

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 22 OCTOBER 2015

THE BRIGHTON CENTRE



AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	22 October 2015
Time:	4.30pm
Venue	The Brighton Centre, Auditorium 2
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Reverend Alice Whalley
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk

	<p>Public Involvement 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.</p> <p>If you wish to attend a meeting but have a mobility impairment, please contact the Democratic Services Team (Tel: 01273 291066) in advance of the meeting to discuss your access requirements. We can then work with you to enable your attendance and to ensure your safe evacuation from the building in the event of an emergency.</p>
	The Brighton Centre has facilities for disabled people including a lift and wheelchair accessible WCs.
	An infra-red hearing enhancement system is available within the meeting room to assist hard of hearing people. Headsets and neck loops are provided. If you require any further information or assistance, please contact a member of the Democratic Services team on arrival.

This Agenda and all accompanying reports are printed on recycled paper

AGENDA

31 DECLARATIONS OF INTEREST

- (a) Disclosable pecuniary 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.

32 MINUTES**1 - 26**

To approve as a correct record the minutes of (a) the Special Meeting held on the 16th July and (b) the last ordinary Council meeting held on the 16th July 2015 (copies attached).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 01273 291006

33 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

34 REVIEW OF THE COUNCIL'S CONSTITUTION - OCTOBER 2015**27 - 56**

Extract from the proceedings of the Policy & Resources Committee meeting held on the 15th October 2015 (to be circulated), together with a report of the Monitoring Officer (copy attached).

Contact Officer: Elizabeth Culbert
Ward Affected: All Wards

Tel: 01273 -291515

35 APPOINTMENT OF THE CHIEF EXECUTIVE**To Follow**

To receive the recommendations of the Appointments Panel on the appointment of the Chief Executive. Report of the Interim Executive Director for Finance & Resources (to be circulated following the final interviews for the post on the 20th October 2015).

Contact Officer: Sue Moorman
Ward Affected: All Wards

Tel: 01273 293629

COUNCIL

36 TO RECEIVE PETITIONS AND E-PETITIONS.

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

37 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 15th October will be circulated separately as part of an addendum at the meeting.

38 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 15th October 2015 will be circulated separately as part of an addendum at the meeting.

39 PETITIONS FOR COUNCIL DEBATE

57 - 60

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

(a) A Permanent Local Archaeology and History Display in Brighton Museum – Lead Petitioner Ms. F. Briscoe;

(b) Build our City an Ice Arena – Lead Petitioner Master S. Keywood.

Contact Officer: Mark Wall

Tel: 01273 291006

6.30 - 7.00PM REFRESHMENT BREAK

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

40 WRITTEN QUESTIONS FROM COUNCILLORS.

61 - 62

A list of the written questions submitted by Members has been included in the agenda papers (copy attached). 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: 01273 291006

41 ORAL QUESTIONS FROM COUNCILLORS

63 - 64

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 (copy attached).

Contact Officer: Mark Wall

Tel: 01273 291006

COUNCIL

42 CALL OVER FOR REPORTS OF COMMITTEES.

- (a) Call over (items 43-49) 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: 01273 291006

43 PROPOSED SUBMISSION EAST SUSSEX, SOUTH DOWNS AND BRIGHTON & HOVE WASTE AND MINERALS SITES PLAN

65 - 94

Extract from the proceedings of the Policy & Resources Committee meeting held on the 15th October 2015 (to be circulated), together with a report of the Executive Director for environment, Development & Housing (copy attached).

Contact Officer: *Steve Tremlett*

Tel: 01273 292108

Ward Affected: *All Wards*

REPORTS REFERRED FOR INFORMATION

44 SHORT-TERM HOLIDAY LETS (PARTY HOUSES) - SCRUTINY PANEL REPORT

95 - 134

Report of the Monitoring Officer (copy attached).

Contact Officer: *Mark Wall*

Tel: 01273 291006

Ward Affected: *All Wards*

45 CHILDREN'S SERVICES OFSTED INSPECTION AND REVIEW OF LSCB 2015

135 - 198

Extract from the proceedings of the Children, Young People & Skills Committee meeting held on the 20th July 2015, together with a report of the Executive Director for Children's Services (copies attached).

Contact Officer: *Carolyn Bristow*

Tel: 01273 291288

Ward Affected: *All Wards*

46 ERNST & YOUNG AUDIT RESULTS REPORT 2014/15

199 - 240

Extract from the proceedings of the Audit & Standards Committee meeting held on the 22nd September 2015, together with a report of the Interim Executive Director for Finance & Resources (copies attached).

Contact Officer: *Rachel Musson*

Tel: 01273 291333

Ward Affected: *All Wards*

47 HOUSING RELATED SUPPORT COMMISSIONING UPDATE 241 - 254

Extract from the proceedings of the Housing & New Homes Committee meeting held on the 23rd September 2015, together with a report from the Executive Director for Environment, Development & Housing (copies attached).

Contact Officer: Jenny Knight
Ward Affected: All Wards

Tel: 01273 293081

48 LIVING RENT 255 - 266

Extract from the proceedings of the Housing & New Homes Committee meeting held on the 23rd September 2015, together with a report from the Executive Director for Environment, Development & Housing (copies attached).

Contact Officer: Martin Reid
Ward Affected: All Wards

Tel: 01273 93321

49 PREVENT - NEW STATUTORY DUTY 267 - 280

Extract from the proceedings of the Neighbourhoods, Communities & Equalities Committee meeting held on the 5th October 2015, together with a report from the Director of Public Health (copies attached).

Contact Officer: Peter Castleton
Ward Affected: All Wards

Tel: 01273 292607

NOTICES OF MOTION

50 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION: 281 - 292

- (a) **Planning Reform.** Proposed by Councillor G. Theobald (copy attached).
- (b) **Christmas Parking and Roadworks Suspension.** Proposed by Councillor Janio (copy attached).
- (c) **Future Council Funding.** Proposed by Councillor Morgan (copy attached).
- (d) **Individual Electoral Registration (IER).** Proposed by Councillor Barradell (copy attached).
- (e) **Divest for Paris.** Proposed by Councillor Greenbaum (copy attached).
- (f) **Syrian Refugee Crisis.** Proposed by Councillor Littman (copy attached).

COUNCIL

Contact Officer: Mark Wall

Tel: 01273 291006

51 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.*

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.

COUNCIL

PUBLIC INVOLVEMENT

Provision is made on the agendas for public questions to full council and/or 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.

We can provide meeting papers in alternate formats, (including large print, Braille, audio tape/disc or in different languages). Please contact us to discuss your needs.

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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.

ACCESS NOTICE

Please inform staff on Reception if you have any access requirements so that they can assist you. An area within the meeting room will be designated for members of the public to be accommodated so that you can watch the meeting and take part in proceedings, for example if you have submitted a public question.

Auditorium 2 at the Brighton Centre has step-free access and an accessible WC is located outside of the main room, however some of the doors en route may be heavy for people with limited mobility and/or dexterity to manage so assistance may need to be requested.

We apologise for any inconvenience caused.

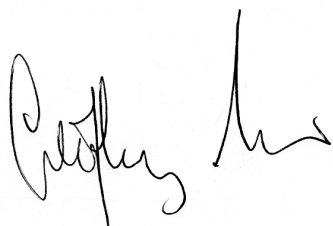
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- **Do not stop to collect personal belongings;**
- **Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and**

Do not re-enter the building until told that it is safe to do so.

Date of Publication - Wednesday, 14 October 2015



Geoff Raw
Acting Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

22 October 2015

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

3.00pm 16 JULY 2015

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hyde (Chair), Allen, Atkinson, Barford, Barnett, Barradell, Bell, Bewick, Brown, Cattell, Cobb, Daniel, Deane, Druitt, Gilbey, Hamilton, Hill, Horan, Inkpin-Leissner, Knight, Littman, Mac Cafferty, Marsh, Meadows, Mears, Miller, Mitchell, Morgan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Page, Peltzer Dunn, Penn, Phillips, Robins, Simson, Taylor, C Theobald, G Theobald, Wares, Wealls and Yates.

PART ONE

1 DECLARATIONS OF INTEREST

1.1 There were no declarations of interest in matters appearing on the agenda.

2 MAYOR'S COMMUNICATIONS.

2.1 The Mayor welcomed everyone to the meeting.

3 APPOINTMENT OF HONORARY ALDERWOMEN AND ALDERMEN

3.1 The Mayor stated that the Council was asked to consider the appointment of previous councillors as Honorary Aldermen and Alderwomen of the City of Brighton and Hove and that any such appointment was made in recognition of the service given by those past councillors to the Council, Wards they represented and the City. She therefore proposed that the following should be appointed:

Mr. Bob Carden, Ms. Jeane Lepper, Mr. Brian Pidgeon, Mr. Bill Randall, Mr. Harry Steer and Mr. Geoff Wells.

3.1 The Mayor then called on the Leaders of the various Groups to support the motion.

3.2 Councillor Morgan stated that it had been a great pleasure to serve with the former distinguished colleagues during his time on the council and he was pleased to see them here today to be recognised for the service they had given to the council and the city. He wished them well for the future and hoped to see them at various civic events.

- 3.3 Councillor Theobald supported the Leader of the Council's comments and stated that the proposal to appointment each of the recipients was very well deserved and he fully supported the motion and hoped that they would keep in touch.
- 3.4 Councillor Mac Cafferty stated that it gave him very great pleasure to support the motion and see colleagues from all parties recognised for their services to the residents of the city and the Council. He noted that just as he had been the city's first Green Mayor, Bill Randall was again making history by becoming the first Green Alderman.
- 3.5 The Mayor noted the comments and stated that in accordance with legislation a motion to appointment Honorary Aldermen and Honorary Alderwomen had been moved and put it to the vote, bearing in mind that two-thirds of those voting needed to be in favour of the motion.
- 3.6 **RESOLVED:** That the following, having duly been proposed and unanimously approved, be appointed as:
- (i) Mr. Bob Carden, Honorary Alderman,
 - (ii) Ms. Jeane Lepper as an Honorary Alderwoman,
 - (iii) Mr. Brian Pidgeon as an Honorary Alderman,
 - (iv) Mr. Bill Randall as an Honorary Alderman,
 - (v) Mr. Harry Steer as an Honorary Alderman, and
 - (vi) Mr. Geoff Wells as an Honorary Alderman.
- 3.7 The Mayor then invited each of the newly appointed Aldermen and Alderwomen to come forward to collect a certificate in recognition of their appointment and to address the council.
- 3.8 Alderman Carden thanked the Mayor and the Members of the Council and stated that he was very honoured to have been able to serve in public life for 24 years and to be recognised in such a way.
- 3.9 Alderwoman Lepper thanked the Mayor and the Members of the Council and stated that she had been very fortunate to be able to serve on both Brighton and Brighton & Hove councils and East Sussex County Council. She had been able to represent the same Ward for around 26 years but now recommended retirement and wished the newly elected council all the best for the future.
- 3.10 Alderman Pidgeon thanked the Mayor and the Members of the Council for the honour and was grateful for the recognition he had received from a number of people. He wished everyone on the council good luck.
- 3.11 Alderman Randall thanked the Mayor and the Members of the Council and stated it had been a privilege to serve on the council and to work across all political groups for the benefit of the residents of the city. He wished everyone luck for the future and hoped that the needs and benefits for the city that everyone loved would remain at the heart of the council's aspirations.
- 3.12 Alderman Steer thanked the Mayor and the Members of the Council and stated that having served on Hove, Brighton and Brighton & Hove Council's that it was an honour to

accept the appointment as an Alderman. He also wanted to wish the Council well for the future and was pleased to see the number of new younger councillors taking an active role in public life.

- 3.13 Alderman Wells thanked the Mayor and the Members of the Council for the honour and stated that he had been very proud to serve as a councillor for 22 years. He had enjoyed working with all councillors and sparring with them in the Chamber. He wished the new Council well and good luck for the future.
- 3.14 The Mayor noted the comments and offered her congratulations to the Aldermen and Alderwoman on their appointments.
- 3.15 The Mayor also noted that Alderman David Smith who had been made an Honorary Alderman by Brighton Borough Council; and then returned to serve on Brighton & Hove City Council before choosing to step down this May, remained an Honorary Alderman of the City. She wished to thank him for his service to the City Council and noted that he could not be made an Alderman for a second time.

4 VOTE OF THANKS TO PAST COUNCILLORS

- 4.1 The Mayor stated that she wished to move a vote of thanks those previous councillors who had chosen not stand in the recent elections and to those past councillors who had not been re-elected on this occasion. In so doing she also wished to present a certificate of thanks in recognition of the service given by those previous councillors to the council, their respective wards and the city itself as listed below:

Geoffrey Bowden	-	Queen's Park Ward
Ruth Buckley	-	Goldsmid Ward
Graham Cox	-	Westbourne Ward
Ian Davey	-	St Peter's & North Laine Ward
Ben Duncan	-	Queen's Park Ward
Leigh Farrow	-	Moulsecoomb & Bevendean Ward
Alderman Brian Fitch	-	Hangleton & Knoll Ward
Christopher Hawtree	-	Central Hove Ward
Rob Jarrett	-	Goldsmid Ward
Mike Jones	-	Preston Park Ward
Amy Kennedy	-	Preston Park Ward
Ania Kitcat	-	Regency Ward
Jason Kitcat	-	Regency Ward
Anne Pissaridou	-	Wish Ward
Stephanie Powell	-	Queen's Park Ward
Sven Rufus	-	Hollingdean & Stanmer Ward
Sue Shanks	-	Withdean Ward
Alderman David Smith	-	Rottingdean Coastal Ward
Christina Summers	-	Hollingdean & Stanmer Ward
Liz Wakefield	-	Hanover & Elm Grove Ward
Chaun Wilson	-	East Brighton Ward

- 4.2 The Mayor noted that the vote of thanks had been moved and sought confirmation from the council.

4.3 The vote of thanks was duly **agreed** and the following came forward to receive their certificate from the Mayor:

Geoffrey Bowden, Alderman Brian Fitch, Christopher Hawtree, Ania Kitcat, Stephanie Powell, Sue Shanks, Alderman David Smith and Chaun Wilson.

4.4 The Mayor congratulated those on present on receiving their certificates and noted that those unable to attend would be sent their certificates.

5 CLOSE OF MEETING

5.1 The Mayor thanked everyone for attending the Special Meeting and formally closed the meeting.

The meeting concluded at 3.35pm.

Signed

Chair

Dated this

day of

2015

22 October 2015

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 16 JULY 2015

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hyde (Chair), West (Deputy Chair), Allen, Atkinson, Barford, Barnett, Barradell, Bell, Bennett, Bewick, Brown, Cattell, Chapman, Cobb, Daniel, Deane, Druitt, Gilbey, Hamilton, Hill, Horan, Inkpin-Leissner, Janio, Knight, Lewry, Littman, Mac Cafferty, Marsh, Meadows, Mears, Miller, Mitchell, Moonan, Morgan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Page, Peltzer Dunn, Penn, Phillips, Robins, Simson, Sykes, Taylor, C Theobald, G Theobald, Wares, Wealls and Yates.

PART ONE

13 DECLARATIONS OF INTEREST

13.1 There were no declarations of interest in matters appearing on the agenda.

14 MINUTES

14.1 The minutes of the last ordinary meeting held on the 26th March were approved and signed by the Mayor as a correct record of the proceedings;

14.2 The minutes of the Annual Council meeting held on the 21st May 2015 were approved and signed by the Mayor as a correct record of the proceedings.

15 MAYOR'S COMMUNICATIONS.

15.1 The Mayor informed the Council that the Brighton & Hove Youth Council had appointed its Youth Mayor and Deputy Youth Mayor at its recent elections and welcomed James as the Deputy Youth Mayor to the meeting.

15.2 The Mayor then invited the Monitoring Officer to address the meeting.

15.3 The Monitoring Officer stated that he had been informed that the Royal British Legion wished to recognise the Councillor Hyde's support over the last 30 years in collecting on its behalf. He therefore asked that Mr. Dudley Button from the Royal British Legion to come forward to present the Mayor with a badge of recognition for her service.

- 15.4 The Mayor was presented with a badge on behalf of the Royal British Legion and thanked Mr. Button for attending the meeting.

16 TO RECEIVE PETITIONS AND E-PETITIONS.

- 16.1 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.
- 16.2 Ms. Robertson presented an e-petition with 189 signatures requesting a crossing at Brentwood Road.
- 16.3 Councillor K. Norman presented a combined e and paper petition on behalf of Ms. Finn, with 253 signatures concerning the introduction of any new parking restrictions in residential areas.
- 16.4 Councillor Lewry presented a petition with 150 signatures requesting a lollipop crossing for West Blatchington Primary School.
- 16.5 The Mayor thanked the petitioners and noted that each petition would be referred to the relevant committee for consideration.

17 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

- 17.1 The Mayor reported that three written questions had been received from members of the public and invited Ms. Gilbert to come forward and address the council.
- 17.2 Ms. Gilbert thanked the Mayor and asked the following question; "What is the City Council's strategy for maintaining bio-diversity and wildlife corridors whilst striving to reach Brighton and Hove's challenging housing targets. In the light of the adopted policy under the Community Sustainability Plan 2012-16 which advocates: 'Protecting and expanding old habitats and creating new space for wildlife?'"

We understand there is potential for the development of existing brownfield sites for housing (an area approximating 80 football pitches) and suggest it right and proper that all such potential sites be studied carefully prior to any consideration for development which would encroach on our precious wildlife corridors with habitats for thriving flora and fauna, not to mention irreversibly changing our historic villages."

- 17.3 Councillor Morgan replied; "Thank you for your question, National Planning policy requires that we should try to meet as much of our housing need as is possible. However, the city can't meet its housing needs in full as it's constrained by the sea to the south and the South Downs national park to the north.

Most of the new housing (87%) to be developed in the city over the next 15 years will be on brownfield sites. But, as part of the City Plan examination process we have been told by the City Plan Planning Inspector to look again at the city's urban fringe

sites for more housing. In addition to this, Government policy no longer seeks that brownfield sites are developed before greenfield sites - we have to look at both.

In response to this a study was undertaken last year (2014 Urban Fringe Assessment) identified that:

- only 7 per cent of the urban fringe may be suitable for housing - as part of this it recommends measures to reduce impacts from development and where possible secure improvements.
- It confirms that significant areas of the urban fringe are not suitable for development and can remain protected for their open space, landscape and ecological value.
- It also identified that four open space areas within the urban fringe could be designated as 'Local Green Spaces' that would give them more protection.

We are undertaking more detailed work this year on the sites identified with potential for development. This will look at landscape and wildlife impacts in more detail to ensure that these matters are properly addressed.

If and when sites come forward, specific attention will be given to ensuring there are effective measures in place to mitigate impacts, secure improvements to habitats and, where possible, secure new public open space as a result of development.

You can be assured that the city council gives significant weight to biodiversity and landscape matters when:

- considering planning applications for new development: and
- allocating sites for development."

- 17.4 Ms. Gilbert asked the following supplementary question; "Would Councillor Morgan reassure residents that the council will do everything in its power to make sure Brownfield sites are more attractive to potential developers when applying for government funding."
- 17.5 Councillor Morgan replied; "As I have said the requirement for Brownfield sites has been dropped, but we will look at these in terms of seeking to meet the council's housing targets and I'm sure there will be on-going discussions with developers and planning inspectors."
- 17.6 The Mayor thanked Ms. Gilbert for her questions and called a short adjournment in order for the power to be reactivated to the microphone system. The meeting was then adjourned for five minutes from 4.50 to 4.55pm.
- 17.7 Following the reconvening of the meeting the Mayor invited Mr. Stanley to come forward and address the council. The Mayor noted that Mr. Stanley was not present and therefore asked that a written response be sent to him.
- 17.8 The Mayor then invited Mr. Kemble to come forward and address the council.

