services

7.1 Joint system plans

The system around the BSUH catchment area are working together to deliver a joint improvement plan, following recommendations from ECIST, which aims to support sustainable delivery of the 4 hour A&E standard and also reduce the number of avoidable non elective admissions and A&E attendances. The improvement plan focuses on a number of key work streams including:

- Creating capacity in primary care to manage urgent care demand
- Anticipatory care i.e. coordinated and structured care of high risk
- Reducing avoidable ambulance conveyances
- Improving access to urgent care services e.g.
- Reducing avoidable admissions to hospital alternative community pathways e.g. shortness of breath, IV antibiotics
- Redesigning community short term services and integrating bed, community and community urgent care services

The local system has also agreed a range of investments from local social allocation and reablement resources and national surge planning monies. The detailed schedule is available at Appendix 10.

7.2 Primary Care

GP's will continue to provide primary medical "essential services" between 8.00am and 6.30pm Monday to Friday, excluding public holidays. Outside of these hours the CCG commissions an out of hours GP service located at the Royal Sussex County Hospital. NHS 111 acts as the entry point for patients

Individual GP practice business continuity (and flu) plans will be checked individually with practices. This will identify any practices whose plans are not up to date or robust and will also focus on practice 'buddying' arrangements specifically designed to ensure service continuity, particularly for single handed and small GP practices.

The Walk-in Service at the Brighton Station GP led health centre is operated by Care UK, offers an 8am -8pm service everyday including Christmas and Bank Holidays. This includes a sexual health consultations/emergency contraception service that is open from 8am -7 pm. These services are well advertised locally.

Historic patterns of demand in Brighton and across other sites run by Care UK show that the Christmas and New Year period do not present a high demand. However, planning for additional staffing is contained within the company's contingency plan and includes pulling staff from sites nearby in Portsmouth and Wandsworth. Contact details for Care UK, in the event of escalation due to adverse weather or other situations, are contained in the on call information for the CCG on call managers.

This year's plan has a greater focus on creating capacity in General Practice to manage urgent care demand. Initiatives supported by the national A&E/surge funding include:

- The piloting of Dr First or similar systems in 6 practices across Brighton and Hove
- Saturday and Sunday morning pop up walk in clinics supported by access to practice systems
- Practice sign up to a set of urgent care standards e.g. a commitment to respond to a call from a consultant within 30 minutes
- A Primary Care Navigator role in A&E supported access to practices systems and/or Summary Care Records
- Continued development of the Urgent Care Dashboard and encouraging greater use by practices

We are also working with primary care to develop a range of specific actions to implement as part of the local escalation process which may include:

- Sending out an all practice e-mail on use of alternatives to A&E when the hospital is at "red"
- The cancellation of pre booked training sessions when the hospital is on "black"
- The development of metrics that measure business of primary care urgent care in primary care by examining same day appointments, telephone contacts and visits offered on a daily basis by a manageable number of volunteer indicator practices
- The development of a menu of appropriate responses that GP practices could make when the hospital is "black", including extra opening hours, telephone triage, cancelling routine clinics or appointments to increase urgent care capacity.

Local dentists will provide core services as per contract. This includes additional 'in-day' access slots procured during 2010, targeted at our areas of highest need. Emergency Dental Services are provided 7 days a week, including all bank holidays. Information with regarding the Emergency Dental Service will be included in all local winter communications plans.

Brighton and Hove is well serviced with 59 community pharmacies spread throughout the City. The majority are open until at least 6.30pm weekdays. Two pharmacies

(Weston's Pharmacy, Lewes Road, and Ashtons Pharmacy, Seven Dials) are open from 9am-10pm 365 days a year. The pharmacy at Sainsbury's, West Hove, has a 100 hour per week contract. Although many pharmacies do have reduced opening hours on the Christmas and New Year bank holidays – Weston's and Ashtons are both open all day with Sainsbury's, West Hove, and Boots, North Street, still available on most days, apart from 25th December.

All pharmacies have contingency plans and arrangements in place to ensure a service can still be provided even in times of adverse weather conditions.

7.3 Out of Hours

Integrated Care 24 (IC24) have appropriate contingency plans in place to ensure primary care out of hours and out of hours nursing services can be maintained and meet expected increases in demand over the winter period. Historic patterns of activity are routinely tracked and staff levels planned accordingly, including all bank holidays.

Additional capacity plans focus on extra clinicians during predicted busier shift times such as early evenings and daytimes at weekends and bank holidays.

Capacity and demand are reviewed routinely on Mondays at locality corporate meetings and on Thursdays at Operations Conference Call. Emergency meetings of the EMT are held if demand exceeds capacity and thereafter at daily conference calls throughout the crisis period.

All IC24 cars are fitted with winter tyres at the start of October for the winter period and wheel chains available. Brighton has the use of 3 cars, 2 of which are 4x4 as well as the access to 4x4 assistance. IC24 are seeking to collocate some of their 4x4 vehicles at the Royal Sussex County site. There are 7 other cars in use for the oohs period within the East Sussex Locality

GP out of hours will also continue to support:

- A redirection pathway from adult and paediatric A&E
- A weekend review clinic which is bookable by health professionals.

The out of hours nursing service operates from 8pm to 8am 7 days a week including Tuesday 25th December and Wednesday 26th December and Tuesday 1st January 2013. Staff are not permitted annual leave during the long Christmas Bank Holidays and are aware that that the service may request flexibility over other leave arrangements.

Additional night sitting and 'pop in' capacity will be in place via the out of hours nursing service to provide additional support to Community Rapid Response Service (CRRS) and to facilitate discharge from A&E.

A number of other services operate out of hours. Where these are directly accessible by the public they are linked into the NHS Pathways Directory of Service as a potential disposition for NHS 111. This includes:

- Professional Support Line (for clinician urgent care referrals)
- Community Short Term Services – bed and community based rehabilitation
- Community Rapid Response Service
- Independence at home (in-house homecare service)
- Hospital Integrated Discharge Team (including social care)
- GP led health centre
- Roving GP (operating until 9pm weekdays)
- Social workers aligned to Community Rapid Response Service/Carelink to provide emergency and out of hours social care

7.4 Services preventing admission

All community services will as a minimum be provided in accordance with planned activity levels and contractual requirements. Certain key services will be bolstered with additional capacity funded by A&E improvement/surge funding.

Roving GP/Intermediate care medical cover (provided by IC24) has a substantial number of shifts covered by salaried GPs to ensure continuity of care and robustness of service delivery. Additional sessional GPs are available to provide cover where needed. The service is able to flex according to activity as the RGP and ICS GP can support each other and provide contingency. As part of the surge funding, the operating times of the roving GP will be extended until 9pm on weekdays to more closely align with those of the CRRS.

The **Community Rapid Response Service (CRRS)** functions 7 days a week until 8pm. This service provides a 2 hour urgent assessment and intervention service to prevent admission to hospital for up to 3 days. Surge funding is being used to provide additional capacity within the service to take an additional 5 referrals per day and to more effectively respond to peak periods of demand e.g. Fridays.

Age UK (Brighton and Hove) work closely with CRRS to support patients for up to 2 weeks, when they are in crisis. They provide general care as well as a sitting service 7 days per week. The plan is to increase the capacity of this service to respond to the anticipated winter surge demand from CRRS. This additional capacity will also support patients waiting for packages of care in their usual place of residence, and thus enable patients to be discharged from both an acute bed and/ or the CRRS (which provides support for up to 72 hours) in a timely and safe way.

The **Integrated Primary Care Teams (IPCTs)** which support clusters of practices to proactively manage patients with long term conditions is now well established. Since last winter, the service has increased nursing, therapy, social care management and

mental health nursing capacity. The service also has a target of getting 500 anticipatory care plans on the IBIS system by mid-November.

The **Professional Support Line (PSL)** is the single point of access for all community urgent services and operates 8am to 8pm 7 days a week. Further assurances are being sought from the current provider, SECAMB, on plans to ensure robust service delivery over the winter period.

The **Rapid Access Clinic for Older People (RACOP)** provides multi-disciplinary consultant led geriatric assessment to prevent hospital attendance and / or admission as well as support timely discharge from an acute bed. The surge funding will increase capacity within the service and enable specialist dementia support.

7.5 Acute Hospital Services

BSUH have well established mechanisms in place to flex bed capacity up and down to meet demand, but there is a clear limit to the maximum capacity that can be open. Clinical operation reviews of predicted and actual demand progress take place three times a day. An operational look forward monitors all capacity issues and plans for the following week on all aspects in demand on capacity. This includes the management of mismatches between elective and emergency demand. A rolling 6-week emergency admission predictor is used; and this predicts the position one week ahead for planning and is supported by the implementation of a real time bed state that monitors patient flow, and is expected to be fully operational in 2013.

Duty rotas will be completed 6 weeks in advance of the Christmas/New Year period. Annual leave will be tightly managed and a rota is developed to use minimal agency staff over the period. Regular recruitment into nursing vacancies has resulted in a reduction of vacancies and consequent use of agency staff. A full on call rota is in place providing 24/7 cover by all professional groups as required is in place, especially from support services e.g. Pharmacy service, Therapy staff, Pathology services, Imaging.