17.9 Mr. Kemble thanked the Mayor and asked the following question; “The Council closed the toilets at Hove Town Hall Car Park as facilities were available at Hove Town Hall. Following the closure of Hove Town Hall there are no toilet facilities available although the Car Park toilets are open at the weekend. Would the Council kindly explain why the toilets at Hove Car Park cannot be open 7 days a week until the Town Hall refurbishment is completed?”

17.10 Councillor Mitchell replied; “It’s good to see you again Ted and thank you very much for your question. The Norton Road Car Park toilets were closed during week days in 2013 as part of the council’s budget setting process and at the time of the decision the toilets in Hove Town Hall were indeed available during the week when the Town Hall was open.

The Town Hall is now undergoing major building renovation works which is due to be completed mid-2016 and while the building works are on-going the toilets are unavailable. We have made a considerable effort with the building contractor to find a solution to keep the toilets open but unfortunately keeping the existing toilets in Hove Town Hall open during the works posed too greater safety risks for members of the public.

The Customer Service Centre staff have been advised to direct people to nearest public toilets which are on Goldstone Villas and Hove Library. This information is also available on our website and we are placing appropriate signage outside of Hove Town Hall and Norton Road Car Park so that people can be made aware of where the nearest toilets are located. We appreciate that for some travelling to one of these locations will present difficulties, we are therefore arranging for a staff toilet to be made available for the public to use on request but only where there is an urgent need. How people are supposed to evidence that has not yet been clarified. Unfortunately, this cannot be made freely available to all to use as it can only be accessed by going through a staff area. I further understand that consideration was made at the time as to whether the cost of opening the toilets in the Car Park for the duration of the works could be met. However, the cost of that would be in the order of £10,000 and was something that the council was able to do at the time due to budget constraints.”

17.11 Mr. Kemble asked the following supplementary question; “Madam Mayor, the Leader of the Council has wasted £260,000 on the disposal of the former Chief Executive, would Councillor Mitchell give an undertaking to staff and officers to revisit the decision not to re-open the Hove Town Hall Car Park Toilets whilst Hove Town Hall is being refurbished and advise me of the result.”

17.12 Councillor Mitchell replied; “There is currently a review of all public toilets provision in the city currently underway and I can assure you that there will be new public toilets provision in the refurbished Hove Town Hall for the public including an accessible toilet.”

17.13 The Mayor thanked Mr. Kemble for his questions and noted that this concluded the item.

18 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

- 18.1 The Mayor noted that no deputations had been received from members of the public for the present meeting.

19 PETITIONS FOR COUNCIL DEBATE

- 19.1 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. She had been notified of one such petition which had sufficient signatures to warrant a debate and therefore would call on the lead petitioner to present their petition before opening the matter up for debate.
- 19.2 The Mayor also stated that as the petition was likely to form part of any public representations that would be submitted alongside a planning application, the Monitoring Officer had advised that Members of the Planning Committee should not speak or vote on this matter.
- 19.3 Mr. Flanagan and Ms. Moss jointly presented the petition which called on the Council to reject any applications for planning permission to build on St Aubyns playing field in Rottingdean and to confirm its designation as a Local Green Space in its City Plan. They confirmed that the combined e and paper petition had over 1,800 signatures and noted that Rottingdean Parish Council had recently included it as a Green Space in its Neighbourhood Development Plan.
- 19.4 Councillor Morgan thanked Mr. Flanagan and Ms. Moss for attending the meeting and presenting the petition. He noted that the Conservative Group had also submitted an amendment to the covering report's recommendation and stated that he supported the amendment and felt that it would be better for the Economic Development & Culture Committee to consider the matter.
- 19.5 Councillor Mears formally moved the amendment on behalf of the Conservative Group, which sought to recommend to the Economic Development & Culture Committee that St Aubyns playing field be designated a Green Space at the earliest opportunity. Councillor Mears paid tribute to the residents who had brought the petition and hoped that councillors would support it.
- 19.6 Councillor Bell formally seconded the amendment.
- 19.7 Councillor Druitt commended the work of everyone involved in bringing the petition to the council and welcomed the amendment. He believed it was important to recognise the value of playing fields across the city and noted that the National Planning Framework enabled such sites to be protected in this way. However, he also expressed his concern over the National Planning Framework and the risk it generated to community assets such as playing fields given the assumption for sustainable development.
- 19.8 The Mayor congratulated Councillor Druitt on his maiden speech on behalf of the council.

- 19.9 The Mayor noted that the amendment had been accepted and that Councillor Morgan had no further comments and therefore put the amendment to the vote which was carried. She then put the recommendation as amended to the vote which was also carried.
- 19.10 **RESOLVED:** That the petition be referred to the Economic Development & Culture Committee for consideration at its next meeting, with a recommendation that St Aubyns Playing Field is designated a Local Green Space at the earliest opportunity.

20 WRITTEN QUESTIONS FROM COUNCILLORS.

- 20.1 The Mayor noted that no written questions had been submitted by Members for the present meeting.

21 ORAL QUESTIONS FROM COUNCILLORS

(a) Prevent Agenda

- 21.1 The Mayor noted that notification of 10 oral questions had been received and that 30 minutes was set aside for the duration of the item. She then invited Councillor G. Theobald to put his question to Councillor Morgan.
- 21.2 Councillor G. Theobald asked, "On the 1st July Section 26 of the Counter Terrorism and Security Act 2015 came into force imposing a statutory duty on local authorities to have and I quote 'due regard to the need to prevent people from being drawn into terrorism' this so called prevent duty. Given the ever increasing threat from home grown terrorism will the Leader of the Council please tell residents how this council is working to comply with the new duty?"
- 21.3 Councillor Daniel replied; "Thank you for your question and it is completely relevant to everyone's lives at the moment. We have employed a Prevent Co-Ordinator in the last week and the Prevent Agenda and the duty is likely to be overseen by the Safe in the City Partnership but there is further guidance expected from Home Office on that. We have received some funding from central government to deliver this project which is around doing everything we can as a council to prevent people from being, for the want of a better word "groomed into terrorism". As you know we are a priority area with some sad incidents where children in the city have been pulled into terrorism so we have dedicated support staff and been given £63,000. We have three projects which have been identified by the Home Office as best practice and we were given £45,000 in late June 2015.

So as I say the Prevent Co-Ordinator is in place we have got a very strong relationship across the statutory sector partners in the city. It has been taken very seriously and I would say that probably if you want a more detailed report your colleagues on the Neighbourhoods, Communities & Equalities Committee can obviously ask me to put this on the agenda and I would be more than happy to do so."

- 21.4 Councillor G. Theobald asked the following supplementary question; "Thank you very much for that response. Looking at the Terms of Reference of your Committee it does not actually cover one particular aspect because my supplementary question is this. At

a recent School Governors meeting, and I didn't think schools came within the Neighbourhood brief, that I attended the Head Teacher actually flagged this up as a particular issue for schools and colleges. Will Councillor Morgan ensure that local schools and colleges have all the support and assistance they need in order to help them meet the Prevent Duty?"

- 21.5 Councillor Daniel replied; "We have a programme with schools and Ofsted are also going to oversee how schools manage the Prevent Agenda alongside a normal safeguarding programme. I would like to tell you that the school that I work in in the city they have already incorporated this into their safeguarding procedures and training has been undertaken and hope this will reassure you. Also a teacher in my Ward has also recently flagged issues where due to the good training they have received where they overheard a conversation; that is now being dealt with by the Prevent Workers. So thank you for that and I would like to reassure you that this is in hand."

(b) Council Budget Development

- 21.6 Councillor Mac Cafferty asked; "The Labour manifesto had little to say about how they would deal with expected major cuts and grant supporting our council beyond mention of a Fairness Commission. Can the Finance Lead tell this council what efforts this administration plans in terms of advocacy and political work such as approaches to Ministers and working with other council's in order to protect decent and adequately resourced public services in Brighton and Hove?"
- 21.7 Councillor Hamilton replied; "We have set up this Fairness Commission and we will be consulting with them. We are hoping to get some quite useful information from our Neighbourhoods, Communities & Equalities Cttee as well. We are actively at the moment consulting other councils throughout the country seeing what methods they are using to try to reduce the effect of the cuts we all have to face. Obviously it is very early days yet and you must appreciate that as we get through the budget review programme I am sure we will actually have more ideas and if Councillor Mac Cafferty has any more ideas he would like us to look at we would be most pleased to do so. We want this to be an open operation and obviously every time we have a budget review group we are looking to see what progress is being made with regard to facing the issues that have been raised. We are going to have problems and it is sensible, it seems to us to find out exactly what is happening in other areas of the country where people are managing in various ways to try and come in within budget. At Policy & Resources last week we viewed a document which showed various ways in which we are hoping to actually offer services at a better and cheaper rate. These are the avenues that we are considering at the moment to see how we can try to provide the best possible services for our residents within the confines of the money that is available to us. I think all I can say is we are at a very early stage of the process."
- 21.8 Councillor Mac Cafferty asked the following supplementary question; "I am glad that you referred to the Policy & Resources paper because it appeared to pave the way for major service cuts, privatisation, and increases in council tax for the working pair and also at the same time it seems just to reach budget consultation. Our Group is against cuts in public services, is against privatisation and in favour of robust comprehensive conversation with the residents of this city about financing quality public services. Can

the Finance Lead from the Labour Administration tell us why our Group should support the Administration's budget approach please?"

- 21.9 Councillor Hamilton replied; "As it was said at the last budget approval, we are looking at every possibility. We have a blank sheet of paper and we are looking at every considerable way in which we could in fact provide services maybe more cheaply as other local authorities and so on. We all know that in the future we will be asked to put up the council tax up by x y z maybe, but the only experiment that has been tried so far proved to be unsuccessful and so therefore, we don't think that is going to be the answer. So we have got to work within the limits that we know are available and at the moment there is a possibility of a maximum of 2% increase but who knows that might even go down we don't know. At the last Policy & Resources meeting it was quite interesting to see quite a few people supporting the way we hope to go about carrying out this work.

There are other organisations that we can work with; we talked about the possibility of working with East Sussex and Surrey with regard to some services. That's not privatisation, that's working with other local authorities and these are the sort of things that we intend to do. I think we need to wait until we are further down the round, although no doubt we will probably get a question at every council. If we have any further information that we can convey at Budget Review Group, we will do so and we will need to see what is the best way to undertake a consultation in order that we get the widest possible input from people in the city so that we can hopefully work as well as we can to try to meet their aspirations."

(c) Legal Highs

- 21.10 Councillor Simson asked; "The use of legal Highs in the UK are growing rapidly with campaign groups and Angelus estimating that 13.6 percent of 14 – 18 year olds school students and 19% of university fresher's had tried one. Whilst no specific research has been carried out in Brighton and Hove on their youth anecdotal evidence suggests that it is becoming increasing prevalent in our city. I attended a recent meeting of the Sussex Partnership NHS Trust where legal highs were up for discussion and it is clear that the NHS is really struggling to get to grips with mental health effects of these on users, not to mention the increased costs of treatment and it is especially prevalent in Brighton and Hove.

Do you agree with me Councillor Yates that this is an issue that the Health & Wellbeing Board should be looking into as a matter of priority?"

- 21.11 Councillor Yates replied; "Yes I do agree that this is an important issue. This is one of the broadest issues we can see. Coming back to Councillor Theobald's earlier issue that he had with who does the question go to this is a question that could go to a number of the Committee Chairs because it crosses boundaries within this council that is why it is important that committees and ourselves as leads actually work together.

I had Councillor Penn looking at this as our Lead on Mental Health, so yes, from that perspective I do agree. I think it is important that we understand that we have a number of issues around legal highs and how legal highs are dealt with across the city. This is a matter that has already been dealt with and addressed by the Safe in the City

Partnership Board. They have had information going to them, they have been raising awareness, looking for soundings trying to pick up some of that anecdotal data because as you say we don't have a clear set of data, we don't know what is going on, but I can give perhaps some feedback about where we think we are.

We know there are there are specific vulnerable groups that are more likely to make use of legal highs and when I say legal highs we can talk legal highs or we can talk novel psychoactive substances which can include legal highs and some other novel drugs that can be covered under the 1971 Misuse of the Drugs Act. The issue really is actually identifying what groups are making use of these, students; children are large groups where there has been a significant amount of public concern. There is also concern about people who are making use of hostels, people who are in temporary housing may have higher levels of use of these drugs as well, but if we don't have the data we really can't do much else. What we can do is take action on these so the council is working in partnership with other organisations especially the police, but using trading standards because many of these substances aren't technically illegal and are not covered by the Misuse of Drugs Act. As the Misuse of Drugs Act cannot keep up with the creation and with their classification then frequently we are relying on other forms or legislation and actually trading standards can have a better influence over this matter. We need to be identifying how we address the health needs of this but we cannot do in this isolation, the Health and Wellbeing Board has to address treatment but we also have to make sure that we are addressing proper health education within schools, and that we have a proper substance misuse programme. We are putting funding into these areas and we are making sure that we are addressing the needs and the influence that this can have on people's pre-existing medical conditions as well. All of those things are absolutely crucial to everyone that lives in the city, whether you are intending making use of novel psychoactive substances today or in the future or whether you are not.

Whether you are worried about your families and your children making use of them or being influenced by them or being influenced by somebody who is under the influence of them. The fact is that we are limited in the way that we can address this issue as we don't have one single lead agency."

21.12 Councillor Simson asked the following supplementary question; "A recent Guardian article about the Government's new Psychoactive Substances Bill which seeks to ban the trade in legal highs featured a so-called high street head shop on Brighton's, Queens Road, openly selling these drugs. Will Councillor Yates join with me in welcoming the Government's new Bill and does he agree with me that such shops has no place in this city?"

21.13 Councillor Yates replied; "Yes."

(d) Use of Social Media

21.14 Councillor Sykes asked; "Can the Leader of the Council, Councillor Morgan, set out briefing what he considers to be acceptable for parameters of use of social media by councillors of any party?"

- 21.15 Councillor Morgan replied; "Thank you Councillor Sykes. We do have a protocol for all councillors regarding the use of social media and that has been shared as part of the induction process. If further training is needed then it will be undertaken."
- 21.16 Councillor Sykes asked the following supplementary question; "On social media I think lots of us here use it, we can be provocative, we can be opinionated, we can be fierce we can banter and that is all fine, but we should always be truthful Madam Mayor, in fact as Councillor Morgan referred to it is one 7 principles of public life set out in the code of conduct that Members should be truthful. So my question is what advice does Councillor Morgan have for any Members of any group here whose tweets, Facebook posts have content that is without evidence and demonstrably false."
- 21.17 Councillor Morgan replied; "Well without knowing the specific examples that Councillor Sykes is referring to it is very hard for me to comment."

(e) Housing Services Accessibility

- 21.18 Councillor Mears asked; "I appreciate that Councillor Meadows is the new Chair of Housing and much was decided before her chairmanship and I recognise that but I was greatly concerned to hear that is now proposals to move housing officer from Bartholomew House to the Moulsecomb Housing Centre making access very difficult for residents, tenants and staff across the city. Barts House is more accessible and very local while Moulsecomb Housing Centre is actually not accessible unless you have a car and we are supposed to be a car free friendly city.

I fail to understand why through re-organisation proposals for backroom services like HR and Finance are to move into Barts House when in fact these services could be placed anywhere not in prime accessible office space. Will the Chair of Housing use her position to ensure that such moves are looked at again allowing proper access for those needing housing services?"

- 21.19 Councillor Meadows replied; "Thank you Councillor Mears for your question. Essentially I believe it is about how to access service in Housing and I would like to say that the Housing Customer Services Team deals with all general queries from council tenants and leaseholders and can be contacted in the following ways:

1. By phone.
2. By Email.
3. In person at 3 Housing Offices, Victoria Road, Portslade, Whitehawk Hub and Lavender Street in Kemp Town.
4. In person at Bartholomew House and I had forgotten the use of the free phones and computers in various offices around city and libraries so that it enables residents to contact council services.

I am a little disturbed and I do not really want to discuss staff in this medium so I would prefer to discuss how residents can actually contact the council to get their queries dealt with promptly."

- 21.20 Councillor Mears asked the following supplementary question; "I would like to really see an impact assessment for these moves as tenants and staff with disabilities will be

prevented from accessing the Housing Centre. When the Housing Management Contract was let to Mears financial arrangements were made by the Housing Revenue Account regarding set up costs. I would like to see a full report on the costs subsidies that are happening from the HRA to the General Fund.

Can the Chair of Housing confirm that all these changes have been presented to Area Panels for tenants' agreement as it will be tenants subsidising the cost from their rents and that there will be a report to the next Housing Committee."

- 21.21 Councillor Meadows replied; "Thank you for reminding me, you are quite right those who are disabled, those who are housebound and not able to get out can actually have home visits arranged for them, but the other matter that you require is more an HR matter and not under my remit."

(f) Brighton University Free School

- 21.22 Councillor Phillips asked; "When is there going to be an independent assessment of what is needed with regards to a new Secondary School in the city?"
- 21.23 Councillor Bewick replied; "As this is my first intervention in this chamber can I just say that it is a privilege to represent the residents of Westbourne and it is an honour to lead on Children, Young People and Skills in the city.

Coming on to Councillor Phillips question she talks about the evidence for the newly proposed Free School. Can I just say that in taking up office Madam Mayor I was made aware of some local concerns about the way the authority has made the case of additional secondary school places in the city? Madam Mayor I would like to inform Members that I recently asked officers to commission and independent review of our school places for casting methodology and for the findings of the review to be reported to the Children, Young Peoples & Skills Cttee which I Chair on the 12 October when the report will be made public."

- 21.24 Councillor Phillips asked the following supplementary question; "Are there plans to consult with the city before a decision is made?"
- 21.25 Councillor Bewick replied; "I think it is important that we understand that some of the decisions about the Free School. This is not a decision for this council it is a decision for the Secretary of State for Education. It is no secret that my party has very deep concerns about the Free School policy, and the way it is being implemented by a Conservative Government, but let's also be clear that from these benches we will put children and their families first in this city. We have a secondary places issue which we need to address and we will therefore be engaging, positively and constructively with the Brighton University's Trust in how we look at providing those school places to our young people as we go forward."

(g) Travellers – Response to Unauthorised Encampments

- 21.26 Councillor Bell asked; "I am very happy that Councillor Gill Mitchell will be answering this question for me. We welcome the review of the traveller policy announced by the Leader of the Council and the Chair of the Environment Transport & Sustainability

Committee in June. As you may know all encampments occur after 5pm in the evening, especially on Fridays or during the weekends when the travellers know that our response as a council and from the police will be much slower.

As part of their review would the Administration agree to look at the issue of out of hours officer cover to ensure and protect the residents so that we don't have to wait until Monday morning before we find any activity or action taken against these unauthorised encampments from the council?"

- 21.27 Councillor Mitchell replied; "Thank you very much Councillor Bell for your question. The council's policy for managing unauthorised encampments promotes a fair but firm approach within the national legal framework. The council does not tolerate unauthorised encampments in its parks and sensitive sites and will not tolerate the anti-social behaviour that is sometimes associated with such encampments.

The joint working operations between the council and the police are now much improved with new encampments being visited on the day of arrival or within 24 hours. That is a commitment from both the council and from the police. Out of working hours and at weekends the police are always able to contact relevant senior council officers if needed and so there is no delay in agreeing the approach to any particular encampment. At busy times when there have been several new encampments arriving it does make sense to wait to do a joint inspection of the encampments which then can speed up the decision making as to how that encampment is going to be tackled.