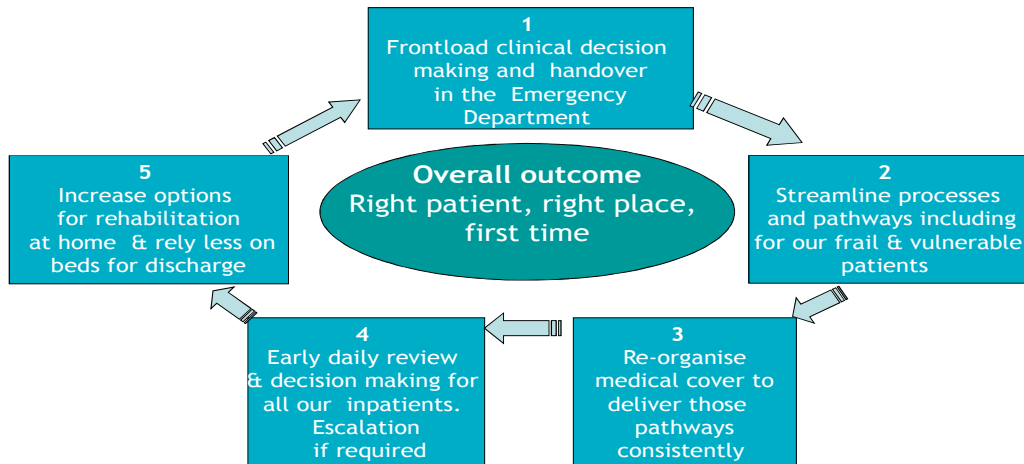
Elective admissions over Christmas and New Year period will be reduced over Bank holidays but otherwise will continue as normal. Planned trauma lists will be increased over this time, to meet the usual peak in capacity demand.

Arrangements are in place to continue the management of elective work and to maintain the achievement of the 18 week target including:

- A weekly (Wednesday) 18 week meeting to monitor performance and implement agreed actions
- A reduction in waiting time for first outpatient appointment allowing greater flexibility in the remainder of the 18 week pathway
- Alternative providers identified to take patients from existing waiting lists identified as required

In the event that the 18 week target was at risk a Recovery Group would be formed to agree and monitor a plan to regain performance.

£835k of the surge funding allocated to BSUH will be used to improve and enhance practice enabling delivery monitoring by means of mile stones, measurable KPIs. The schemes are closely linked to the ECIST work for which there are five key work streams



BSUH are working with key stakeholders in the system to ensure a robust plan for the forthcoming winter. This will draw on experience from previous years and ensure there are plans in place to meet the expected levels of demand. A dashboard of performance and process measures is in place and in use to provide assurance around progress to the wider system. The dashboard looks at both key performance and safety and quality indicators. This work will continue at pace and alongside other initiatives to improve quality, safety and dignity.

BSUH will provide timely updates in relation to performance and the impact that the monies is having on our patients. There will be agreed named staff that will be responsible for ensuring that the impact is measureable and reported.

Escalation plans have been updated and circulated with clear actions taking in to account previous years and experiences.

6.1.1 Single Sex Compliance

BSUH is compliant with the Government's requirement to eliminate mixed-sex accommodation, except when it is in the patient's overall best interest, or reflects their personal choice.

Patients who are admitted to the hospital will only share the area where they sleep (i.e. section or bay of a ward) with members of the same sex, with same-sex toilets and

bathrooms close to their bed area. Sharing with members of the opposite sex will only happen when clinically necessary (for example in our Critical Care units) or when patients actively choose to share (for example in the Sussex Kidney Unit.)

BSUH will also set up an audit mechanism to make sure that it effectively classifies any of its reports and will publish the results of the audit in the annual Quality Account.

6.1.2 Critical Care

Critical care networks and communication processes are in place.

Bed capacity for HDU has increased this year to 8 beds at RSCH. Transport and escalation plans are fully in place and used regularly. SECAMB responds to requests for critical care transfers (inter hospital) as an emergency response based on the needs of the patient. The critical care facilities on both sites are used flexibly to meet the demand.

7.6 Learning Disabilities and Mental Health

The extended break over the Christmas and New Year period can result in vulnerable people becoming isolated. Contingency plans will be in place for such individuals and these are available through e-CPA (SPFT electronic clinical recording tool) which is available to all SPFT staff including those working in the Crisis Resolution Home Treatment (CRHT) service, A&E Liaison staff, Assessment and Treatment Service, Enhanced Brighton Urgent Response Service, Assertive Outreach and the Living well With Dementia Service.

Both Mill View and the Nevill Hospitals will be operating at full capacity across the winter period for the provision of adult and older people with mental health problems.

The Assessment & Treatment Services operate normal working hours 9-5 Mon to Friday, (except BHs). The Assertive Outreach Team (AOT) operates extended hours for identified clients.

CRHT & A&E Liaison operate 24/7, as is access to on call consultants and Approved Mental Health Professionals. The Enhanced Brighton Urgent Response service is fully operational and available 24/7 working from Mill View Hospital between 8am- 8pm and outside of these hours from the RSCH.

The Living Well with Dementia Service is available 7 days a week 8am-8pm for people with dementia.

The Lighthouse (service for personality disorders) operates 7 days a week.

When 'normal' bed capacity is full there are agreed escalation plans e.g. leave beds, urgent clinical reviews, and accelerated discharge with support from CRHT. In-patient wards are identified as priority, with professional leads providing clinical interventions.

The Brighton and Hove Wellbeing Service is open Mon - Friday 9am to 5 pm, closed weekends and bank holidays. There is a facility for this service to respond to respond to priority referrals within 5 days of referral.

The Brighton & Hove Memory Assessment Service is open Mon- Fri 9-5 closed weekends and bank holidays.

Staffing capacity is planned according to previous activity levels, to ensure adequate staff are in place. The main risk to the service is staff sickness, in this event the community services would need to concentrate on priority referrals, and routine referrals would take longer to be seen which may end up in a breach in waiting to be assessed / treated.

Across all Mental Health services, in adverse weather situations e.g. snow, vulnerable people are visited at home and non-clinical staff are redeployed to provide ancillary functions.

7.7 Ambulance Services - 999 and PTS

SECAMB operate a nationally recognised REAP (Resource Escalation Action Plan) system, incorporating six levels of escalation which triggers actions based on system pressures. This is attached at Appendix 11. The REAP level is kept under constant review by the operational management team.

SECamb will expect to receive as much notice of adverse weather through its Contingency Planning and Resilience Department. The system in place captures all the severe weather warnings from whichever source and sends them through to the single point of contact (SPOC) email (CP&R@secamb.nhs.uk) or the SPOC Tactical Advisor number (0773900765). The on-call Tactical Advisor will then deal with the alert in the most appropriate manner. Should the alert relate to pre-warning telecons then these will be attended to by the SECamb representative and will promulgate the actions throughout SECamb. Notice of weather concerns could trigger the standing up of Mission Control along with preparedness and distribution of in-house 4x4 vehicles along with the procurement of additional 4x4 capability if required.

The Resourcing Escalatory Action Plan (REAP) will form the backbone of the Trusts response; as part of the REAP procedure an Emergency Operations Centre (EOC) on day surge process has been established that will provide the Trust with short notice capability to surge several vehicles. This system has been enhanced since the introduction of the single Computer Aided Dispatch (CAD) which enables deployment across SECamb.

SECamb operate NHS Pathways in all 3 EOCs which enables more patients to receive a more appropriate response, providing advice or more local services to be used to conclude episodes of care over the telephone, at the patient's home or at an alternative treatment centre other than an acute setting. It is anticipated that utilisation of this

triaging tool which is linked to a directory of locally available services will reduce A&E attendances. Alongside this SECAMB have additional clinical advice/support within the EOC's and has contingency plans to increase the numbers of clinicians at times of increased demand along with expanding the conditions where advice can be provided.

Additionally SECAMB are implementing a number of projects which support the system wide programme to reduce the number of avoidable conveyances to A&E:

- Supported conveyances –providing additional support to ambulance staff in their decision making regarding whether to convey a patient into secondary care or whether the patient can be supported at home through primary or community care services. This support would be provided by a senior clinician from the Secamb control room.
- Using the IBIS system i.e. loading care plans onto the IBIS system to help them to manage the patient in the community, where clinically appropriate rather than automatically conveying them to hospital.

SECAMB have in-house 4x4 vehicles with patient carrying capability and these can be supplemented with additional hired in vehicles if required. All trust ambulances have snow tyres fitted as standard and these can be further enhanced with the addition of 'snow shoes'.

Patient Transport Services

It is SECAMB's intention to provide a reliable and responsive patient transport discharge service to the acute trusts as commissioned. Plans have identified that when there is a demand for discharges, due to adverse weather, there is also a corresponding reduction in out-patient activity, therefore PTS capacity to key patient groups, including discharges should be maintained. The PTS managers with geographic responsibility for the particular area work with the local providers to identify and agree priorities and manage demands.