As an Administration since May we have wasted no time in reviewing the current policy as you say and we have now introduced through Policy & Resources proposals for the use of public space protection orders and we are very grateful for the support from your colleagues for that. Where possible and within financial constraints the council does seek to physically protect sites and in addition the council has and does use injunctions where appropriate, pursues cases by the civil route and the police continue to use the special powers which will be able to be increased when the new sites are fully open."

- 21.28 Councillor Bell asked the following supplementary question; "Thank you very much for your answer Councillor Mitchell and I appreciate that you are trying to make some changes. However, I do not feel that it is acceptable that we have to wait for a council officer to come back on a Monday morning. We have had three recent encampments in Woodingdean where the police were in attendance when it was only two or three travellers. The same in Rottingdean as well when they came down and also in a Ward which you are familiar with, by the Racecourse, where there were only a few travellers on the site. The police were in attendance at all three sites but would not do anything or failed to do anything at all because there was no council officer representation nor was there one available. So I cannot accept your answer on that and I would respectfully request that you do seek to look at this, because I think city and the settled community deserve 24 / 7 council officer assistance with police to make sure that the travelling community are dealt with swiftly."

- 21.29 Councillor Mitchell replied; "Councillor Bell was asking for an extension to the Traveller Liaison Team. This is only something that can be done as part of the Budget setting process and it is certainly something that we will look at."

(h) Trees

21.30 Councillor Druitt asked; “My wife sometimes complains that she is the third favourite in our relationship, after buses and trees. Trees as we all appreciate have many benefits, they improve air quality, they improve bio-diversity, they reduce crime, they improve peoples’ wellbeing and I am aware Councillor Mitchell did a lot of work in 2006 on the Supplementary Planning Document, Number 6 which provides policy for trees in relation to Planning Policy. I would like to thank her for that work.

That was eight years ago though and I would like to ask whether this SPD Number 6 is still fit for purpose with the adoption of the National Planning Policy Framework in the meantime and its presumption in favour of so-called sustainable development and also whether there is a case for broadening our policy on trees to guide all aspects of council decision making not just planning decisions?”

21.31 Councillor Mitchell replied; “Thank you very much Councillor Druitt. I had actually forgotten about the SPD, but thank you for refreshing my memory. As you know SPD’s are things that are readily reviewed by our Planning Department in conjunction with all of the other work that they do carry out. I will raise this with the Senior Planning Policy Officers to see as part and parcel of the work that is being done as we take the City Plan forward this can be refreshed.”

21.32 Councillor Druitt asked the following supplementary question; “Thank you. That was a very promising answer, so thank you for that. We do also have a Tree Trust in the city which enables members of the public to purchase trees for planting in the city and does Councillor Mitchell know how well used this is and how it can be further promoted.”

21.33 Councillor Mitchell replied; “In these days of constrained budgets we are still hopeful of being able to plant new trees in the city the benefits of which you have outlined and which I agree with. I think that over the last year we have had 33 new trees donated. This is something we would seek to increase through any means possible and so I will be very happy to talk to you further about the Trust that you have mentioned.”

21.34 The Mayor noted that the 30 minutes set aside for the item had been reached and therefore stated that she would conclude the item. She noted that any remaining questions could be carried over to the next meeting.

Note: The remaining questions from Councillor Littman regarding the Chief Executive and Councillor Page regarding Primary Care Services were not taken at the meeting.

22 CALL OVER FOR REPORTS OF COMMITTEES.**(a) Callover**

22.1 The Head of Democratic Services confirmed that Items had been reserved for discussion;

- Item 23 - Appointment of Acting Chief Executive;
- Item 25 - Audit & Standards Committee Annual Report 2014/15
- Item 28 - New Homes for Neighbourhoods – Final Scheme Approval.

(b) Receipt and/or Approval of Reports

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

- Item 24 - Treasury Management Policy Statement 2014/14 – End of Year Review;
- Item 26 - Whistleblowing Policy;
- Item 27 - Code of Corporate Governance.

(c) Oral Questions from Members

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

23 APPOINTMENT OF THE ACTING CHIEF EXECUTIVE

23.1 Councillor Morgan introduced the report and noted that the appointment of an Acting Chief Executive was reserved to full Council. He fully supported the proposed appointment of Geoff Raw who had shown clear leadership and guidance over a number of challenging aspects within the council and hoped that the appointment would be supported by all councillors.

23.2 The Mayor noted that the recommendation to appoint Geoff Raw as Acting Chief Executive had been moved and put it to the vote which was carried.

23.3 RESOLVED:

- (1) That the proposed appointment of the Executive Director for Environment, Development & Housing as Acting Chief Executive, effective from the 16th July 2015, pending the substantive recruitment process for a permanent Chief Executive be agreed;
- (2) That the proposed salary for the duration of the Acting role be agreed as 100% of the difference between the Executive Director's substantive salary and that of the Chief Executive pay; and
- (3) That the time table for the recruitment of the permanent role be noted.

24 TREASURY MANAGEMENT POLICY STATEMENT 2014/15 - END OF YEAR REVIEW

24.1 **RESOLVED:** That the amendments to the Annual Investment Strategy as set out in paragraphs 3.16 to 3.19 of the report be approved.

25 AUDIT & STANDARDS COMMITTEE ANNUAL REPORT 2014/15

- 25.1 Councillor A. Norman introduced the report which provided a summary of the Audit & Standard Committee's work, performance and achievements during 2014/15. She recommended the report to the council and noted that the committee acted as the council's conscience and sought to challenge the organisation constructively. She also wished to pay tribute to Councillor Hamilton's previous chairing of the committee and hoped that his good work would be continued by the committee.
- 25.2 Councillor Hamilton thanked Councillor A. Norman for her comments and stated that he wished to thank all the officers who had supported him during his time on the committee and as Chair. He noted that Councillor A. Norman had been a long standing member of the committee and was confident that its good work would continue under her as Chair.
- 25.3 The Mayor stated that the report had been referred for information and moved that it be noted.
- 25.4 **RESOLVED:** That the report be noted.

26 WHISTLEBLOWING POLICY

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

27 CODE OF CORPORATE GOVERNANCE

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

28 NEW HOMES FOR NEIGHBOURHOODS - FINAL SCHEME APPROVAL

- 28.1 Councillor Meadows introduced the report which had been referred to the council for information and detailed proposals for housing developments at Findon Road, Whitehawk as part of the Council's programme to meet its housing targets.
- 28.2 Councillor Mears stated that she wished to express her concerns about the cost of the development and its impact on the Housing Revenue Account and other potential schemes. It appeared that the costs were rising and housing tenants were unlikely to benefit from the scheme even though they were subsidising it. She believed that there should be a Tenant Scrutiny on this issue and an independent audit of the scheme.
- 28.3 Councillor Miller stated that he was concerned about the excessive cost of the units which appeared to put them beyond the reach of tenants. He believed that the council was getting a bad deal because of the lack of competition in the process of awarding the contract and hoped that this was something that the new Procurement Board would review.
- 28.4 The Mayor congratulated Councillor Miller on his maiden speech on behalf of the council.

- 28.5 Councillor Bell stated that he was also concerned about the proposed development and associated costs which he felt should have been placed on the developer. He felt that funds for other projects and services were being restricted because of the approach taken and that this should be reviewed so that the risks associated with future developments were borne by the developer and not the council. This would then free up additional resources for tenants.
- 28.6 The Mayor congratulated Councillor Bell on his maiden speech on behalf of the council.
- 28.7 Councillor Phillips noted that the Green Group had put forward an amendment at the Housing Committee meeting which was not accepted. She felt that it would be helpful to have a Working Group that could look at proposed developments and associated issues so as to take matters forward and report back to the committee.
- 28.8 Councillor Meadows noted the comments and stated that she understood and shared some of the concerns about the various projects. However, these had been identified and agreed under a previous Administration and a number of those previous councillors were no longer on the council. The proposed development at Findon Road was to a very high standard and met the new Homes Standard which should be welcomed. She had also asked officers to establish a cross-party Project Board to look at how new homes could be provided across the city.
- 28.9 The Mayor stated that the report had been referred for information and therefore moved that it be noted.
- 28.10 **RESOLVED:** That the report be noted.
- 28.11 The Mayor then adjourned the meeting for a refreshment break at 6.10pm.
- 28.12 The Mayor reconvened the meeting at 6.45pm.
- 29 THE FOLLOWING NOTICES OF MOTION HAVE BEEN SUBMITTED BY MEMBERS FOR CONSIDERATION:**
- (a) St Mungo's Charter for Homeless Health**
- 29.1 The Notice of Motion as listed in the agenda was proposed by Councillor Yates and seconded by Councillor Moonan.
- 29.2 Councillor Page moved an amendment on behalf of the Green Group which was seconded by Councillor Phillips.
- 29.3 Councillor Yates welcomed the amendment and stated that health inequality was a matter for the council and the Health & Wellbeing Board. He believed that working in partnership with the Board and other agencies was crucial and that it would lead to more opportunities to address health inequality in the city.
- 29.4 The Mayor congratulated Councillor Yates on his maiden speech on behalf of the council.

- 29.5 Councillor Moonan stated that in signing up to the Charter it provided an opportunity to recognise the vulnerability of rough sleepers in the city. She noted that the new Neighbourhoods, Communities & Equalities Committee had made a commitment to review the needs of the rough sleepers and to develop a new strategy with partners to address the issues. She therefore hoped that the motion would be supported.
- 29.6 The Mayor congratulated Councillor Moonan on her maiden speech on behalf of the council.
- 29.7 Councillor Page stated that in bringing the amendment he had hoped to be helpful and to show the Green Group's support for the Charter and the intentions to address health inequality. He hoped that the Health & Wellbeing Board would give full consideration to the Charter and get behind it.
- 29.8 The Mayor congratulated Councillor Page on his maiden speech on behalf of the council.
- 29.9 Councillor K. Norman stated that a great deal of work had already been undertaken to tackle health inequality and drew councillors' attention to the JSNA and previous Homeless reports. He agreed that there was a need to remain vigilant and to continue to look at how matters could be dealt with. However, he also noted that the Health & Wellbeing Board was already referred to on St Mungo's website as a signatory to the Charter and queried how this had been achieved, as he had no recollection of the matter at meetings of the Health & Wellbeing Board.
- 29.10 Councillor Mears stated that there was a need to recognise a lot of the good work that had already taken place to help those faced with being made homeless and those who were. She also noted that the Housing & New Homes Committee had responsibilities for this area and therefore hoped that it would continue to have a role and receive reports. She was happy to support the motion but felt that the important point was to look at and achieve real outcomes for those in need.
- 29.11 Councillor Yates noted the comments and stated that he felt a broader approach was needed and that all agencies involved could do more. He hoped that by raising the matter with the Health & Wellbeing Board it could make its position clear, as it was not certain how it had been associated with the Charter previously.
- 29.12 The Mayor noted that the Green Group's amendment had been accepted and therefore put the following motion as amended to the vote:

"This Council resolves to:

- Support the Health & Wellbeing Board's work to tackle health inequality and inclusion in relation to homelessness as exemplified in the recent report on health inequalities by the Director of Public Health.
- Request that the Health & Wellbeing Board fully appraise itself of The St Mungo's Charter for homeless health, and considers signing up to the charter as confirmation of the council's commitment."

29.13 The Mayor confirmed that the motion had been **carried** unanimously.

(b) Reinstate the Independent Living Fund

29.14 The Notice of Motion as listed in the agenda was proposed by Councillor Mac Cafferty and seconded by Councillor Page. Councillor Mac Cafferty also moved an amendment to the motion having found that since the publication of the agenda, that the Government had altered part of the financial aspects associated with the Independent Living Fund.

29.15 Councillor Hamilton moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Barford.

29.16 Councillor Mac Cafferty stated that he hoped Members had been able to read the email from the FED on this issue. He believed that there was a need to express the council's concern over the Government's decision to cut the Independent Living Fund and to consider how this would affect people after 2015. He believed that funding should be ring-fenced so that residents felt that there was some support and noted that other authorities had chosen to take this action.

29.17 Councillor Hamilton stated that care packages had been re-assessed and checks made with the providers and the majority of packages remained at their current levels. He accepted that there were some people who would benefit and some who would be worse off, however they could ask for a review.

29.18 Councillor K. Norman stated that the grant funding was received directly by clients and the previously referred to 5% cut was not being implemented. He did not believe there was a need to ring fence the funding as it would be used to meet people's needs. There was an excellent team of officers who supported this service and worked to ensure everyone who needed support was able to access it.

29.19 Councillor G. Theobald stated that he believed the motion and the amendments were not worth considering given that they did not reflect the actual situation and suggested that because the original motion had been incorrect it would have been better to withdraw it. He also drew attention to the apparent difference of views amongst the Labour Party and whether the ILF should be retained as a stand-alone fund or an opportunity taken to develop a sustainable model of provision.

29.20 The Mayor noted that Councillor Theobald had exceeded his time allowed to speak and that having had a request for an extension moved it had been lost. She therefore called on Councillor Horan to speak.

29.21 Councillor Horan expressed her concern over how she felt this important issue was being trivialised by various comments and that there was a need to give proper consideration to an issue that directly affected people's lives.

- 29.22 The Mayor congratulated Councillor Horan on her maiden speech on behalf of the council.
- 29.23 Councillor Barford stated that 40 people in the city were affected and had different assessment criteria to others. The council had been aware of the proposed closure of the ILF and had put in place a robust approach to review those needs which would change over time and therefore she did not agree that it would be beneficial to ring-fence the funding.
- 29.24 The Mayor congratulated Councillor Barford on her maiden speech on behalf of the council.
- 29.25 Councillor Page stated that the issue was about people's lives and the motion had been put forward because of the Government's intention to reduce funding levels. Whilst this reduction had not materialised as of yet, he knew of one case where the re-assessment had led to a reduction in provision which had directly reduced their quality of life. It meant that they would become more dependent and as such a greater cost to the authority.
- 29.26 Councillor Mac Cafferty stated that he did not accept the Labour & Co-operative Group's amendment and suggested that councillors should speak to those in the community who were directly affected.
- 29.27 The Mayor noted that the Labour & Co-operative amendment had not been accepted by Councillor Mac Cafferty and put the amendment to the vote which was **lost** by 23 votes to 27.
- 29.28 The Mayor then put the following motion with Councillor Mac Cafferty's amendment to the vote:

Council notes:

- With grave concern the cutting of the Independent Living Fund (ILF) from central government on 30th June. Disability charity, Scope, described the closure of the fund as "likely to lead to fewer disabled people being able to live independently"
- Funding has been devolved to councils to fund care for people with the most complex – and expensive– needs. However Councils throughout the country can't meet demand as it is.

Council deplures:

- On top of £4.6 bn cuts to social care funding nationwide in the last 4 years, there are at least £1.1bn "savings" expected in 15/16, as well as further cuts from the Chancellor's Welfare Budget;
- The net effect of these decisions given how cuts are already affecting councils will be to strike at the autonomy of disabled people who should be entitled to live independently.

Council resolves to:

- If government fails to reinstate ILF, to ask Policy and Resources Committee to ring-fence funding to individual ILF users in Brighton and Hove up until the end of financial year 2019;
- To ask the Chief Executive to write to the Secretary of State for Work and Pensions appealing for the reinstatement of ILF at its full value, funded by central government which will give back genuine independence for disabled people in our city.

29.29 The Mayor confirmed that the motion had been **lost** by 9 votes to 24 with 17 abstentions.

(c) Personal, Social, Health & Economic Education

29.30 The Notice of Motion as listed in the agenda was proposed by Councillor Knight on behalf of the Green Group and seconded by Councillor Phillips.

29.31 Councillor Moonan moved an amendment on behalf of the Labour & Co-operative Group which was seconded by Councillor Bewick.

29.32 Councillor Knight stated that personal, social, health and economic education (PSHE) was an important element to the education of young children and one that she felt should be on an equal footing with maths and English. It should be part of the general curriculum and not an add on as it was in some schools. It provided a key part of learning and an opportunity to develop social and environmental skills. She therefore hoped that the motion would be supported and the Secretary of State persuaded to consider meeting the request.

29.33 The Mayor congratulated Councillor Knight on her maiden speech on behalf of the council.

29.34 Councillor Moonan welcomed the motion and stated that the amendment from the Labour & Co-operative Group sought to strengthen the aims of the motion. She was fully aware of how important PSHE was in schools but also that not everyone practitioner was trained to deliver it effectively. The schools and staff needed training and support to work in partnership with other providers to ensure their experiences and expertise could be utilised as part of the delivery of PSHE.

29.35 Councillor A. Norman stated that she had attended meetings on this matter in her capacity as a school governor and recognised the important role it had in school. At Westdene Primary they had a named Governor who had responsibility for PSHE.

29.36 Councillor Brown stated that she could not support the Labour & Co-operative amendment and believed that PSHE was already being successfully delivered in schools in the city.

29.37 Councillor Taylor stated that PSHE was recognised by the schools as having an important part to play in the development of the children. He noted that the Government had provided funding to establish a PSHE Association to support work in schools and to share best practice. However, he felt that careful consideration needed

to be given to seeking to establish another compulsory subject within the curriculum, as there was a need to take into consideration cultural and religious factors. He was therefore happy to support the original motion.

- 29.38 The Mayor congratulated Councillor Taylor on his maiden speech on behalf of the council.
- 29.39 Councillor Littman stated that he could not support the amendment and suggested that schools and teachers would utilise experts from other fields as part of their PSHE lessons.
- 29.40 Councillor Barradell noted that in finalising their amendment, the Labour & Co-operative Group had had to be mindful of the limitation on the number of words that could be used to form a motion, which was the reason why it may not appear to be as clear as it could have been.
- 29.41 The Mayor thanked Councillor Barradell for her clarification and noted that in addressing the council it would be regarded as her maiden speech. She therefore congratulated Councillor Barradell on her maiden speech on behalf of the council.
- 29.42 Councillor Bewick stated that the Labour & Co-operative Group would support the motion regardless of whether or not their amendment was accepted. The issue went to the heart of educational provision and one that had to compete with other issues in the education system. He agreed that schools should draw on good practice elsewhere but there was a need to provide the means to deliver it effectively.
- 29.43 The Mayor congratulated Councillor Bewick on his maiden speech on behalf of the council.
- 29.44 Councillor Phillips thanked everyone for their contributions during the debate and hoped that PSHE would not remain as an optional bolt-on in the education system. She noted that parents were fully supportive of PSHE and recognised the crucial role it had in supporting and developing children and she hoped that this would be taken forward at a national level.
- 29.45 Councillor Knight noted the comments and confirmed that she would not accept the Labour & Co-operative amendment.
- 29.46 The Mayor noted that the Labour & Co-operative Group's amendment had not been accepted by Councillor Knight and put the amendment to the vote which was **lost** by 23 votes to 27.
- 29.47 The Mayor then put the following motion to the vote:

This Council congratulates educators, young people and children, parents, governors and council officers for their ongoing hard work on Personal, Social, Health & Economic (PSHE) education across Brighton & Hove.

The Council notes the important role of PSHE education in helping our children and young people to develop the skills and knowledge needed to navigate the world they

are growing into, including around relationships, respect and responsibilities along with sex, nutrition and drugs & alcohol use. PSHE offers whole person education - tools which can be used throughout life.

The Council expresses its concern that currently PSHE is an optional subject, without statutory status, and consequently some children and young people miss out on it and training for teachers is not prioritised. Allowing PSHE Statutory status is key to unlocking the training that teachers need to support them in this complex and essential task.

The Council therefore requests that:

- (1) The Chief Executive writes to the Secretary of State for Education, expressing the view that PSHE education should be made statutory and funded in all primary and secondary schools in Brighton and Hove and across the country;
- (2) That a copy of the letter is sent to local MPs and local trade unions in education seeking their support and asking that they also write to the Secretary of State for Education.

29.48 The Mayor confirmed that the motion had been **carried** unanimously.

30 CLOSE OF MEETING

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

The meeting concluded at 8.15pm

Signed

Chair

Dated this

day of

2015

Subject:	Review of the Council's Constitution – October 2015		
Date of Meeting:	22 October 2015 15 October 2015 – Policy & Resources Committee		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 29-1515
	Email:	elizabeth.culbert@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

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

- 1.1 This report proposes changes to the Council's Constitution for approval by Policy & Resources Committee and Full Council. The issues set out in the report have been reviewed by a cross party Constitution Working Group and Leaders Group.
- 1.2 The changes proposed are to update the Constitution to bring it into line with new legislation or case law, to reflect good practice and to record re-alignment of Finance & Resources functions.

2. RECOMMENDATIONS:

That **Policy & Resources Committee:-**

- 2.1 Approves the proposals set out at paragraphs 3.7 to 3.8 (Realignment of Finance & Resources Functions), 3.10 (Senior Information Risk Officer) and 3.11 (Assets of Community Value).
- 2.2 Recommends to Full Council the proposed changes to the Council's constitution set out in paragraphs 3.2 to 3.4 (Procedure for Dismissing Certain Statutory Officers), 3.5 to 3.6 (Appointment of Chief Executive to be on the recommendation of the Appointments and Remuneration Panel), 3.9 (terms of reference of the Health & Wellbeing Board), 3.12 (Sustainable Community Strategy), 3.13 (Policy & Resources Committee Terms of Reference) and 3.15 to 3.16 (Contract Standing Orders).

That **Full Council:-**

- 2.3 Approves and adopts the proposed changes to the Council's constitution recommended in paragraph 2.2 above.

Both **P&R and Full Council:-**

- 2.4 Authorise the Acting Chief Executive and Monitoring Officer to take all steps necessary or incidental to the implementation of the changes agreed by Policy & Resources Committee and Full Council respectively and that the Monitoring

Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.

- 2.5 That the changes come into force immediately following approval by Policy & Resources Committee and, for matters requiring Council approval, following approval by Council.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 When Brighton & Hove City Council adopted its new constitution in May 2012, it was recognised that the arrangements would need to be kept under review to ensure that they are kept up to date with changes. The cross party Constitution Working Group has met to review the proposals for change set out in this report.

Procedure for dismissal of certain statutory officers

- 3.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have introduced new dismissal procedures relating to the Chief Executive, the Monitoring Officer and the Chief Finance Officer. In place of the requirement to refer such matters to a Designated Independent Person, the matter is now to be referred to a committee of the Council which includes two Independent Persons.
- 3.3 In keeping with the Council's aim to ensure that committee arrangements remain streamlined, it is proposed that the function is delegated to the Policy & Resources Committee to be discharged through the existing Personnel Appeal Sub-Committee and that the two required Independent Persons are invited to join the sub-committee where potential dismissal action is being considered. Where a recommendation is for dismissal, the matter will be referred to Full Council for approval.
- 3.4 In the event that any of the Independent Persons is not available to sit on the sub-committee to hear the case, the Monitoring Officer, or if the matter concerns the Monitoring Officer, the Chief Executive, will be authorised to appoint an Independent Person from another authority.

Officer Employment Procedure Rules

- 3.5 The Council's current Officer Employment Procedure Rules require a committee or sub-committee to meet to make a recommendation to Full Council in respect of the appointment of a new Chief Executive.
- 3.6 It is proposed that this arrangement is managed more efficiently and quickly by enabling the existing Appointments and Remuneration Panel to make a recommendation to Full Council for the appointment of a new Chief Executive, rather than requiring a further committee meeting.

Re-alignment of Finance & Resources Functions

- 3.7 A review of management structures and accountabilities across Finance and Resources revealed that there were opportunities to redesign the structure to both make savings and ensure clear lines of accountability and a logical fit in terms of where services sit in the organisation. Following a consultation with staff in City Services within the Finance & Resources Directorate, the following transfer of functions is proposed:-
- § Electoral Services and Local Land Charges – move to Legal and Democratic Services
 - § Registrars – move to Legal and Democratic Services
 - § Coroners Services & Mortuary – move to Legal and Democratic Services
 - § Bereavement Services – move to Legal and Democratic Services
 - § Income Generation – move Performance Improvement and Programmes
 - § Revenue & Benefits – move to Finance
 - § Customer Access – move to Performance Improvement and Programmes
 - § Customer Experience and Complaints – move to Performance Improvement and Programmes.
 - § Customer Service (including Customer Service Centres) - move to Facilities & Building Services within Property & Design
- 3.8 Where the proposal involves a function moving to another Directorate, approval by Policy & Resources Committee is required. The Officer Delegations in the Constitution will be updated to reflect the above changes.

Health and Wellbeing Board

- 3.9 The Health & Wellbeing Board has continued to develop and has reviewed its terms of reference. The following proposals are made to update the Health and Wellbeing Board's Terms of Reference:-
- (a) To include as a non-voting Member of the Board the Independent Chair for Adult Safeguarding. This position has recently been appointed to and mirrors the arrangements for children's safeguarding, with the Independent Chair for Children's Safeguarding already being a non- voting member of the Board;
 - (b) To include arrangements for quorum for the Health and Wellbeing Board. The Health and Wellbeing Board is made up of voting representatives from the CCG and the Council. As such, it is proposed that the quorum arrangements should be amended to reflect a requirement for at least two voting members from the CCG and two voting members from the Council to be present at a meeting of the Board;
 - (c) In order to reflect the partnership nature of the Board, it is proposed to appoint Deputy Chairs from the CCG and the Council (the Lead Member for Adult Care and the Chair of the CCG).

Senior Information Risk Officer

- 3.10 Currently, under informal arrangements, the Monitoring Officer acts as Senior Information Risk Officer (SIRO). It is proposed to formalise this within officer delegations to enable the Monitoring Officer to take decisions as SIRO on matters concerning information security and resilience.

Delegations regarding Assets of Community Value

- 3.11 It is proposed that the delegations to the Executive Director Environment, Development & Housing are amended to clarify the responsibilities in relation to Assets of Community Value. The delegations will be amended to reflect that the Executive Director Environment, Development & Housing is delegated authority to exercise the Councils' functions in relation to Assets of Community Value, pursuant to the Localism Act 2011.

Sustainable Community Strategy

- 3.12 The Deregulation Act 2015 removed the requirement for local authorities to have a Sustainable Community Strategy from 26th May 2015. It is proposed to remove reference to the Sustainable Community Strategy in the Constitution as a strategy that is required to be adopted by full Council (Part 3.02(a)(i)) as that is no longer the case, but to retain the strategy as one of the policies or strategies that the Council chooses to adopt at Full Council.

Policy & Resources Committee Terms of Reference

- 3.13 Currently, the Rules of Procedure in the Constitution state that Full Council or P&R may establish working groups, forums and panels or other advisory bodies. This is to ensure that working groups and panels are focused on areas prioritised by Members and that the number of advisory groups does not increase beyond the resources available to support them.

It is proposed that the following amendments are made to the Scheme of Delegations to Committees:

- a) to include under the General Delegations section that the creation of a permanent member panel requires P&R approval;
 - b) to include a specific reference to the ability to create permanent member panels under the specific delegations to P&R.
- 3.14 It is proposed to remove the reference in P&R delegations to making consultative arrangements under the Police Act 1996 as this requirement is no longer in force.

Contract Standing Orders

- 3.15 The Public Procurement Regulations 2015 have made a number of changes to contract award procedures and have required a review of Contract Standing Orders. The key changes include:-

- New transparency and advertising requirements for contracts;

- Measures to improve opportunities for small businesses such as no longer requiring the completion of a Pre-Qualification Questionnaire for contracts below the EU threshold, pre market engagement and a requirement for the Council to consider dividing a contract in lots;
- A new 'light touch' regime which applies to certain services including health, education and social care services;
- In addition, following recommendations from Internal Audit, additional provisions have been included to ensure that financial resilience checks are undertaken through formal management reviews of high value/high risk contracts.

3.16 A copy of the proposed amended Contract Standing Orders is attached at Appendix One. It is recommended that the amended Contract Standing Orders are approved. Any consequential amendments to Financial Standing Orders may be made by the Chief Finance Officer.

RIPA functions

3.17 Currently the Council's functions under RIPA are delegated to Policy & Resources Committee. In order to afford more time to consideration of surveillance issues in more detail, it is proposed to amend the Scheme of Delegations to Committees so that Audit and Standards Committee are responsible for this function. This would accord with recommendations to the Council by the Surveillance Commissioner.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

3.18 The proposals set out in this report are required in order to bring the Council's constitution up to date with current legislation or to reflect changes to existing arrangements.

4. COMMUNITY ENGAGEMENT & CONSULTATION

4.1 The cross party Constitutional Working Group and Leaders Group have been consulted regarding the proposals set out in the report. Where proposals will impact on staff, consultation has been undertaken in accordance with the Council's Change Management Procedure.

5. CONCLUSION

5.1 The proposals reflect legislative developments and improvements to existing arrangements and it is therefore recommended that they are accepted.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

6.1 The proposed re-alignment of Finance and Resources functions will generate a saving through a reduction in senior management. The part year saving is

reflected in the Targeted Budget Management (month 5) projections report elsewhere on this agenda. The full year savings will be included within the budget setting proposals for 2016/17. There are no further financial implications arising from the proposed changes to the constitution.

Finance Officer Consulted: James Hengeveld

Date: 02/10/15

Legal Implications:

- 6.2 These are contained in the body of the report. Where staff are affected by proposals, appropriate consultation arrangements must take place and the proper procedure must be followed in accordance with the Council's own policies, the ACAS Code of Practice and the law, including the Trade Union and Labour Relations (Consolidation) Act 1992.

Lawyer Consulted: Elizabeth Culbert

Date: 29/09/15

Equalities Implications:

- 6.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 6.4 None identified

Any Other Significant Implications:

- 6.5 None identified

SUPPORTING DOCUMENTATION

Appendices:

1. Contract Standing Orders (tracked changes version)

PART 7.5 CONTRACT STANDING ORDERS

General

Introduction

Procurement decisions are among the most important decisions an officer will make because the money involved is public money and the Council is concerned to ensure that high quality goods, works and services are provided. Efficient use of resources in order to achieve best value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.

All staff are expected to comply with the Council's agreed procedures, and this includes Contract Standing Orders.

Failure to comply with Contract Standing Orders when letting contracts is a serious matter, and employees should report any actual or suspected breach of Contract Standing Orders to an appropriate senior manager and the Head of Audit.

Contract Standing Order 1: Interpretation

1.1 In these Contract Standing Orders, the following terms have the following meanings:

“Approved List”	a list <u>of suitable Contractors</u> drawn up for corporate use under CSO 6
“Budget Holder”	a Council Employee who is accountable for a defined budget, and is responsible for committing expenditure against that budget in accordance with the Council's Financial Standing Orders and Regulations
“Contract Consultant”	any person not being an employee of the Council who is acting for the Council in relation to a Contract or proposed Contract
“Contract”	any agreement <u>(i)</u> for the supply of goods, services, or the execution of works to or for the Council including the use of consultants <u>(ii)</u> <u>any Framework Agreement</u> <u>(iii)</u> <u>an agreement where no payment is made by the Council but which is of financial value to the Council (for example a concession agreement)</u>

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	but excluding	
	(i) the use of external solicitors and Counsel instructed by the Head of Law.	
	(ii) a contract for the purchase or sale of land	
	(iii) a Grants Agreement The following are excluded from this definition of "Contract": (i) sale of land; (ii) Grants (as defined below)	
	(iv) individual employment contracts	
<u>"Contract Finder"</u>	<u>a centralised, Central Government run, online contract notice portal</u>	
"Contract Officer"	a Council Employee authorised to deal with Contracts in accordance with CSO 3.1	
<u>"Contracts Register"</u>	<u>the Council's electronic register of Contracts</u>	
"Contractor"	the party or potential party to a Contract	
"Council"	Brighton & Hove City Council	
"Council Employee"	any person employed on a permanent, temporary or agency arrangement by the Council	
"CSO"/ "CSOs"	Contract Standing Order/ Contract Standing Orders	
<u>"Director"</u>	<u>The Chief Executive, the Assistant Chief Executive, the Monitoring Officer, all Executive Directors, and the Director of Public Health</u>	
<u>"DPS"</u>	<u>an electronic system used to purchase commonly used goods, works or services within a limited duration</u> Dynamic Purchasing System is a procurement route, similar to that of a Framework Agreement, however it allows for providers to join at different times throughout the life of the DPS	

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“EU”	European Union
“EU Public Procurement Directives”	EU Directive 2004/18/EC EU Directive 2014/24/EU (which consolidates all previous directives relating to public works, supplies (goods) and service contracts) and any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof
“EU thresholds”	EU and Government Procurement Agreement thresholds for advertisement of goods, works and services contracts as advised by the Government (as of 1 January 2014 at £172,514 for supplies goods and services contracts; and £4,322,012, for works contracts)
<u>“EU Treaty”</u>	the Treaty on the Functioning of the European Union and the Treaty on the European Union
“Framework Agreement”	An arrangement made in accordance with the UK Regulations between the council (or another Contracting Authority) and a provider or providers of goods, works or services specifying the terms under which contracts can —as and when required— be “called off” or entered into over the period during which it is in force-
“Grants”	A grant is an arrangement where money is given for the benefit of all or for a section of the local community for a stated purpose other than for the procurement of services (whether the services are to be given to the Council or to third parties).
<u>“Lists”</u>	Framework Arrangements and Approved Lists
<u>“Lots”</u>	One of a number of categories of supplies or services which a single procurement process has been divided into. The use of Lots potentially allows for multiple providers

	<u>to be appointed following one procurement process</u>
“Most Economically Advantageous Tender”	A <u>tender which has been selected by using process of determining the best bid using weighted price and/or quality criteria</u> . See CSO <u>942</u>
“OJEU”	Official Journal of the European Union
“Procurement Guidance”	Corporate Procurement’s Codes of Practice (including the Procurement Toolkit), model contracts and other guidance which supplements these CSOs
“Procurement Strategy Manager”	The person appointed by the Council as the Procurement Strategy Manager or any Member of the Corporate Procurement Team authorised by him/her to act on his/her behalf.
“Senior Officer”	All Heads of Service and any other officer who is a member of the Corporate Management Team.
<u>“SME”</u>	<u>Small and medium-sized enterprises</u>
“UK Regulations”	Public Contracts Regulations 2006 <u>15</u> (SI <u>1025/2015</u> 2006) and all subsequent regulations giving effect to the EU Public Procurement Directives
“works” “supplies” & “services”	as defined in the EU Public Procurement Directives (“supplies” are also referred to as “goods” in these CSOs)
“Director”	The Chief Executive, the Assistant Chief Executive, the Monitoring Officer, all Executive Directors, and the Director of Public Health

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1.2 The Chief Executive, after consultation with the Monitoring Officer and the Chief Finance Officer, may change the non-statutory thresholds in Contract Standing Orders annually (or as appropriate) to take account of changes in the retail price index and other factors so that the effectiveness and impact of the thresholds is maintained.

Contract Standing Order 2: Compliance with Contract Standing Orders and Legislation

- 2.1 The Monitoring Officer in consultation with the Procurement Strategy Manager shall compile and maintain CSOs and advise on their implementation and interpretation.
- 2.2 Every Contract made by the Council or on its behalf shall comply with the EU Treaty, the EU Public Procurement Directives and all relevant EU and domestic legislation, CSOs, and the Council's Financial Regulations. EU and UK legislation will always override the provisions of these CSOs.
- 2.3 Contractors, Contractors' employees, subcontractors and agents utilised by the Council shall be required to, at all times, comply with the requirements of the Health & Safety at Work etc Act 1974, all secondary legislation made under that Act and all other Acts, Regulations, Orders or Rules relating to Health & Safety. All contracts shall reflect these requirements and reference to the Council's Health & Safety Code of Practice should be made in this regard.
- 2.4 The Corporate Procurement Strategy and Procurement Guidance held and disseminated by the Procurement Strategy Manager, shall supplement these CSOs, but these CSOs will always take precedence over the provisions of such Procurement Guidance.
- 2.5 It shall be a condition of any Contract between the Council and anyone who is not a Council Employee, but who is authorised to carry out any of the Council's contracts functions, that they comply with CSOs, and the Financial Regulations of the Council as if they were Council Employees.

Contract Standing Order 3: Scheme of Delegation/Authorisation

- 3.1 Each Director has unrestricted delegated power to agree to the Council entering into Contracts or joining existing Framework Agreements up to the sum of £500,000. Above this sum and before inviting expressions of interest from potential bidders, Council Employees must seek approval from the relevant Committee. All Budget Holders (in relation to expenditure within their allocated budgets), Senior Officers, and Contract Officers authorised by the relevant Director or Senior Officer may agree to the Council entering into Contracts of up to £250,000 in value. Such authorisation may be expressed or implied from the duties attached to the Contract Officer's post.
- 3.2 Where a Director is unavailable or otherwise unable to act, his/her functions under these CSOs may be discharged by the relevant Senior Officer.

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Contract Standing Order 4: Declarations of Interest and Prevention of Corruption

4.1 Members of staff must avoid any conflict between their own interests and interests of the Council. At the beginning of any Contract process the following persons shall declare any interest, as defined in the Code of Conduct for Employees set out in the Council's constitution, which may affect the Contract process: -

~~4.1.1~~ ~~(a)~~ all Council Employees involved in the procurement and management of the Contract

~~(b)~~ 4.1.2 Contractors

4.1.3 ~~(e)~~ Contract Consultants

~~(d)~~ 4.1.4 any other person involved in the Contract process

4.2 Directors and Senior Officers shall ensure that all Council Employees within the categories set out in CSO 4.1 and all Contract Consultants and Contractors appointed by them make written declarations of interest on their appointment and as required on any change in circumstances. Interests of Council Employees will be reviewed annually, either at the end or beginning of the financial year. The relevant Director or Senior Officer shall either certify interests as acceptable or take any necessary action in respect of potential conflicts of interest.

4.3 Directors and/or Senior Officers shall keep completed Council Employee declarations on the register of staff declarations indicating the names and grades of those declaring an interest and the nature of their interest.

~~4.4~~ 4.4 Directors and/or Senior Officers shall keep completed Contract Consultants' and Contractors' declarations of interest and relevant Council Employees' declarations affecting the Contract on the contract file.

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~~4.5~~ ~~If a Council Employee within the categories set out in CSO 4.1 knows that a Contract in which he/she has a pecuniary interest is before the Council, and is not the subject of an existing declaration, he/she must immediately give written notice of his/her interest to the relevant Director or Senior Officer and take no part in the contract process.~~

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4.5 A Council Employee within the categories set out in CSO 4.1 has an interest in a Contract if he/she has or potentially has a pecuniary interest or has links, (for example, a family member or close friend works for the organisation), with an organisation or Contractor tendering or quoting for a Contract with the Council or already has a Contract with the Council, and is not the subject of an existing declaration, he/she must immediately give written

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notice of his/her interest to the relevant Director or Senior Officer and take no part in the procurement process.

4.6A Council Employee must not invite or accept any gift or reward in respect of the award or performance of any Contract. It will be for the Council Employee to prove that anything received was not received corruptly. High standards of conduct are obligatory and corrupt behaviour will lead to dismissal.