The PTB provides a central screening, booking and coordination centre for Sussex. This service is available for all PTS requests including out patient appointments, discharges, admissions etc. In addition the PTB organises the repatriation of patients any where in the country or from anywhere in the country back to Sussex.

The PTB is centrally based in Worthing with 85% of staff living within 15 minutes walking distance it is able to operate as LHE central transport Hub for non emergency transport coordination. The PTB can be contacted via email or through 0300 111 21 31. We also have a dedicated discharge line which will be used in the event of adverse weather conditions 01903 890651.

The PTB also has on site coordinators currently based at Chichester, Brighton and Eastbourne however should they not be able to get to their designated sites they also

have the capability to work from home with full access to the PTB booking service and phones linked into the dedicated discharge line.

PTB and PTS managers will monitor performance and responsiveness of service while maintaining close links with colleagues in the acute trusts, particularly when the health system is challenged, on an hour by hour basis if necessary.

Access to reliable PTS remains a concern for the LHE and despite work to review current arrangements it is unlikely these will deliver any material benefits in time for winter. Plans are therefore in place to secure additional dedicated private vehicles via surge funding to support BSUH and discharges to and from community STS beds.

7.8 Hospital Handovers

Whilst progress has been made in validating handover data, both BSUH sites continue to experience significant levels of handover delays. The surge plan includes funding to support improvement including Hospital Ambulance Liaison Officers at both sites and a nurse post to greet ambulances in the Princess Royal A&E.

Performance is being closely scrutinised at the BSUH Single Performance Conversation and the Urgent Care Programme Board however SECAMB and BSUH have yet to:

- reach agreement on governance arrangements and triggers for instigating cohorting in the A&E departments
- present a comprehensive joint plan that assures commissioners performance will improve.

7.9 NHS 111

Only superficial winter plans have been received from SECAMB regarding the NHS 111 service. Commissioners have been advised that the full winter plan will not be available until the end of October. The plan, as provided, does not provide any assurance about the service's ability to manage surges in demand, in particular over the peak holiday period. This concern is being formally raised with the provider via the lead contracting CCG.

7.10 Access to intermediate care and social care

Community Short Term Community Short Term Services (CSTS) are accessed by clinicians and professionals across Brighton and Hove via the Professional Support Line. CSTS will be provided in accordance with planned activity levels and contractual requirements.

Services will flex their staffing within existing resources to cover bank holidays and weekends ensuring that 'pinch points' are reduced as much as possible. Surge funding and the winter contingency from the Social Care Allocation are being used to provide additional capacity in key services including:

- 7 day a week social work resource aligned to the CRRS to be used flexibly when patients are in crisis. Importantly the social workers will be able to ensure patients are supported when they require adult health and social care services.
- Additional homecare capacity to supplement CSTS ensuring there are enough homecare workers available to respond rapidly to peaks and troughs across winter across 7 days of the week
- increased capacity and availability of community equipment access 08.00-20.00 for 7 days per week
- a dedicated discharge vehicle for CSTS to support patient flow from an acute bed to CSTS and if required from CSTS to another care setting a dedicated discharge vehicle will be available for CSTS patients
- additional CSTS beds available through the winter surge with flexible admission criterion and a particular focus on dementia or cognitively impaired patients, and access to appropriate rehabilitation facilities.

All services within CSTS have developed clear escalation plans and policies to cover likely issues such as cold weather, snow, capacity issues, and the closure of CSTS beds

7.11 Social care joint arrangements

Adult Social Care is a core member of the weekly Urgent Care Task Force. All the Brighton and Hove system plans incorporate actions related to social care and local authority services commissioned and include:

- Management of reduced capacity and staffing over winter (including use of care crew/ relief staff)
- Management of planned annual leave for the winter and Christmas period (includes new Annual leave booking protocol)
- Flexibility between directly provided 'bed' services to ensure maximum efficiencies
- Clear onward pathways being developed to independence at home (homecare) to support Community Short Term Services and rapid response service
- ASC to participate in Transport Hub to support movement of critical staff and access to vulnerable service users when severe weather significantly disrupts transport systems in the city.
- Increased levels of homecare capacity accessible 7 days a week, and improved access to home care through reviewing current processes.
- Increased access to care home capacity (including nursing) 7 days a week

- Information and intelligence related to available care home capacity accessible to BSUH 7 days a week

Good processes are in place to support timely hospital discharges including rapid access to packages of homecare, 7 days a week access to assessment services, care pathways for housing issues.