4.7 The Contract process shall ensure that the Council will operate strict separation of duties by ensuring that two authorised Council Employees are involved in the ordering, receiving and payment process. ~~Except for low value orders with a value below £250, there must be a separation of duties between the person authorising an order and the person checking a written invoice or requisitioning the goods or services.~~

4.8 The following clause, (or an equivalent clause in standard forms of contract or other wording as approved by the Monitoring Officer) must be appear in every written Council Contract:

"The Council may terminate this Contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council Contract (even if the Contractor does not know what has been done); or
- (b) commit an offence under the Bribery Act 2010; or
- (c) commit any fraud in connection with this or any other Council Contract whether alone or in conjunction with Council Members or Employees.

Any clause limiting the Contractor's liability shall not apply to this provision."

4.64.9 A register of interests under CSO 4 may be a separate register or form part of a general register of declarations of interest as the Director or Senior Officer considers appropriate.

Contract Standing Order 5: Public Notices

- 5.1 Where, by virtue of these CSOs or by some other authority, public notices or advertisements are required they shall be placed in at least one relevant local publication and on the Council website ten days or

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more before expressions of interest are required by the Council. Where the estimated total value of the Contract exceeds £100,000, the notice or advertisement shall be placed in at least one newspaper or journal circulating among such persons or bodies who undertake such Contracts. The requirement to give notice in a local newspaper may be dispensed with if the relevant Director or Senior Officer certifies that there are insufficient Contractors in the locality.

5.2 All Contracts whose value exceeds the relevant threshold of the EU Public Procurement Directives and -which if below the threshold may be of interest to both -local suppliers and more widely including suppliers in EU member states (cross border interest) -shall also be advertised in the OJEU and on Contracts Finder. Contract Officers are required to keep a record -of their consideration of- and decision in respect of the potential for cross border interest in a Council Contract.

5.2.

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Approved Lists and Framework Agreements

Contract Standing Order 6: Approved Lists

- 6.1 The Head of Property and Design may compile and maintain Approved Lists of Contractors for construction related Contracts, for Ceontracts below each of which is below the relevant EU threshold. The Procurement Strategy Manager may compile Approved Lists for Contractors for the supply of goods and other services for Ceontracts below the relevant EU Tthreshold- as appropriate.
- 6.2 Where compiled pursuant to CSO 6.1, Approved Lists–
- (a) shall, in the case of internally managed Approved Lists, be established by advertised competition (subject to CSO 6.3); and, where possible, formalised by Framework Agreements;
 - (b) shall contain the names and addresses of all Contractors who meet the Approved List criteria.
 - (c) shall indicate the nature and value of Contracts for which the Contractors listed may be used. The value may not exceed the relevant EU threshold.
 - (d) where maintained internally by the council shall be reviewed in full at least every three years in addition to a review of the use of external providers fromef such Approved !Llists.
- 6.3 Construction Line and standing lists of providers maintained by other public sector bodies compiled following responses to a public advertisement shall be deemed to be Approved Lists for the purpose of these CSOs.

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- 6.4 In addition Directors with the assistance of the Procurement Strategy Manager may set up Framework Agreements in line with EU Public Procurement Directives with one or more suppliers of particular types of goods or services.
- 6.5 The criteria for admission to and suspension and exclusion from internally managed Approved Lists shall be specified in writing by: -
- (a) the Procurement Strategy Manager, for goods and services and non-construction works
 - (b) the Head of Property and Design, for works and works related services
- 6.6 Any Contractor may, by giving written notice to the Council, withdraw from any internally managed Approved List.
- 6.7 Where there is no Approved List or Framework Agreement, Directors and Senior Officers shall use an approved [quotation or tender](#) procedure in accordance with Procurement Guidance.

Contract Standing Order 7: Framework Agreements

- 7.1 Prior to accessing any Framework Agreement the relevant Director or Senior Officer must firstly determine that the Framework Agreement is available for legitimate use by the Council [in accordance with Regulation 33 of the UK Public Contracts Regulations 2015](#).
- 7.2 Where two or more Framework Agreements exist which are capable of fulfilling the Council's requirements, the relevant Director or Senior Officer shall select the one they consider (a) to represent the best value for money and (b) best meets any other relevant criteria; and shall keep a written record of the reasons justifying the selection.
- 7.3 Prior to the procurement of a new, or joining a pre-existing, Framework Agreement ~~or consortium arrangement~~, the Procurement Strategy Manager must be satisfied that such an approach represents the most economically advantageous solution for a service, work, or supply provision.
- 7.4 When setting up a Framework Agreement for the Council, the relevant Director or Senior Manager shall use the most appropriate procurement procedure permitted by the UK Regulations.
- 7.5 When procuring goods or services from an existing Framework Agreement, the relevant Director or Senior Manager may—
- (i) where there is only one supplier capable of fulfilling the requirement, select that supplier;

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- (ii) where there is more than one supplier capable of fulfilling the requirement listed on the Framework Agreement and the terms and conditions and requirements of the Framework Agreement are sufficiently specific without change as to allow award to any one of the suppliers, select one of the suppliers without the need for further competition subject to demonstrating value for money.

7.6 When procuring goods or services from an ~~e~~Existing Framework Agreement and there is a need to refine or supplement any of the requirements referred to in 7.5(ii) above, a mini-competition inviting all those persons on the Framework who are capable of providing the goods and services must be held, such mini-competition to be held in accordance with the Framework Agreement provisions and CSOs 9, 10, 11 or 12 as appropriate.

7.7 All tenders from potential suppliers on Framework Agreements must be submitted via the e-tendering system unless an exemption from e-tendering has been approved in advance by the Procurement Strategy Manager as for example - in the case of- incompatibility with the particular Fframework Agreement requirements.

7.8 Before establishing ~~or entering into~~ a Framework Agreement ~~or consortium arrangement~~, the relevant Director or Senior Manager shall be satisfied that:

- (i) the term of the arrangement shall be for a period of no longer than four years;
- (ii) the terms and conditions of the Framework Agreement do not compromise the Councils' contractual requirements;
- ~~(iii)~~ (iii)—full, open, and proper competition in respect of the creation of the framework has taken place.
- (iv) consideration is given to making the Framework Agreement available to other public bodies where appropriate.

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Contract Standing Order 8: Contract Value and Aggregation

- 8.1 Council Employees shall estimate and record the total value of a proposed Contract net of VAT.
- 8.2 Contracts must not be artificially separated so as to circumvent the application of any CSO or of the EU Public Procurement Directives or UK Regulations.
- 8.3 The total value of a ~~Contracts~~ for works, services or supply of goods ~~is~~are estimated to be the same as the total consideration to be payable over the term of the Contract by the Council to the Contractor. Where the Contract period is indefinite or uncertain then the estimated total value is calculated by assuming a four-year term. If the Council has an option to extend the Contract agreement the value is the- value of the Ccontract including the period of the extension.

Requirement to Obtain Tenders

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Contract Standing Order 9: Tendering Procedures

9.1 At the outset of each procurement the Contract Officer Procuring office must:

- (i) assess the business need;
- (ii) ensure the procurement complies with corporate policies and priorities;
- (iii) when appropriate undertake a premarket testing exercise;
- (iv) ensure the necessary authority is in place to undertake the procurement; and
- (v) ensure that adequate provision is made within the Council's capital or revenue estimates and that proper technical and financial appraisals have been carried out in accordance with the Council's Financial Procedure Rules .

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9.2 Where procurement of goods, services or works is required and the estimated total value of the Contract is in excess of the relevant EU threshold, EU public procurement procedures will shall be followed as set out in the UK Regulations and these shall prevail over tendering procedures set out in these CSOs.

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9.3 For most goods, services and works Contracts the restricted, open, or competitive dialogue procedure will be used appropriate. Enquiries should be made of the Procurement Strategy Manager or Legal Services if it is proposed to use an innovation partnership or a competitive procedure with dialogue or negotiation.

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9.4 For Private Finance Initiative, Public Private Partnership and similar procurement arrangements introduced by the Government, where the total Contract value is in excess of the relevant EU threshold, the restricted or competitive dialogue procedure will be used.

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9.1

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9.2 9.5 The Council may procure goods, services or works to any value in collaboration with other local authorities or other public or voluntary sector bodies. Where the Council is the lead buyer within the consortium of the goods, works or services contracted for, these CSOs shall apply. Where the Council is not the lead buyer, procurement procedures shall follow the spirit of these CSOs of the lead buyer, be in accordance with EU Public Procurement Directives and UK Regulations, and approved by the relevant Director or Senior Officer on the advice of either the Procurement Strategy Manager or the Head of Property and Design.

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9.6 When determining a suitable procurement route, consideration will be given to all tenders with respect to:-

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- (i) Separating the eContract into Lots in order to promote SME engagement;
- (ii) Sustainability issues in accordance with the Council's Sustainability Policy and Sustainable Procurement Policy;
- (iii) 9.4.3—In the case of service contracts the provisions of the Public Services (Social Value) Act 2012.

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9.57 The procedure must be both appropriate and proportionate to the value of the contract. It must ensure that the Council achieves best value which is to be assessed by an evaluation -of both the price and -quality of bids received so as to determine the Most Economically Advantageous Tender over the life of the contract. Price shall be the the sole criterion only where the Director, Senior Officer or the Council Employee preparing the Contract for him/her considers this to be appropriate.

9.8 Evaluation criteria and weightings for each procurement shall be determined in advance and included in the invitation to tender. Price shall always be included as a criterion, but will be used as the sole criterion only where the Director, Senior Officer or the Council Employee preparing the Contract for him/her considers this to be appropriate. Determination of criteria at all stages shall be undertaken in accordance with Procurement Guidance.

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Contract Standing Order 10: Contracts Not Exceeding £25,000

10.1 Where the appropriate Director or Senior Officer estimates the total Contract value for goods, services or works is unlikely to exceed £25,000 (in the case of Consultants is unlikely to exceed £10,000) and there ~~is~~ ~~are~~ suitable Framework ~~Agreement~~ ~~arrangements~~ available, ~~that~~ ~~these~~ Framework ~~Agreement~~ ~~arrangements~~ shall be used. Where no Framework ~~Agreement~~ ~~arrangements~~ ~~are~~ ~~is~~ available competitive quotations in writing shall be requested on the basis of Most Economically Advantageous Tender should be sought, or a commercial negotiation with one preferred Contractor may take place. In the latter case the Director or Senior Officer shall certify that Procurement Guidance has been followed and that the Council shall receive value for money.

- 10.2 Contracts with an estimated total value not exceeding £25,000 shall be evidenced in writing in simple cases by way of letter -or the issue of an order. the receipt of written quotations from Contractors or by sending orders to Contractors under Framework Arrangements. In the case of consultants (whatever the value) and in all other cases formal written Contracts shall be completed.
- 10.3 Although the tendering competitive procedures for ensuring Contracts not exceeding a total value of £25,000 are is less formal than for Contracts of greater amounts, Officers should at all times bear in mind the need to seek value for money and be able to demonstrate that they have obtained it.

Contract Standing Order 11: Contracts Exceeding £25,000 and Not Exceeding £75,000

- 11.1 Where the Contract appropriate Officer estimates the total Contract value is likely to be greater than £25,000 (in the case of Consultants greater than £10,000) and not exceeding £75,000 and one or other of the Lists an Approved List or Framework Agreement is available then at least four competitive tenders in writing shall be sought from Contractors on the relevant List Approved List or Framework Agreement.
- 11.2 In the absence of Lists an Approved List or Framework Agreement being available an approved tender procedure shall be used in accordance with Procurement Guidance.
- 11.3 In either case, if less than four suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.
- 11.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender. At least two bona fide tenders must be received and the Most Economically Advantageous Tender accepted.
- 11.5 If only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.
- 11.6 Contracts with an estimated total value greater than £25,000 and not exceeding £75,000 shall be evidenced in writing in simple cases by the receipt of a written quotation and the delivery of an official order form ., in the case of consultants and in all other cases by the completion of a formal written Contract must be entered into. -

Contract Standing Order 12: Contracts Exceeding £75,000

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- 12.1 Where the ~~appropriate procuring~~ Contract Officer estimates that the total value of a Contract is likely to exceed £75,000 ~~and not exceed the applicable EU Threshold Value and either a Framework Agreement or one or other of the Approved Lists~~ is available, then at least five tenders will be sought from Contractors on the relevant ~~Framework Agreement or Approved List~~.
- 12.2 In the absence of ~~a Framework Agreement or Approved Lists~~ being available an approved tender procedure shall be used in accordance with Procurement Guidance and, where applicable, in accordance with the EU Public Procurement Directives and UK Regulations and at least five tenders must be sought.
- 12.3 If less than five suitably qualified tenders are available, the Contract Officer must consult with the Procurement Strategy Manager.
- ~~12.4 Where criteria additional to price are to be used in evaluation, these must be set out in the invitation to tender.~~
- 12.45 At least two compliant tenders must be received and the Most Economically Advantageous Tender must be accepted. Notwithstanding ~~CSO 12.7~~this, if only one compliant tender is received, the Contract Officer must consult with the Procurement Strategy Manager and provide evidence to show that the Council can obtain value for money.
- 12.65 Where the estimated total value of the Contract is such that the Council is required by law to comply with the EU Public Procurement Directives the requirements thereof shall be complied with and the tender procedures set out in these CSOs shall be deemed to be satisfied by such compliance.
- 12.76 Decisions relating to the Contract process for Contracts exceeding the thresholds for the EU Public Procurement Directives shall be made by the Director or Senior Officer in consultation with either:
- (a) the Procurement Strategy Manager, for goods and services Contracts; or
 - (b) the Head of Property and Design for works Contracts.

Contract Standing Order 13: Procedures for procuring contracts for Public Health, ~~health~~ Health and ~~social~~ Social ~~e~~Care ~~s~~Services

12.813.1 ~~Social care Contracts~~ Public Health, Health and Social Care Services

must be procured in accordance with the EU Public Procurement Directives and UK Regulations, ~~but are otherwise exempt from CSOs 10-12 save for the requirement to demonstrate obtaining value for money set out at 12.9 to 12.15 below.~~

to the extent that those rules apply.

~~12.9~~13.2 The Council recognises that, whilst the full requirements of the Public Contracts Regulations 2006-UK Regulations including the requirement for advertising in the Official Journal of the European Union (OJEU) do not apply to contracts for public health, health-and social care services, they are nevertheless subject to EU Treaty principles of transparency and fairness that are designed to facilitate the functioning of the EU.

13.3

The Council recognises that the Care Act 2014 introduces and consolidates a number of duties which must be taken into account in when - commissioning services.

~~12.10~~13.4 In each case of procuring a contract for public health, health or social care services where the contract value exceeds the EU Thresholds, the relevant Director in consultation with the Head of Law shall be responsible for deciding the process to be followed to ensure that these principles are complied with and that the Contract represents value for money.

~~12.11~~13.5 In making this assessment the Director shall take account of the individual circumstances of the Contract, including the subject matter and estimated value of the Contract, the specifics of the service sector concerned and the geographic location of the place of performance of the Contract.

~~12.12~~13.7 The Director, following consultation with the Procurement Strategy Manager, may determine subject to any applicable notice provisions that it is not necessary to seek offers in relation to the Contract via an OJEU notice, and that competition for a Contract may be limited if any of the following apply:

- It can be demonstrated that the Contract is of no interest to service providers in other EU member states; and/ or
- The total sum to be paid under the Contract is so low that service providers located in other EU member states would not be interested in bidding for the Contract; and/ or
- The service is of such a specialised nature that no cross-border market of suitable service providers exists; and/ or
- Advertising the Contract would result in the loss of a linked service; and/or
- The existing service provider(s) are the only service provider(s) capable of delivering the service to meet the needs of the individual(s) concerned; and/ or
- The nature of the service is such that it should not or cannot be adequately specified in advance because of the nature of the social care needs of the service user(s) concerned; and/ or

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- There are special circumstances such as ownership of land or property, geographic locations or particular skills or experience of service providers of social care which limit the choice to one service provider; and/ or
- There are reasons of extreme urgency, brought about by unforeseen events which are not attributable to the Council.

~~42.13.43~~~~67~~ The Director shall be required to maintain a list of all Contracts which he/ she decides do not require to be advertised on the basis of the determinations made under the above.

~~42.14~~~~13.78~~ The decisions will all be fully documented. Any reasons for deciding that a proposed Contract will not be advertised (including evidence as to how Best Value will have been achieved) must be recorded and included on the list which is to be published/go to the elected members under paragraph ~~13.6f~~ above.

~~42.13.8~~~~45~~ Best Value can be achieved by:

- Understanding and testing the unit costs associated with a particular service (benchmarking);
- Making sure that decisions are based on up to date data;
- The use of locally or nationally agreed set rates based on an agreed formula;
- Ensuring high cost services are regularly reviewed;
- Joint purchasing where possible.

**Contract Standing Order ~~42A14~~: Contract Formation and Threshold
for ~~Sealing~~**

~~142A.1~~ All Contracts should be formed using the Council's standard terms and conditions applicable to the type of contract in question, as issued from time to time by Legal Services.

~~142A14.2~~ Any Contract with an estimated value of £100,000 or less which does not use the Council's standard terms and conditions (as referred to in paragraph 14.1) must be referred to the Procurement Strategy Manager for advice prior to the issue of the tender or quotation documents.

~~14.3~~ Any Contract with an estimated value of £100,000 or less which does not use the Council's standard terms and conditions (as referred to in CSO paragraph 124.1) must be referred to Corporate Procurement for advice before executing the Contract. Any Contract with an estimated value over £100,000 which does not use the Council's standard terms and conditions (as referred to in paragraph 12A.1) must be forwarded to Legal Services prior to execution, for advice as to whether the proposed Contract adequately protects the council's interests. Due

~~regard must be had to the advice of Legal Services prior to the Contract being executed by the Council.~~

~~12A14.43 Any Contract with an estimated value of £100,000 or less which does not use the Council's standard terms and conditions (as referred to in paragraph 12A.1) must be referred to Corporate Procurement for advice before executing the Contract.~~

~~Any Contract with an estimated value over £100,000 which does not use the Council's standard terms and conditions (as referred to in CSO paragraph 134.1) must be forwarded to Legal Services prior to the issue of a tender, for advice as to whether the proposed Contract adequately protects the Council's interests.~~

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~~12A14.4 Without prejudice to paragraph 12ACSO 143.1.4, the Head of Law may approve other terms and conditions to be used in respect of a particular Contract or type of Contracts when appropriate to protect the Council's interests.~~

~~12A14.5 Subject to paragraph 12A.6—~~

- ~~(i) Contracts with an estimated value over £250,000 shall be executed as a deed using the Common Seal of the Council;~~
- ~~(ii) Contracts with an estimated value of £250,000 or less may be executed as a simple contract and signed by an officer duly authorised for that purpose in accordance with CSO 3.1.~~

~~12A14.6 The Head of Law may, on a case by case basis or in relation to a particular class of contracts and taking all relevant circumstances into account, stipulate the method by which a particular contract or class of contracts is to be executed, irrespective of the overall estimated value of the Contract.~~

Tendering Process

Contract Standing Order ~~1315~~: Delivery, Opening, and Evaluation of Tenders

~~1315.1 — Whenever a Contract is to be procured, ~~the~~ The Contract Officer or, for Contracts with an estimated value over £100,000, the Procurement Strategy Manager, shall stipulate whether Tenders are to be submitted by the process means by which tenders are to be submitted. For each set of tenders, only one of the following two methods of submission shall be permitted:~~

- ~~(i) — postal; or~~
- ~~(ii) — electronically using the Council's corporate e-tendering system.~~

~~13.215.2 — Any form of electronic submission (including e-mail) that does not form part of the corporate e-tendering system shall not be~~

~~permitted, and tenders submitted in such a way shall be treated as invalid.~~

15.1 Tenders for Contracts must be submitted by entirely electronic means using the Council's corporate e-tendering system.

15.2 Alternative methods of submission, including postal submissions, may be permitted in exceptional circumstances and only with the express written authorisation from the Procurement Strategy Manager.