Social work teams will be covering short term services over the Christmas week to avoid delays in assessments and applications for care provision. There should be normal cover over 24th, 27th and 28th.

8 Communications

The CCG has developed and implemented a comprehensive public campaign to improve awareness of where they should go if they are unwell or have an accident and to try and encourage people with less serious problems to use services other than A&E. We are working closely with BSUH and neighbouring CCGs to make sure we have a coordinated approach to this campaign.

At this year's PRIDE event we, with the help of SECAMB, St John Ambulance and LGBT HIP, handed out 3000 flyers all over the city telling people the exact location of the Brighton Station Health Centre and the main pharmacies. We have distributed similar information at Sussex and Brighton Universities Fresher's Weeks with adverts in student papers and presence at Fresher's fairs.

The campaign, themed around celebrating the everyday heroics of people using the health system correctly, will include short animated films to be shown in key locations, a mobile phone optimized web site and game; and radio and bus stop advertising. Click here to go to the site - . www.wecouldbeheroes.nhs.uk.

Flu publicity will be led by Public Health England and Brighton and Hove City Council with a national campaign being distributed locally. The Cold Weather Plan is also being launched by Public Health England alongside a communications toolkit to support local work on the Keep Warm, Keep Well theme. Alongside messages for the public, the CCG is developing a mobile enabled web based directory of urgent care services. This will be available to local GPs and other clinicians in the city. We have held a networking event with BSUH clinicians and community services to develop a greater understanding of the range of community alternatives in the city. We are seeking to replicate this session with GPs and care home providers.

9 Key Risks and Mitigation

| Risk Area | Risk Score | Mitigation | Adjusted Risk Score |
|--|------------|--|---------------------|
| Sustainable delivery of 4 hour A&E standard | 20 | <p>Continued scrutiny of delivery of ECIST plans by acute trust via local assurance group</p> <p>Ensuring focus on key risk areas affecting performance e.g. surgical pathways, timely discharge, mental health etc.</p> <p>Continued oversight and leadership by members of Urgent Care Programme Board supplemented by operational focus at weekly Task Force meetings</p> | 12 |
| Ability to make best use of surge money in a sufficiently timely way to impact on winter | 16 | <p>Prioritisation of surge money on key risk areas.</p> <p>All bidders required to complete project plans and provide regular update on progress</p> <p>Close monitoring of use by UCPB to ensure programmes are delivering on time and achieve desired impact</p> <p>UCPB to determine use of slippage money</p> | 12 |

| Risk Area | Risk Score | Mitigation | Adjusted Risk Score |
|---|------------|---|---------------------|
| Lack of effective escalation policy | 16 | <p>Rewrite of local policy to align with Surrey and Sussex policy to include:</p> <ul style="list-style-type: none"> • Robust multi agency plans for a range of scenarios including those affecting the whole system • clear local actions (that are agreed and planned in advance) for each level of escalation by organisation which are appropriate to the scenario being managed • a degree of visibility in terms of actions taken by each organisation • seamless transition from Level 3 Red escalation which will be managed within the LHE to Level 4 Black. <p>Testing at Sussex Crisis Simulation Exercise Workshop in late October.</p> <p>Implementation of CMS to provide transparency and consistent reporting in terms of acute hospital pressures.</p> | 12 |
| Ability of PTS to meet demand and capacity over winter period | 16 | <p>Review of current contract and escalation to provider of key issues by lead commissioner.</p> <p>Sourcing PTS capacity from independent sector providers to support discharge from hospital and to expedite discharge from CSTS beds</p> | 12 |

| Risk Area | Risk Score | Mitigation | Adjusted Risk Score |
|--|------------|--|---------------------|
| Ability of NHS 111 to meet demand and capacity over peak periods | 12 | Lead commissioner has formally written to provider requesting comprehensive surge within 2 weeks. | 12 |
| No improvement in hospital handover performance | 16 | Implementation of HALO role and PRH nurse from surge funding. Continued scrutiny of handover improvement plans by local assurance group and SPC. | 12 |
| Non delivery of flu immunisation targets for provider staff | 12 | Monitoring of providers by NHS E Monitoring of local providers via the and Performance and Quality Boards. In particular we will be seeking assurances that providers have: <ul style="list-style-type: none"> Sourced sufficient levels of vaccinations based on an assumption that uptake rates will increase significantly this rather than last year's outturn Developed appropriate improvement plans that are over and above actions taken last year and informed by best practice e.g. use national resources such as NHS Employers Flu Fighters materials | 9 |

NOTICE OF MOTION**GREEN GROUP****BADGER CULL**

“This council notes that the widespread public and scientific concern at the government’s badger culling pilots, and the government’s stated intention to roll out badger culling more widely across the UK including East Sussex.

However the government appointed Independent Scientific Group's ten year randomised badger culling trial concluded that “badger culling can make no meaningful contribution to cattle tuberculosis control in Britain.”

The RSPCA have also said that “as culling cannot be selective many perfectly healthy badgers will be slaughtered as ‘collateral damage’ in fact, as many as 6 out of 7 badgers killed could be [bovine Tuberculosis] free.”

Many experts have pointed out that better on-farm welfare, tighter bio security and stricter cattle movement controls are key to combating the disease.

Vaccination can also be used to protect badgers from catching this disease and to prevent them from passing it back to cows, as is now the case in Wales. Cattle vaccination also has a role to play long term, once the current regulatory hurdles are overcome.

This council objects to the badger culling pilots and any future expansion to other parts of the country, including East Sussex.

This council therefore:

- a) Asks that the Chief Executive of our council writes to the Secretary of State informing them of council’s objections.
- b) Requests a report to Policy & Resources Committee setting out how the council will work with tenant farmers to prevent culling from taking place on council-owned land.
- c) Joins the RSPCA in asking the city’s MPs to support Early Day Motion 661, calling for any roll out of the cull to be subject to a vote in Parliament.”

Proposed by: Cllr Wakefield

Seconded by: Cllr Phillips

Supported by: Cllrs Bowden, Buckley, Davey, Deane, Duncan, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Powell, Randall Rufus, Shanks, Sykes and West.

NOTICE OF MOTION**GREEN GROUP****THE TRANSPARENCY IN LOBBYING, NON-PARTY CAMPAIGNING, AND
TRADE UNION ADMINISTRATION BILL**

“This Council calls upon the city's three MPs to reject Part 2 of the so-called ‘gagging’ Bill as it will have a deleterious effect upon vital, meaningful civic engagement in democratic life. It will strike at the very core of an English tradition: the right to disagree.

As the Bill stands, it will severely curtail, and place a costly, indeed surreal administrative burden upon charities, especially in the year before a General Election. Such charities' political lobbying is, of course, already regulated by the Charity Commissioners.

As the independent Commission On Civil Society And Democratic Engagement panel, Chaired by Baron Harris of Pentregarth (former Bishop of Oxford), has concluded in a recent report: “the combined effect of lowering the threshold for registration, cutting spending limits, introducing a cap in constituencies and broadening the scope of activities subject to regulation is extensive: it is likely to result in a broad range of everyday issue-focused campaigning being caught by the Bill”.

There is opposition to these from organisations as varied as the Christian Institute and the National Secular Society; the Countryside Alliance and Friends of The Earth. Furthermore, the Joint Committee on Human Rights has expressed concern that, with organisational costs being taken into account, the Bill would harm the fundamental right to assembly for rallies and marches.

We believe campaigning organisations are vital to a healthy democracy and civil society. Curbing them through this bill would be incredibly damaging to our democratic well being.

In light of the recommendations by the Commission on Civil Society and Democratic Engagement, we ask that the Bill be rejected - so that the next General Election can be conducted in an open and honest fashion, without a gag being placed upon those it is mean to represent and help.

Proposed by: Cllr Hawtree

Seconded by: Cllr Buckley

Supported by: Cllrs Bowden, Davey, Deane, Duncan, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Phillips, Powell, Randall, Rufus, Shanks, Sykes, Wakefield and West.

NOTICE OF MOTION**CONSERVATIVE GROUP****BRIGHTON NATIONAL SPEED TRIALS**

This Council notes that the historic Brighton National Speed Trials event, organised by the Brighton & Hove Motor Club, has been an integral part of the city's outdoor events calendar since 1905, when Sir Harry Preston persuaded the Town Corporation to lay a tarmac motor racing track between Black Rock and the Aquarium. This much-loved event attracts many visitors to Brighton & Hove and hence makes a significant contribution to the local economy.

This Council notes with concern the proposals to stop supporting the Brighton National Speed Trials on Madeira Drive and fears that if they are not given permission to take place; other motor vehicle based events such as the Veteran Car Run could also be put in jeopardy.

The Council believes that important historic events should not be removed from our annual calendar as this will destroy the heritage of our great City.

The Council further believes that efforts should be made to ensure that Madeira Drive continues to attract important motoring events, as well as many other diverse events, throughout the year and not replace any of them with new events that could easily be hosted in other areas of the city.

Therefore, this Council resolves to ask the Economic Development & Culture Committee to continue to support the staging of the Brighton National Speed Trials event in 2014 and beyond, by granting landlords consent to the Brighton & Hove Motor Club for the closure of Madeira Drive.