15.3 Any form of electronic submission (including e-mail) that does not form part of the corporate e-tendering system shall not be permitted, and tenders submitted in such a way shall be treated as invalid.

15.4 Where tenders are to be submitted electronically, paragraphs 15.4.1 and 15.4.2 shall apply:

15.4.1 All tenders for any Contract shall be returned via the e-tendering system.

15.4.2 A tender box shall be used and all tenders shall be opened at the same time by a minimum of two authorised procurement officers. Any tender received after the specified time shall not be considered for evaluation.

~~13.3~~15.3 Where tenders are to be submitted by post, paragraphs ~~13.15.23~~15.23.1 to ~~15.23~~15.3 shall apply:

~~15.3~~15.3.1 All tenders for any Contract estimated to be under a total of £75,000 in value shall be returned to the Director or Senior Officer inviting the tender (or his/her nominee), or as otherwise indicated in CSOs, in envelopes which shall bear no mark to identify the sender. The Officer shall be responsible for ensuring that a record of all such tenders received is kept.

~~13.15~~15.3.2 For Contracts with an estimated total value exceeding £75,000 all tenders shall be returned as appropriate to the Head of Property and Design or the Procurement Strategy Manager in envelopes, which shall bear no mark to identify the sender and shall be opened by him/her at the same time in the presence of a Council Employee designated by the relevant Director or Senior Officer. The Head of Property and Design and the Procurement Strategy Manager shall each maintain a record of all such tenders received by him/her.

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~~13-15.~~3.3 All tenders shall be opened at the same time, as soon as is reasonably practicable after the closing date, normally on the closing date. On receipt, all tender envelopes shall be endorsed with the time and date of receipt and kept secure until the time specified for tender opening. Any tender received after the specified time shall not be considered for evaluation and shall be returned promptly to the tenderer. A late tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.

Contract Standing Order 16: Contract Award

16.1 No Contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf, of the Council. The Director or Senior Officer shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the Contract file.

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~~16.2 Each Contract shall be awarded in accordance with evaluation criteria that have been adopted for the Contract. (13.4 Evaluation criteria and weightings for each criterion for both the pre-qualification and the invitation to tender stages shall be determined in advance and included in the invitation to tender. Price shall always be included as a criterion, but will be used as the sole criterion only where the Director, Senior Officer or the Council Employee preparing the Contract for him/her considers this to be appropriate. Determination of criteria at all stages shall be undertaken in accordance with Procurement Guidance.~~

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16.3 Contract Officers shall arrange for formal management reviews of high value and/or high risk contracts to be put in place by Executive Directors and shall have regard to Procurement Guidance issued on the management of Contracts.

Contract Standing Order 1417: Contracts Registers and Records

17.1 The Contracts Register An electronic register of all renewable Contracts above a total value of £25,000 (and all contracts over £75,000) in value, shall be kept centrally and maintained by the Procurement Strategy Manager each Contract Officer using the Intranet or similar. The Contracts Register is a public document which shall be available for inspection on the Council's website.

17.2 Each Contract Officer/procuring officer shall be responsible for providing the information set out in CSO 17.3 below to the Head of Procurement for inclusion on in the Contracts Register within 5 working days of the Contract completion.

17.3 Such register/The Contracts Register shall specify for each Contract

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- (i) the Contract number,
- (ii) the name of the Contractor,
- (iii) a summary of the works to be executed or the goods and services supplied ~~and~~
- (iv) the Contract duration and value or estimated value.
- (v) Whether any extension is permitted.

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~~The register shall be open for inspection by any Member of the Council.~~

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~~17.4 The Contract An Officer responsible for procuring a Cecontract, Fframework Agreement or DPSdynamic purchasing system whose value is estimated to exceed the applicable threshold published from time to time in the Official Journal shall maintain a record of each procurement and shall draw up a written report complying with the provisions of Regulation 84(1-5) of the UK Regulations.~~

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~~17.5. All procurement procedures shall be documented regardless of value and the documentation retained for 3 years from the date of award of contract.~~

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~~14.21.3 — A renewable contract is a contract that gives either party the right to extend the contract for further period(s) beyond the expiry date.~~

Contract Standing Order 15: Prevention of Corruption

~~15.1 — A Council Employee must not invite or accept any gift or reward in respect of the award or performance of any Contract. It will be for the Council Employee to prove that anything received was not received corruptly. High standards of conduct are obligatory and corrupt behaviour will lead to dismissal.~~

~~15.2 — The contract process shall ensure that the Council will operate strict separation of duties by ensuring that two authorised Council Employees are involved in the ordering, receiving and payment process. Except for low value orders with a value below £250, there must be a separation of duties between the person authorising an order and the person checking a written invoice or requisitioning the goods or services.~~

~~15.3 — The following clause, (or an equivalent clause in standard forms of contract or other wording as approved by the Monitoring Officer) must be put in every written Council Contract:~~

~~*“The Council may terminate this Contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:*~~

- ~~(a) — offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council Contract (even if the Contractor does not know what has been done); or~~

- ~~(b) — commit an offence under the Bribery Act 2010; or~~
- ~~(c) — commit any fraud in connection with this or any other Council Contract whether alone or in conjunction with Council Members or Employees.~~

~~Any clause limiting the Contractor's liability shall not apply to this clause."~~

Contract standing order 18 : Termination

Contract Standing Order -18: Termination

~~18.1 Contracts regulated by the UK Regulations Public Contract Regulations 2015 shall incorporate the right to terminate the Ceontract where :~~

- ~~(i) the Ceontract has been subject to a substantial modification which would have required a new procurement procedure under rRegulation 72- of the UK RegulationsPCR 2015;~~
- ~~(ii) the Contractor has, at the time of the Ceontract award, been in one of the situations referred to in Rregulation 57 of the UK Regulations PCR 2015 (mandatory exclusions) and should have been excluded from the procurement procedure; -and~~
- ~~(iii) (iii) — the EU Court of Justice has declared that the Ceontract should not have been awarded to the Ceontractor in view of a serious breach of the EUTreaties and the EU Public pProcurement Ddirectives; and-~~
- ~~(iv) where the Contractor (or his employees) is in breach of the provisions of the Bribery Act 2010~~

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Operation of Contract

Contract Standing Order 1619: Contract Modification (Variation)Variation

~~19.1 Funding must be identified before any variation of an existing Ceontract which will require the Council to provide additional funding is approved in accordance with the Council's Financial Regulations. See Financial Regulation D.2.2.17.~~

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~~19.2 Contract Officers should state in the initial procurement documents and incorporate in eContract provisions as far as possible clear, precise and unequivocal review clauses stating the scope and nature of possible variations.~~

~~19.3 If modifications are required to a contract and a change of contractor cannot be made for technical or economic reasons which were not provided for in the initial procurement documents, such modifications shall be permitted when the value of the modification does not exceed 50 per cent 50% of the value of the original contract and the revised value of the Contract does not exceed the relevant EU Threshold 17.3.~~

~~19.4 Modifications which are defined as substantial in accordance with the UK Regulations are not permitted.~~

~~16.1 for~~

~~16.2 Prior approval must be obtained from the appropriate Director after consultation with the Chair of the relevant Committee, if the proposed variation would together with all other variations to the Contract:~~

~~(a) extend the Contract value or period by 50% or more; and / or~~

~~(b) mean the works, services or goods to be added to or deleted from the Contract are substantially different in scope.~~

~~16.3 Extensions to Contracts exceeding the relevant EU Threshold shall not be permitted unless indicated in the original OJEU notice. For Contracts below the relevant EU Threshold at original award, extensions to such Contracts shall not be permitted if the revised value then exceeds the relevant EU Threshold.~~

Contract Standing Order 1718: Contract Award

~~17.1 No Contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf, of the Council. The Director or Senior Officer shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the Contract file.~~

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~~17.2 Each Contract shall be awarded in accordance with evaluation criteria that have been adopted for the Contract. (See CSO 13.4 relating to evaluation.)~~

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Contract Standing Order 1820: Waivers of Contract Standing Orders

~~18.1~~

~~20.1~~ Special procedural exemptions or waivers may from time to time be given by the relevant Committee to particular classes of Contracts in line with the Council's procurement strategy, as specified in Committee reports.

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~~1820.2~~ Subject to CSO ~~1820.6~~, in relation to Contracts estimated to not exceed a total value of £75,000, a Director may waive the requirements of any CSO, as long as

- (a) the Procurement Strategy Manager is notified as soon as possible.
- (b) the Director certifies in writing to the Procurement Strategy Manager the CSO being waived and the reasons for doing so.

~~18.3~~ ~~20.3~~ Subject to CSO ~~1820.6~~, in relation to Contracts estimated to exceed a total value of £75,000, a Director may, after consultation with the Chair of the relevant Committee and the Procurement Strategy Manager, waive the requirements of CSOs as long as:

- (a) the waiver report (the Report) is compiled after consulting with the Procurement Strategy Manager;
- (b) the Report is issued setting out the CSO being waived and the reasons for the waiver;
- (c) the Report includes legal and financial comments and highlights, as necessary, any future commitment (whether of a financial character or not) which the Contract may entail; and
- (d) the Report justifies the method of Contractor selection so that value for money and compliance with EU and domestic law can be demonstrated.

~~2018.4~~ If an emergency has been declared under the Council's emergency planning or business continuity procedures and it is not possible or practicable for a Council Employee who would normally exercise the powers of waiver under CSO ~~1820.2~~ and CSO ~~1820.3~~ to do so, the powers may be exercised by (i) the Council Employee who is designated to be in charge, under those procedures or (ii) any Council Employee appointed by him / her to act on his / her behalf. Further, if it is not possible or practicable for that Council Employee, before exercising the powers under CSO ~~1820.3~~, to consult the Chair of the relevant Committee or the Procurement Strategy Manager or to issue the necessary Report, the Council Employee may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep the Chair of the relevant Committee and the Procurement Strategy Manager informed and shall issue the Report as soon as is reasonably practicable.

~~2018.5~~ A report for information giving a digest of all waivers under CSO ~~1820.2~~, ~~1820.3~~ and ~~1820.4~~ shall be made by the Procurement Strategy Manager covering the previous financial year annually to the Policy and Resources Committee.

~~2018.6~~ For the avoidance of doubt, no waivers may be made so as to alter the full application of CSO 4 (Declarations of Interest), CSO ~~14-17~~ (Contract Registers), ~~of CSO 4 (Declarations of Interest and~~

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Prevention of Corruption), CSO 16 (Contracts Awards), CSO 17 (Contract Registers and Records), CSO 19.3 and 19.4 (Contract Modification), CSO 15 (prevention of corruption) CSO 16.3 (Contract Variation), CSO 17 (Contracts Awards), CSO 19 (Risk Management), ~~or to CSO 20 (Negotiation standards)~~ or if such waiver would result in a breach of EU or domestic law, provided that in exceptional circumstances where the Director is satisfied that a waiver of CSO ~~46~~19.3 and/or 19.4 is necessary to ensure the continuity of services, works and/or supplies which would otherwise cease, a waiver of CSO ~~196~~19.3 and/or may be made so as to permit the continuation of the services, works and/or supplies until a new contract has been let.

2018.7 A register of all waivers will be maintained by Property and Design and kept available for inspection by the public with reasonable notice during working hours.

~~Contract Standing Order 20: Negotiation~~

~~20.1— Procurement of goods, services and works shall normally be through the competitive tendering process set out in these CSOs. Under these CSOs negotiation with one Contractor is normally only permissible for very low value Contracts as set out in CSO 10 or when using the EU Competitive Dialogue Procedure under CSO 9. Where negotiation is undertaken this shall be conducted having regard to the Negotiation Code of Practice.~~

Subject:	A Permanent Archaeological & History Display in Brighton Museum		
Date of Meeting:	22 October 2015		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

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

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined e-petition and paper petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,796 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Economic Development & Culture Committee for consideration at its next meeting.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:**3.1 The Petition**

"We the undersigned petition Brighton & Hove Council to provide space and resources for a permanent display dedicated to the story of Brighton and Hove for the benefit of local residents and visitors. We believe that such a display of the rich heritage of the Brighton and Hove area should be a core activity of the Brighton & Hove Museum Service. It is particularly pertinent in the light of the inclusion of prehistory and the Romans in the National Curriculum for Key Stages I and II. We therefore call for the provision of suitable space for such a display in Brighton Museum and for resources to be secured to ensure the continuing maintenance, development and staffing for the display."

Lead Petitioner – Frances Briscoe

In support of the petition, we submit the following information:

Brighton Museum has an extensive collection of artefacts, documents and photographs relating to sites of National importance e.g. Whitehawk Camp,

Hollingbury Camp, Preston Park Roman Villa and Hove Barrow. These tell the story of Brighton & Hove over thousands of years and are a valuable asset, which we feel should be shared with residents and visitors and not hidden away as they are at present. The recent success of the Whitehawk Camp Community Project and the feedback BHAS receives from our outreach activities in the community and local schools demonstrates a real demand for such a display.

3.2 The options open to the council are:

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

4. PROCEDURE:

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

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

Subject:	Build Our City an Ice Rink		
Date of Meeting:	22 October 2015		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	E-mail:	mark.wall@brighton-hove.gov.uk	
Wards Affected:	All		

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

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined e-petition and paper petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,658 signatures confirmed at the time of printing the report.

2. RECOMMENDATIONS:

- 2.1 That the petition is noted and referred to the Economic Development & Culture Committee for consideration at its next meeting.

3. RELEVANT BACKGROUND INFORMATION / CHRONOLOGY OF KEY EVENTS:**3.1 The Petition**

"Brighton and Hove have been promised an ice arena since the 1970s, when the s.s brighton arena was demolished, generations of people have missed out and after many campaigns and promises over the years we are now a city unlike other city's 30 years behind with our leisure facilities so let's all get together and make this happen, we and generations to come both residents and visitors will benefit from this healthy facility."

Lead Petitioner – Sonny Keyword

3.2 The options open to the council are:

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

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

4. PROCEDURE:

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

- (i) The Lead petitioner will be invited by the Mayor to present the petition and will have up to 3 minutes in which to outline the prayer of the petition and confirm the number of signatures;
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- (iv) Any councillor may move an amendment or recommendation, having regard to the recommendation in 2.1 above and any such proposal will need to be formally seconded;
- (v) After a period of 15 minutes, the Mayor will then call an end to the debate and ask the relevant Committee Chair to reply to the points raised;
- (vi) The Mayor will then formally put:
 - (a) Any amendments in the order in which they are moved, and
 - (b) The substantive recommendation(s) as amended (if amended).

WRITTEN QUESTIONS FROM COUNCILLORS

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

(a) Councillor C. Theobald

“Will the Chair of the Environment, Transport & Sustainability Committee please tell me why the Black Lion Street public toilets have recently been closed and, if this is a temporary measure, when they will reopen? Have any other public toilets been similarly closed this year?”

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

(b) Councillor Miller

“Will the Chair of the Environment, Transport & Sustainability Committee please tell me when it is planned to reopen the historic Madeira Lift?”

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

(c) Councillor G. Theobald

“Will the Chair of the Environment, Transport & Sustainability Committee confirm whether or not the Council will be making a submission to the Local Government Association’s review of Trading Standards services and, if so, will there be an opportunity for Members to input into this? The review has been initiated in response to a proposal by the Chartered Trading Standards Institute for the creation of large strategic trading standards authorities funded directly from central Government.

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

(d) Councillor Sykes

“What form of sensitivity analysis was undertaken to determine whether the effect of changes to the city traffic network (inc. Lewes Road, Edward Street, Station Gateway) could materially undermine the traffic modelling that informed the Oct 14 Valley Gardens business case? Following from this, what will be the total likely revenue cost to BHCC, by financial year, of the 2015 project review, new traffic surveying in Oct 2015, fresh traffic modelling and project redesign?”

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

ORAL QUESTIONS FROM COUNCILLORS

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

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

- (a) **Councillor C. Theobald**
Subject matter – Litter Clearance A27 / A23

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

- (b) **Councillor Mac Cafferty**
Subject matter – Hove Library

Reply from Councillor Morgan, Leader of the Council

- (c) **Councillor Janio**
Subject matter – Dog Fouling

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

- (d) **Councillor Phillips**
Subject matter – Children's Centres

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

- (e) **Councillor Mears**
Subject matter – Housing Assets

Reply from Councillor Meadows, Chair of the Housing Committee & New Homes Committee

(f) Councillor Sykes
Subject matter – Budget Development

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

(g) Councillor Taylor
Subject matter – University Technical Colleges

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

(h) Councillor Littman
Subject matter – Fairness Commission

Reply from Councillor Daniel, Chair of the Neighbourhoods, Communities & Equalities Committee

(i) Councillor Page
Subject matter – NHS Pressures

Reply from Councillor Yates, Chair of the Health & Wellbeing Board Committee

(j) Councillor Druitt
Subject matter – Refuse Depot

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

Subject:	Proposed Submission East Sussex, South Downs and Brighton & Hove Waste & Minerals Sites Plan		
Date of Meeting:	22 October 2015 15 October 2015 – Policy & Resources Committee		
Report of:	Director of Environment, Development & Housing		
Contact Officer:	Name:	Steve Tremlett	Tel: 29-2108
	Email:	Steve.tremlett@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval for the publication of the East Sussex, South Downs and Brighton & Hove Waste & Minerals Sites Plan (henceforth the 'Sites Plan'), along with supporting documents for an eight week period of public consultation from 28 October 2015, subject to approval by East Sussex County Council and the South Downs National Park Authority, prior to submission to the Secretary of State for public examination. The Sites Plan is a continuation of the excellent joint working arrangements which resulted in the joint Waste & Minerals Plan (WMP) being adopted by the three authorities in early 2013.
- 1.2 The adopted WMP sets out the strategic policy framework for waste and minerals development in the Plan Area (i.e. the administrative areas of East Sussex and Brighton & Hove, which includes part of the South Downs National Park), but does not include specific site allocations. The Sites Plan will provide this detail, and together the two documents will form the complete 'Local Plan' for waste and minerals until 2026/27.

2. RECOMMENDATIONS:

- 2.1 That Policy and Resources Committee is asked to recommend to Council to:
- Note the responses to the consultation on the Consultation Draft Waste & Minerals Sites Plan (an extract of comments is included in Appendix 1, with a full schedule on the City Council's website, placed in the Members' Rooms, and in main libraries and Customer Service Centres);
 - Agree and publish the Proposed Submission Waste & Minerals Sites Plan for statutory public consultation for an eight week period commencing on 28 October 2015 (along with supporting documents);

- Subsequently submit the document to the Secretary of State subject to no material changes being necessary, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections;
- Authorise the Head of City Planning & Development to agree any draft 'main modifications' to the Sites Plan necessary to make it sound and to authorise the publication of such draft modifications for public consultation, save that should any draft modification involve a major shift in the policy approach of the Sites Plan, the draft modification shall be referred by the Head of City Planning & Development to the Policy and Resources Committee for approval;
- Note that all modifications to the Sites Plan will be presented to the Policy and Resources Committee and Full Council in due course as part of the adoption process of the Plan;
- Approve the following background studies as supporting evidence for the Sites Plan (see Appendix 2 for a summary):
 - Sustainability Appraisal;
 - Habitats Regulations Assessment;
 - Strategic Flood Risk Assessment;
 - Site Selection and Methodology Document;
 - Schedule of Suitable Industrial Estates;
 - Detailed Site Assessment Document.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In February 2013, the City Council, together with its partners East Sussex County Council and the South Downs National Park Authority adopted the Waste & Minerals Plan (WMP), which now forms part of the development plan for the area. The WMP provides the overarching planning policy framework and development management policies for waste management and minerals production within the Plan Area until 2026.
- 3.2 However, the WMP does not identify specific locations where the new waste management development required to meet the targets for increased recycling and recovery of waste could be located. The Sites Plan provides this detail.
- 3.3 The Sites Plan has a number of objectives:
- to identify suitable locations for new waste management development to enable the policies and targets for sustainable waste management that are set out in the WMP to be achieved;
 - to safeguard existing waste management sites;
 - to safeguard mineral resources, and the railheads and wharves which are necessary for the bulk transport of minerals;
 - to safeguard existing, planned and potential sites for concrete batching¹.