Proposed by: Cllr. K. Norman

Seconded by: Cllr. G. Theobald

Supported by: Cllrs Barnett, Peltzer Dunn, Simson, A. Norman, Wealls, Cox, Bennett, Smith, Pidgeon, Mears, Janio, C. Theobald, Brown, Hyde and Wells.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****ENERGY PRICE FREEZE**

“The Council notes the the ‘big six energy companies’ have increased their prices for gas and electricity by 37% since October 2010. In comparison, average earnings have risen by just 4.4% over the same period.

The Council notes the recent report by energy regulator Ofgem that showed profits made by the Big Six Energy Companies, British Gas, Npower, SSE, Scottish Power, e.On and EDF have risen to £53 per household in 2012, in comparison to £8 in 2009.

The Council recognises the impact these price rises are having on residents across the City, especially vulnerable groups such as the elderly, and those working on low incomes whose wages have not kept pace with the spiralling cost of utility bills.

This Council resolves:

- 1) To request the Chief Executive and Leader of the Council write to the Secretary of State for Energy and Climate Change to urge him to implement an energy price freeze
- 2) To request that officers work closely with community and voluntary associations across the City to support vulnerable groups over the winter period who may find themselves unable to afford to heat their homes.”

Proposed by: Councillor Morgan

Seconded by: Councillor Mitchell

Supported by: Cllrs Daniel, Fitch, Hamilton, Wilson, Meadows, Marsh, Robins, Carden, Lepper, Pissaridou, Gilbey and Farrow.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****FIXED ODDS BETTING TERMINALS**

“This council notes:

1. The prevalence of Fixed Odds Betting Terminals (FOBTs) in betting shops often referred to in the media as “the crack cocaine of gambling”.
2. That, unlike fruit machines in pubs, bingo halls and amusement arcades where cash stakes are limited to £2, gamblers can bet with cash or via a debit card up to £100 every 20 seconds on FOBTs, more than four times as fast as the rate of play in casinos.
3. That in 2012, over £1.5bn was lost on FOBTs across the UK. More profit was made from FOBTs than from the National Lottery, when according to the most recent British Gambling Prevalence Survey, 56% of the population play the Lottery, but just 4% play FOBTs.
4. Empirical evidence that suggests FOBTs are the most addictive form of gambling.
5. Research carried out by Geofutures, which found there to be four times as many betting shops in areas of high unemployment than in areas of low unemployment.
6. Research carried out by 2CV in Newham, which found that the average bet per spin on FOBTs is £17, and the average amount of cash inserted into the machine is £55 per session, with one in five putting in over £100 a time.
7. Nationally, more than 80% of turnover in betting shops and more than half of profits are derived from FOBTs. Less than 20% of stakes in betting shops are over the counter.
8. A recent economic analysis undertaken by Landman Economics, commissioned by the Campaign for Fairer Gambling, which assessed the impact of FOBTs on local economies and across the wider economy. The report concluded that every £1bn spent on FOBTs produces a net reduction of 13,000 jobs, compared to if spent in the wider consumer economy. The projected doubling of revenue from FOBTs by 2023 could cost a further 23,000 jobs across the economy.

9. Concern that the Government has not addressed the issues caused by FOBTs, and the announcement made by Maria Miller MP, Secretary of State for Culture Media and Sport, on 10th October 2013 in response to the Triennial Review of gaming machine stakes and prizes, where the stakes on FOBTs were unchanged.
10. The position in the Republic of Ireland where the Government has introduced legislation to outlaw FOBTs in betting shops.

This council believes that the increase in FOBTs is causing significant problems and believes that the Government should either use the existing legislative framework, or introduce legislation to outlaw B2 casino games in betting shops.

At the very least, local authorities should be given the powers to protect the local amenity and wellbeing of communities by (1) stopping the proliferation of betting shops and (2) reducing the maximum stakes and slowing down the speed of play.

This council therefore requests:

1. The Chief Executive writes to the Secretary of state for Culture, Media and Sport to outline the terms of this motion and demand urgent action against FOBTs by the Government; and
2. That the Policy & Resources Committee be asked to ensure the use of the Sustainable Communities Act as a means to reduce the maximum stake on Fixed Odds Betting Terminals to £2 per spin is explored.”

Proposed by: Councillor Daniel

Seconded by: Councillor Lepper

Supported by: Cllrs Morgan, Fitch, Hamilton, Wilson, Meadows, Marsh, Robins, Carden, Mitchell, Pissaridou, Gilbey and Farrow.