¹ A specific requirement of paragraph 143 of the National Planning Policy Framework.

- 3.4 The identification of specific sites for waste management facilities and minerals production is in accordance with paragraph 157 of the National Planning Policy Framework which requires Local Plans to plan positively for the development and infrastructure required in the area, and to allocate sites to promote such development.

Waste Management

- 3.5 The WMP includes ambitious targets for diverting 98% of all waste from landfill by 2020/21, and to enable East Sussex and Brighton & Hove to be net self-sufficient in waste management capacity. In order to achieve this, new waste management facilities to provide additional recycling capacity of between 30,000 and 170,000 tonnes per annum, and recovery² capacity of between 60,000 and 220,000 tonnes per annum are required during the Plan period to 2026/27. No provision is made for any new landfill sites.
- 3.4 New recycling facilities will allow further increases in recycling levels across the Plan Area aimed at reaching, by 2025/26, the targets of recycling 55% of Local Authority Collected Waste (the majority of which is household waste), 70% of Commercial & Industrial waste and 50% of Construction, Demolition and Excavation waste. Only 2% of all waste is expected to be landfilled.
- 3.5 Modern waste management facilities required to achieve these high rates of recycling and recovery are often light industrial in nature and do not fit the perception of waste management being a 'bad neighbour' land use. For example, recycling facilities could include electronics disassembly or plastics recycling, and recovery capacity can be provided through anaerobic digestion or high-tech, efficient combustion processes such as pyrolysis (where waste degrades at high temperatures in the absence of oxygen). Waste management facilities also provide valuable, secure employment opportunities, broadly comparable to similar industrial processes in terms of the number of jobs.
- 3.6 Given the existence of this capacity gap, the Sites Plan also identifies and safeguards existing waste management facilities in the Plan Area, building on the general safeguarding Policy WMP6 in the adopted WMP.
- 3.7 The range of the figures reflects uncertainty over the growth of waste arisings during this period. Exactly how many facilities will be required will depend on the level of future waste arisings and the capacity of the new facilities that are developed. Waste growth at the low end of projections could require one large or two small recycling facilities and one recovery facility, however should waste arisings increase at the higher end of the forecasts, then up to eleven small or three large recycling facilities, and four small or two large recovery facilities, could be necessary. These are cumulative figures for the whole Plan Area.
- 3.8 Detailed site appraisals have been carried out on a large number of potential sites located across the Plan Area. These have assessed possible effects of waste management development on environmental and historic designations and residential amenity, as well as transport and flood risk issues. Consideration of

² 'Recovery' refers to waste treatment processes such as anaerobic digestion, energy recovery via direct combustion, gasification, pyrolysis or other technologies. These processes can recover value from waste, for instance by recovering energy, heat or compost.

'opportunities' such as the possibility of co-locating with existing facilities to reduce the transportation of waste, and the ability to use previously developed land rather than greenfield sites, has also formed part of the appraisals.

- 3.9 The outcome of these appraisals informed a shortlist of potential sites which was included in a Consultation Draft version of the Sites Plan, and approved for consultation by Economic Development and Culture Committee in June 2014. 120 comments from 108 different consultees were received during the consultation period, and have been taken into account in revising the content of the Sites Plan (see appendix 1 for an extract of comments, with the full schedule in Members' Rooms).
- 3.10 The sites have been separated into four categories depending on their nature. These are:
- Allocations – land allocated and safeguarded for waste management purposes;
 - Areas of opportunity – a brownfield or existing employment site which is, in principle, suitable for waste management development, but not safeguarded for that purpose;
 - Areas of search for new mixed development - an area identified within a City, District or Borough Local Plan for future development which includes employment uses. The areas identified for employment uses may be suitable for future waste management; and
 - Physical extensions of existing waste management sites.
- 3.11 Across the Plan Area, 20 locations from these four categories that have the potential for new waste management development are included in the Plan. Sixteen are located in East Sussex, and four in Brighton & Hove. Following comments received on the Consultation Draft Sites Plan in 2014, the number of safeguarded allocations in Brighton & Hove has been reduced from four to two. These are:
- Hangleton Bottom (saved Policy SR26 of the Local Plan 2005 requires that community and recreational facilities be provided in association with waste management development on this site);
 - Sackville Coal Yard;
- 3.12 The other two sites were proposed as site allocations in the Consultation Draft 2014, but are now classified as 'areas of opportunity'. Therefore whilst they are considered suitable in principle for waste management development, they would no longer be safeguarded for that purpose, and the City Council would not object to alternative development proposals on these sites. These are:
- Hollingdean Industrial Estate (excluding the part of the WLP allocation now developed as a Materials Recovery Facility and Waste Transfer Station);
 - Former Gasworks, Roedean Road.
- 3.13 Since both allocations were previously identified in the Waste Local Plan 2006, this means there are now no new allocations within Brighton & Hove that are proposed to be safeguarded for waste management use.

- 3.14 A criteria based policy (Policy SP5) is also included to allow waste management in appropriate locations on industrial estates provided certain criteria are met. This is in line with Policy CP3 of the Submission City Plan, and reflects the fact that many modern waste management facilities are similar in nature to other industrial uses and can often be housed in existing buildings on industrial estates.
- 3.15 A network of modern facilities has been developed in recent years to manage Local Authority Collected Waste (e.g. Newhaven energy recovery facility, Hollingdean materials recovery facility and waste transfer station), and as a result only 3.13% of this type of waste from the Plan Area was landfilled in 2014/15. It is therefore anticipated that new facilities, including at Hangleton Bottom should a facility be developed on that site, will primarily cater for commercial waste streams.

Minerals Sites

- 3.16 The Sites Plan also identifies areas where mineral resources and wharves will be safeguarded to ensure a steady supply of aggregate to support the construction of new development and economic growth in the City and across the wider Plan Area. The mineral resources are all located in East Sussex. The Sites Plan reinforces the safeguarding of mineral wharf capacity at Shoreham Harbour, in line with Policy WMP15 of the adopted Waste & Minerals Plan. The importance of the wharves at Shoreham for landing marine dredged aggregates to serve Brighton & Hove and East Sussex was highlighted in the Local Aggregates Assessment approved by Economic Development & Culture Committee in January 2015.
- 3.17 Existing, planned and potential sites for concrete batching in the Plan Area are also be identified and safeguarded, in line with the requirements of paragraph 143 of the NPPF.
- 3.18 In testing the soundness of the Plan the Planning Inspector will consider the way in which the Plan has been prepared, its content and evidence submitted by the Authorities, together with representations received during the forthcoming consultation. The Inspector will also hold a public examination and it is anticipated that this will take place in Spring 2016. Adoption of the Sites Plan will follow the publication of the Inspector's report.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The City Council has made a commitment with its partners East Sussex County Council and the South Downs National Park Authority to produce the Waste & Minerals Sites Plan.
- 4.2 A clear need for additional waste recycling and recovery capacity is demonstrated in the adopted Waste & Minerals Plan in order to achieve the Plan's targets for diverting waste from landfill. Not proceeding with the Sites Plan would hinder the delivery of this new infrastructure by failing to provide a clear planning policy framework to developers as to the most suitable locations.

- 4.3 Different options have been considered and consulted on as part of the plan making process.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Waste and Minerals Sites Plan has been a number of years in preparation and has evolved through a number of stages of public consultation, as follows:

- Call for Sites and Proposed Content of the Plan (summer 2013)
- Sustainability Appraisal Scoping Report consultation (winter 2013)
- Draft Plan consultation (summer 2014)

- 5.2 Further information is contained within the Consultation Statement which has been placed in Members' Rooms and is to be published alongside the Plan.

6. CONCLUSION

- 6.1 Publishing the Proposed Submission Waste and Minerals Sites Plan is an important step towards the adoption of the Sites Plan. Once adopted, the Sites Plan will complete the Waste and Minerals Local Plan by providing site specific planning policies to guide the future development of waste management facilities in East Sussex and Brighton & Hove. New facilities are required to meet the ambitious targets for recycling and recovery contained within the adopted Waste & Minerals Plan.

- 6.2 The Sites Plan will also safeguard minerals resources and wharves across the Plan Area, including capacity at Shoreham Harbour.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of development and publication of the proposed Waste & Minerals Site Plan, as well as the cost of associated consultation, has been met proportionally between Brighton and Hove City Council, East Sussex County Council and the South Downs National Park Authority. The Brighton and Hove City Council costs have been met from the existing Waste Planning revenue budget within the Planning and Building Control service.
- 7.2 The sites within the Plan have been identified and selected because of the potential social, environmental and economic impact. At this stage the detailed financial implications of potential site developments are unknown, however it is not anticipated that there will be any significant further costs to the council.

Finance Officer Consulted: Sue Chapman

Date: 10/09/2015

Legal Implications:

- 7.3 As stated in paragraph 1.2 of this report, once adopted the East Sussex, South Downs and Brighton & Hove Waste & Minerals Sites Plan will form part of the Waste and Minerals Local Plan. As such it will be a material consideration in the determination of relevant planning applications. The detail as to the preparation

of local plans is found in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 of the 2012 Regulations provides that, prior to submission to the Secretary of State for independent examination, a local plan must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale allowed will be forwarded to the Secretary of State.

- 7.4 It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: *Name Hilary Woodward* *Date: 4/9/15*

Equalities Implications:

- 7.5 An Equalities Impact Assessment has been produced to support the Sites Plan and has been placed in Members' Rooms.

Sustainability Implications:

- 7.6 A Sustainability Appraisal (SA) has been produced to support the Sites Plan. As Sites Plan sets a framework for future development consent of projects that are likely to have significant environmental effects a Strategic Environmental Assessment (SEA) is also necessary. These have been combined into a single joint appraisal to ensure that all issues are considered.

- 7.7 The SA process plays an important role in demonstrating that a Development Plan Document (DPD) is contributing to achieving sustainable development through the integration of environmental, social and economic considerations into the DPD. It is a systematic and iterative process which assesses the likely significant effects of the Plan on the environment, the economy and society.

Any Other Significant Implications:

- 7.8 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Waste and Minerals Sites Plan Consultation 4 July 2014 – 5 September 2014, Summary of Responses extract.
2. Summary of Technical Background Studies.

Documents in Members' Rooms

1. Proposed Submission Waste and Minerals Sites Plan
2. East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Policy Maps.
3. Sustainability Appraisal;
4. Habitats Regulations Assessment;
5. Strategic Flood Risk Assessment;
6. Site Selection and Methodology Document;
7. Schedule of Suitable Industrial Estates;
8. Detailed Site Assessment Document;
9. Waste and Minerals Sites Plan Consultation 4 July 2014 – 5 September 2014, Summary of responses;
10. Consultation Statement;
11. Duty to Cooperate Statement;
12. Equalities Impact Statement.

Background Documents

1. East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan (2013)

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1 Summary of Responses

1 Summary of Responses

This is the Summary of Responses to the Draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Consultation 2014. The consultation ran between 4 July 2014 - 5 September 2014 in accordance with Regulation 18 of the Town and Country Planning (Local Planning) Regulation 2012. Appendix A contains a copy of the original responses. In the interests of privacy these have had email addresses and telephone addresses redacted. Further information about the consultation can be found in the Consultation Statement.

Summary of Responses 1

WMSP 1 Safeguarding Waste Sites

PS56	Agree with the suitability of identified sites.	Noted.
PS64	Has an assessment been undertaken to ensure that these sites would broadly meet the selection criteria that are being applied to new sites?	Safeguarding is intended to safeguard existing waste management capacity. Safeguarded sites are identified by their throughput capacity and are not assessed on the same basis as proposed sites. Further information can be found in the Methodology and Options Paper. All existing safeguarded sites already have planning permission, and were subject to assessment at that time.
PS55	It is not clear how the sites in Appendix B have been selected - whether it is because their throughput exceeds the thresholds identified in WMSP1, making them "strategic facilities", or by some other measure. We would welcome clarification on this matter.	Safeguarded sites are identified by their throughput capacity. Further information can be found in the Methodology and Options Paper
PS55	Some of the sites in Appendix B are of significant scale and we recognise that these sites will contribute to the management of waste at a strategic level. Other sites, however, are much smaller in scale and it is not clear why sites such as WCAJF Broad Farm, WCA/K Downbarn Farm and WCA/AC Chaucer Industrial Estate should be formally safeguarded through the Local Plan process. If the throughputs of these sites exceed the relevant thresholds then it would be helpful to include reference to this within the Plan.	Safeguarded sites are identified by their throughput capacity. Further information can be found in the Methodology and Options Paper
PS55	Policy WMSP1 provides useful clarification on the implementation of Policy WMP6 and it is important that a distinction is made between strategic facilities and small scale sites.	Noted.
PS55	WMP6 provides a justifiable basis for safeguarding strategic facilities through the WMSP however this approach is not particularly flexible where sites become unviable, perhaps due to changes in market requirements or technological or regulatory developments. It may be appropriate therefore to consider other circumstances where safeguarding policies would not apply.	Policy (SP12) and text has now been amended to clarify in which situations safeguarding would apply.
PS55	The proposal to safeguard existing small scale waste management sites through WMSP1 however might be considered disproportionate and has not been fully justified at this stage. The WMSP itself recognises that turnover occurs within industrial estates which can lead	Policy (SP12) and text has now been amended to clarify in which situations safeguarding would apply.

1 Summary of Responses

	to the provision of appropriately positioned new waste management facilities. However, these facilities themselves may in time experience a turnover and potentially a change of use back to B uses. Similarly there is pressure on land from a range of other uses, many of which might be entirely appropriate and in accordance with District planning policies.	
PS55	If indeed the WMSP ultimately identifies Areas of Search and Opportunity then this should facilitate a level of turnover within these areas. In these locations however market forces will generally guide the type and timing of development and safeguarding policies have the potential to unreasonably restrict the supply of land to meet the needs of the market.	Policy (SP12) and text has now been amended to clarify in which situations safeguarding would apply.
PS55	A number of existing smaller sites are situated in rural locations which, in many cases, are unsustainable and undesirable. Protecting such sites from redevelopment for a use which could be more appropriate for their situation might also be considered unreasonable, particularly in light of the enabling policies proposed elsewhere in the plan.	Existing sites in rural areas provide essential waste management capacity. WMP6 makes provision for redevelopment should these sites no longer be required.
PS55	Additionally, the caveats proposed in the small sites element of policy WMSP1 are fairly exceptional and, taking the above into account, we would suggest that this element of Policy WMSP1 could be modified to enable re-development of small waste management sites, where this would be sustainable.	Existing small sites provide essential waste management capacity. WMSP1 makes provision for redevelopment should these sites no longer be required.
PS34	It is important that this policy refers back to WMP6 as this adopted policy provides an essential degree of flexibility in terms of safeguarding waste sites. Flexibility is necessary as North Quay is also part of an identified safeguarded wharves and railhead site which is important for the handling and transportation of minerals as supported by the NPPF. Day Group are currently importing some aggregate to the site by rail and may look to expand their operations during the plan period. As such it's important for both waste and minerals uses.	Noted . Flexibility and use as mineral wharf, railhead, and waste site is acknowledged. North Quay is safeguarded for mineral use (WMSP - RSA/A) and Policy WMSP9 safeguards use of railhead and wharves at Newhaven. Waste sites and facilities at North Quay meeting the criteria specified in WMSP1 and shown on WCA/V are also safeguarded.

Summary of Responses 1

WMSP 2 Waste Site Allocations

PS64	We welcome the recognition of the constraints relating to the natural environment, on allocations, and trust the development management policies and process will ensure minimal impact through avoidance, mitigation and (as a last resort) compensation.	Noted.
PS55	Policy WMSP 2 is titled "Waste Site Allocations" however it is unclear currently whether the policy allocates the sites exclusively for waste management development. The policy indicates that proposals for waste development will be permitted, subject to other considerations, however, in itself; the policy may not prevent these sites being developed for alternative uses.	The WMSP safeguards existing strategic waste management facilities and allocations as set out in WMP6. Policy and text has now been amended to clarify how the policy would apply.

WMSP 3 Areas of Opportunity on Previously Developed or Allocated Land

PS57	Support for the concept of locating waste treatment activity on previously developed land.	Noted.
PS69	Agree that new sites should be close to where the waste arises. More evidence is required to back up the proposed sites which would help the understanding of their locations i.e. tied in with population, housing and employment planned growth outlined in local authority strategic plans. Otherwise it could appear that proposals are skewed to A22 corridor and further east purely due to absence of designated landscapes rather than functionally related to where waste arises.	The location of sites is guided by the policies contained within the Waste and Minerals Plan. WMP7a states that these should be within the Area of Focus (as defined on page 60 of the WMP). This does focus development in areas with better transport links, near waste arisings, and outside of the AONB and SDNP.
PS69	The exclusion of AONB and National Park may be overlooking opportunities on previously developed land and otherwise suitable sites close to areas of waste arisings. If people and businesses physically see that their rubbish has to be dealt with then they may be more sensitive to waste generation.	The location of sites is guided by the policies contained within the Waste and Minerals Plan. WMP7a states that these should be within the Area of Focus (as defined on page 60 of the WMP). This does focus development in areas with better transport links, near waste arisings, and outside of the AONB and SDNP.

WMSP 4 Areas of Search

PS58	Agree with the suitability of identified sites	Noted.
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1 Summary of Responses

PS69	This shows a lack of imagination: 5 sites in total of which 4 sites are in and around Hastings and Bexhill, one at Uckfield which would be close to an existing site. Agree that if loads of homes built at Uckfield then waste needs to be dealt with there but what about the rest of the area? Surely Uckfield and Hastings/Bexhill aren't the only places seeing population growth? Where is the waste likely to be arising from? Where is the evidence that these sites are going to be well located for the future?	Areas of Search are locations where there is planned major development. The locations of the Areas of Search reflect this.
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WMSP 5 Physical Extension of Existing Waste Sites

PS59	Agree with the suitability of identified sites	Noted.
PS59	Support for the Plan and / or specific policy.	Noted.

WMSP 6 Existing Industrial Estates

PS64	We welcome clause "f" which commits to avoiding unacceptable detrimental impact on environmental assets.	Noted.
PS55	Policy WMSP 6 appears to relate only to the industrial estates identified within the document entitled Schedule of Suitable Industrial Estates, however the wording of the policy could be made clearer. That document actually states (paragraphs 1 .1 and 1 .2) that the identified estates "may" "potentially" be suitable for waste management development, and consequently the title of the document and the reference within Policy WMSP6 could be considered inconsistent.	Clarifications have been made to policy and text.

WMSP 7 Waste Consultation Areas

PS55	In terms of Policy WMSP7, Policy WMP6 provides the basis for Waste Consultation Areas and states that they will be identified to "help ensure that existing and allocated sites for strategic waste management facilities are protected..." Policy WMSP 7 however makes no reference to "strategic waste management facilities" and it would be helpful to have clarification on whether all sites within Appendix B (if that Appendix is	The Sites listed in Appendix B are identified as Safeguarded Waste Sites as defined by Policy WMSP1. WMSP7 defines the conditions in which a Local Planning Authority must consult the Waste Planning Authority. Text of Policy and explanatory text to be altered for clarity.
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Summary of Responses 1

	indeed relevant to WMSP7) are considered to be strategic. As suggested earlier, some of these sites appear to be fairly small scale operations.	
PS55	In addition, given that the allocations policies appear not to prevent redevelopment of the identified sites for alternative uses, it might be considered unreasonable to safeguard the allocated sites for waste uses only, as suggested by some parts of the draft Plan.	Policy WMP6 safeguards sites allocated for waste uses. In safeguarding these allocations other development would be resisted on these sites.
PS55	Clarification would be helpful on whether or not exception (a) relates only to applications advertised as departures, and what constitutes "minor" for the purposes of exception (e) – for instance does this include all non-major development?	(a) If the determining authority is of the view that a proposal is in accordance with the adopted development plan, consultation is not required. (e) Minor Works include those permitted under the GDPO, and de minimis operations.
PS34	The proposal to safeguard the Newhaven railhead is in accordance with the NPPF and adopted Policy WMP15. Railheads promote sustainable transport of minerals and therefore provide an important resource. Day Group currently import materials by rail and may look to expand their operations during the plan period.	Noted.

WMSP 8 Mineral Safeguarding Areas for land-won minerals resources within the Plan Area

PS60	The County should use powers available to serve notice on the owners to either proceed with development of Horam Brickworks or lose the earlier consent and resubmit a new application.	This is not a matter for the Sites Plan.
PS53	MSAs should cover the mineral resource, not only existing sites and reserves. This misunderstands the purpose of safeguarding. The Plan underestimates levels of production and reserve depletion, provides inadequate safeguarding of resources, and applies safeguarding rather than allocation to provide for sufficient reserves.	Disagree. The Authorities approach to safeguarding minerals resources was adopted in the WMP and is set out in policy WMP14. The Sites Plan confirms this approach and identifies the MSAs in detail.

1 Summary of Responses

PS54, PS52	<p>Policy WMSP 8 needs to go further to prevent unacceptable development encroaching on existing mineral developments or mineral safeguarding areas and we would suggest that the following words be added to this policy:</p> <p>'Mineral Safeguarding Areas are designated within and up to an area of 250 metres from each safeguarded or permitted minerals development as shown on the maps 56 - 64 in Appendix C. The Mineral Planning Authority shall be consulted on:</p> <ul style="list-style-type: none"> • Any planning application for development on a site located within a Mineral Safeguarding Area; and • Any land-use policy, proposal or allocation relating to land within a Mineral Safeguarding Area that is being considered as part of preparing a Local Plan. <p>Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, or reserved sites shall be opposed.'</p>	Agree that policy and text should be strengthened to address potentially incompatible development
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WMSP 9 Safeguarding wharves and railheads within the Plan Area

PS61, PS53	Support for the Plan and / or specific policy.	Noted.
PS53	<p>Recommend that policy also addresses potentially incompatible development in proximity to infrastructure e.g. residential, noise or dust sensitive uses. Should also clarify how safeguarding will be implemented. Clause at end of WMSP10 re consultation could also be added to WMSP 9.</p>	Agree that Plan and policy can be clarified to address incompatible development in proximity to minerals infrastructure.

WMSP 10 Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area

PS62, PS53	Support for the Plan and / or specific policy.	Noted.
PS22	<p>There is an existing concrete batching plant at Hanson Quarry on Sedlescombe Road North in St Leonards, which is not identified in WMSP10. Recommend considering for inclusion.</p>	Text of Policy to be altered to include Hanson Quarry on Sedlescombe Road North in St Leonards.

Summary of Responses 1

PS51	We have carried out assessments on the following Safeguarded facilities for concrete batching, coated material and manufacture listed in policy WMSP10 and in Appendix D to determine if there is Southern Water infrastructure crossing the sites and whether or not the sites are located within a groundwater Source Protection Zone (SPZ). We have been unable to assess sites without maps. We have no comments relating to these sites.	Noted.
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WMSP-A/A Beach Road (Land west of), Beach Rd / Railway Rd, Newhaven

N/A	Correspondence with the land owner prior to consultation indicated the landowner wishes the site to be identified as an Area of Opportunity, not an allocation.	Noted. Site type to be changed to an Area of Opportunity.
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WMSP-A/B Coal Yard adjacent to Sackville Trading Estate, Hove

PS44, PS48	Air quality - Area suffers from air quality issues. Waste development and associated traffic would unacceptably exacerbate issue.	It is noted that Sackville Road and part of Old Shoreham Road are part of the Brighton, Portslade and Rottingdean 2013 AQMA. Routeing arrangements could minimise distance HGVs travel within the AQMA Site is an existing industrial area - waste management uses may not have a materially different effect on the AQMA compared to other industrial uses.
PS48	Consultation - There was a lack of notification about the consultation by the Authorities.	The consultation arrangements followed the guidelines set out in the Authorities' respective Statements of Community Involvement.
PS45, PS44	Noise - Future waste management development would generate unacceptable levels of noise.	The level of noise produced by a waste facility would not be known until a detailed planning application was submitted for determination. Development management policies in the adopted Waste Minerals Plan would be used to protect local communities against unacceptable levels of noise.
PS45, PS44, PS48, PS72, PS73, PS74, PS75, PS76, PS77, PS78, PS79, PS80, PS81, PS82,	Object - Object to inclusion of site.	Objections noted.

1 Summary of Responses

PS83, PS84, PS85, PS86, PS87, PS88, PS89, PS90, PS91, PS92, PS93, PS94, PS95, PS96, PS97, PS98, PS99, PS100, PS101, PS102, PS103, PS104, PS105, PS106, PS107, PS108, PS109, PS110, PS111, PS112, PS113, PS114, PS115, PS116, PS118, PS119, PS117		
PS45	Odour - Concern a future waste management facility would generate bad odour.	The level of odour produced by a waste facility would not be known until a detailed planning application was submitted for determination. Development management policies in the adopted Waste Minerals Plan would be use to protect against unacceptable levels of odour.
PS48	Property value - Waste development would have a negative impact on property values.	Unfortunately the potential effect of new development on property values is not a planning consideration.
PS45, PS44, PS48	Residential proximity - Site is unsuitable for waste use due to proximity to residential properties.	Residential amenity was considered during the site assessments, which concluded that Site is very well screened from nearby houses on west side of Sackville Road by mature vegetation and is at a higher level. Access to the area may be via residential streets.
PS45, PS44, PS48	The Shoreham Road is busy and on a key walking route for school children. Additional vehicles would be dangerous.	The number of additional vehicle movements would depend on the size and type of facility that was developed. This would be considered in detail should a planning application be submitted for the development of the site.
PS44, PS48, PS72, PS117	Traffic - There is insufficient capacity on the existing road network for further development.	An initial appraisal of the Capacity of surrounding transport infrastructure concluded that the site graded as 'medium' against this indicator, meaning that "There is the risk of significant harm but mitigation measures could reduce risk to acceptable levels. The residual risk of harm may be acceptable when weighed against benefits."

Summary of Responses 1

PS44	Request decision makers to undertake site visit.	A site visit was undertaken prior to the site's inclusion in the Consultation Draft.
PS48	The site is on a bus route.	Noted.
PS48	Development on this site would have a negative effect on the Brighton Hove economy.	Not accepted. Modern waste management facilities are a source of secure long-term employment and investment in modern facilities can benefit the local economy.
PS48	There is a lack of family housing in Hove.	The shortfall in housing provision within Brighton Hove is acknowledged and is considered through the City Plan However waste management is essential infrastructure which must be appropriately planned for.
PS51	The site is located within groundwater Source Protection Zone 2. Development should therefore only be permitted if adequate mitigation measures can be implemented, to the satisfaction of the Environment Agency. In the Site Waste profile, this site is incorrectly described as being located in Groundwater Source Protection Zone 3. It is important that this should be amended as Zone 2 We have also identified that wastewater infrastructure crosses the site. Proposed amendments: Insert an additional bullet point in the Site Profile section headed Constraints: "The following constrains will need to be considered: Protection of underground wastewater infrastructure Amend the existing bullet point under the section headed Constraints: Site is within Groundwater Protection Zone 2"	Noted. Amendments made to site profile.
PS71	Oxalis Planning Limited represent LaSalle Investment Management (the landowner), and wish to object to the inclusion of this site.	Landowner objection noted.
PS71	Context: In the emerging Brighton and Hove City Plan the Coal Yard site is located within the Hove Station Area and has the potential to contribute to the emerging objectives for this location with regard to housing and employment.	The site is identified as a potential waste management site in the supporting text to Policy DA6 of the Submission City Plan. Waste facilities can provide employment which is comparable with other light industrial operations.
PS71	History of the Allocation: The site has been allocated for a long period of time and has not been brought forward for development and the owner is clear that they have no intention to bring it forward for waste management. National planning policy clearly	Noted. The Authorities are aware that there have been no expressions of interest in the site during the period it has been allocated for waste management use in the Waste Local Plan.

1 Summary of Responses

	indicates that proposals should not simply be carried forward from previous plans if there is no prospect of delivery.	
PS71	Viability: The prohibitive costs of reinstating a railhead on site would render development for a waste facility unviable.	A waste management facility could be developed without the reinstatement of a railhead.
PS71	National Policy: In order for a Plan to be found 'sound', national policy requires that Plans are deliverable. The allocation of the Coal Yard site is not deliverable because the site is neither viable nor available for waste management development.	Evidence that the site is not viable has not been submitted, however the strong opposition of the current landowner is noted.
PS71	Appraisal of Sites: The appraisal of the site does not consider the fact that the owner will not make it available for waste management development or the fact that it is likely to be proposed for development for other uses.	The initial site appraisal did not consider views of landowners - one of the purposes of this consultation was to elicit their views, which have now been submitted to the Authorities.
PS71	Need: The removal of the allocation of the Coal Yard site would not compromise the ability of the Council to meet its waste needs given the availability of other sites.	Whilst more site allocations and other potentially suitable locations are proposed than are required, it is important to retain an element of flexibility to enable the waste industry to adapt to future market demands.
PS72	Hove Station Neighbourhood Forum has applied to be designated as a qualifying body to prepare a Neighbourhood Plan for the area identified as DA6 in the BHCC Core Strategy. Application to be determined. May be an item at the 18 September meeting of the Economic Development and Culture Committee.	The Authorities are aware that the area has been designated, but the designation of the Neighbourhood Forum has not yet occurred. It is anticipated that this will occur in the near future, however.
PS72	Very few residents are aware of the road to rail waste transfer facility and those that are aware are opposed to the proposal.	The site has been allocated since 2006 for a road to rail transfer facility, however no scheme or proposal has come forward for the development of the site for this purpose. The allocation was subject to full public scrutiny through the public inquiry into the Waste Local Plan before its allocation was confirmed in the adopted Plan.
PS72	Allocation should be seen in the content of the renewal of planning permission for the redevelopment of the Sackville Trading Estates as a mixed use project which will generate additional traffic.	Proximity to the scheme permitted through permission BH2008/01554 is noted.
PS72	The forum is advocating a redevelopment of DA6 to create a new centre for Hove. Allocation of the Coal Yard would permanently divide the area and limit the extent to which potential redevelopment could be realised.	The opposition of the Forum to the proposed allocation is noted.

Summary of Responses 1

PS117	Poets Corner calming among other things has made Sackville Road into a nightmare to live in. There are queues of traffic most of the day already. I dread to think of the air pollution caused by this state of affairs. More traffic. I can't believe it's possible.	An initial appraisal of the capacity of surrounding transport infrastructure indicate that this site has good access to A2023 and A270, and was classified as orange in the grading system, which means that "There is the risk of significant harm but mitigation measures could reduce risk to acceptable levels. The residual risk of harm may be acceptable when weighed against benefits."
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WMSP-A/C Former Gasworks, Roedean Road, Brighton

PS20, PS65	Object to inclusion of site.	Objection noted.
PS20, PS65	Site is unsuitable for waste use due to proximity to residential properties.	The potential for effect on residential amenity was considered during the site assessment process, with the conclusion that the site graded as high/medium, which means "There is the risk of significant harm. There may be some potential for mitigation to reduce adverse effects but it may not be fully effective and/or could be highly problematic."
PS47	Site should be developed and managed in a way which respects the proximity to the National Park.	Proximity to the National Park was considered during the site assessment. Existing Gasometers have an impact and removal of these would enhance views from SDNP. Redevelopment needs to enhance views from SDNP to urban area. if redeveloped with high quality development could enhance views from the SDNP. A waste type of development may not create desirable built form. Appropriate planting of a tree feature and/or a high quality focal building on the northern part of the site may also help to mitigate any negative effect.
PS20	There is insufficient capacity on the exiting road network for further development.	The number of traffic movements associated with a waste management facility cannot be known until a planning application is submitted. However, the initial view of the highways officer during the site assessment process was that Highway capacity is unlikely to be generally problematic in this location, as the site is directly adjacent to the A259.
PS51	Water and wastewater infrastructure crosses the site. Proposed amendment: Insert an additional bullet point in the Site Profile section headed Constraints: The following constrains will need to be considered: Protection of underground wastewater and water supply infrastructure.	Noted. Amendments made to site profile.

1 Summary of Responses

PS20	Brighton Hove City Plan 2011 Submission) Policy DA2 identifies the Gasworks site being used for office, light industrial use and housing. Waste allocation conflicts with this policy.	Policy CP3 of the Submission City Plan makes clear that sui generis uses such as waste management, appropriate in nature to an industrial estate location, can be acceptable. Modern waste facilities can often be outwardly indistinguishable from other light industrial, employment generating uses and can therefore be suitable for locating on employment land.
PS20	Site has been identified without consultation of City Council.	Brighton Hove City Council is one of the three partner authorities jointly producing the Plan and has been fully involved in the process.
PS20	Site is close to protected natural areas, this makes it unsuitable.	Proximity to the South Downs National Park and other protected areas was considered during the site assessment process. It is considered that redevelopment of the site with high quality development could enhance views from the SDNP.
PS20	Site is adjacent to East Brighton Park, this makes it unsuitable.	The site is not adjacent to the Park. Proximity to registered parks and gardens was considered in the site assessment process.
PS20	Plan does not contain any analysis of route that will be used by rubbish vehicles to access the site or effect on traffic flow.	At the site allocation stage, the type of waste facility that could be developed is unknown, as is its size and consequently the number of vehicle movements that would be associated with it.
PS65	National Grid Property (NGP) and Southern Gas Networks (SGN) are the landowners of this site and object to it's inclusion	Landowner objection noted.
PS65	Due to the contaminated nature of the site, and potential negative effect on the value of other developments on this site, redevelopment for uses including a waste management facility would not be viable.	The landowner has been requested to provide any viability assessments of development options for the site to support this statement.
PS65	The site is in close proximity to the Kemp Town Conservation Area, and development would have an adverse effect on the setting.	<p>it is not considered that site development would result in significant harm to the Conservation Area's character or appearance.</p> <p>The Waste Local Plan Inspector (2004) stated that I think it unlikely that [materials recycling, composting, anaerobic digestion and mechanical/biological treatment, perhaps on a modular basis], suitably designed, would have a material impact on the nearby Conservation Area, compared with other forms of employment development.</p>

Summary of Responses 1

PS65	BHCC have suggested that employment uses be restricted to B1(a) and B1(c) , this would preclude waste management development.	The Proposed Modification to policy CP3 of the City Plan makes clear that sui generis uses, including waste management facilities, appropriate in nature to an industrial estate location will also be acceptable on land allocated for employment uses, provided that they generate employment which is quantitatively and qualitatively comparable to uses within B1- B8 Use Classes.
PS65	The site has good public transport links and is adjacent to a seaside location. It is better suited as a residential area.	The Submission City Plan envisages a mixed use redevelopment of the site to include a minimum of 85 residential units, ancillary retail development and 2,000m ² of employment floorspace to the north of the site.

WMSP-A/D Hangleton Bottom, Hangleton Link Road, North Portslade

PS47	Site should be developed and managed in a way which respects the proximity to the National Park.	Policies in the adopted Waste Minerals Plan protect against harm to the setting of the south Downs National Park. Proposals will be assessed against these policies at the planning application stage.
PS64	The Hangleton Bottom site is very much part of the setting of the AONB and consideration needs to be given to the potential for development to impact on the designated landscape and its setting.	The site is screened to some extent by the embankment leading up to the A27, however any proposal for the development of the site must take into account the impact on the setting of the National Park.

WMSP-A/E Hollingdean Industrial Estate, Brighton

PS25, PS70	Air Pollution - Area suffers from air quality issues. Waste development and associated traffic would unacceptably exacerbate issue.	It is noted that an AQMA is located along Hollingdean Road to the east of the site and on Lewes Road. Routing arrangements could minimise distance HGVs travel within the AQMA Site is an existing industrial area - waste management uses may not have a materially different effect on the AQMA compared to other industrial uses.
PS70	Business Amenity - Waste management development would have an adverse impact on existing local businesses located on the site.	Modern waste management facilities are often housing within buildings and can be indistinguishable from other light industrial uses. Co-location with existing waste management facilities on the site could provide benefits.

1 Summary of Responses

PS25	Existing Noise - The existing site generates unacceptable noise.	The WMSP deals with providing potential sites for new waste management facilities - it is not concerned with the operation of existing facilities. However, the level of additional noise would be considered in the determination of a planning application, should a develop submit one wit the intention of developing a new facility on the site.
PS25	Existing Odour - The existing site generates unacceptable odour.	The WMSP deals with providing potential sites for new waste management facilities - it is not concerned with the operation of existing facilities. However, the level of additional odour would be considered in the determination of a planning application, should a develop submit one wit the intention of developing a new facility on the site.
PS25, PS70	Site is unsuitable for waste use due to proximity to residential properties.	The potential for effect on residential amenity was considered during the site assessment process, with the conclusion that the site graded as medium, which means "There is the risk of significant harm but mitigation measures could reduce risk to acceptable levels. The residual risk of harm may be acceptable when weighed against benefits."
PS25, PS70	The site is busy and on a walking route for school children. Additional vehicles would be dangerous.	The level of traffic that could be generated would only be known once a proposal for a scheme is submitted to the Council. Full consideration of the impacts of the increase in traffic movements would then take place as part of the determination of the planning application.
PS25	Concern that an increase in the number of traffic movements or the type/size of vehicles will have an adverse impact on local community.	The level of traffic that could be generated would only be known once a proposal for a scheme is submitted to the Council. Full consideration of the impacts of the increase in traffic movements would then take place as part of the determination of the planning application.
PS25	This site is in close proximity to two schools. Waste development next to school is inappropriate.	The retained allocation is further aware from the schools than the existing waste transfer station. Notwithstanding this, any proposed facility would need to be designed to a high standard with appropriate mitigation measures to reduce potential adverse impacts on the surrounding area to an acceptable level.
PS25	The Dump the Dump campaign responded to the original proposal for a waste site in the above location to be managed by Veolia. The document submitted by the residents	The Waste Minerals Sites Plan consultation does not relate to the operation of the existing Veolia facilities on part of the site. The purpose is to consider whether the

Summary of Responses 1

	<p>campaign effectively pointed out all of the problems with the proposal in a well-argued and well evidenced manner. Among the issues that their report raised was the concern that once a contract was signed with Veolia it would only be a matter of time before Veolia applied to expand the operational hours and to extend the operation to process commercial and industrial waste on the site that was not fit for purpose. In mitigation of the detrimental effects on the area the council responded that under no circumstances would the hours of operation be increased and under no circumstances would the site be used for commercial and industrial waste. The operational hours have subsequently been increased and now we are told that commercial and industrial waste is being considered for the site. The people of Hollingdean have been sadly let down and will suffer further if this new proposal were to go ahead.</p>	<p>remainder of the site should continue to be allocated for waste management development. There is no specific proposal for further development on the site. For further development to occur, a waste management company would need to submit a planning application would be subject to the usual process with full opportunity for public consultation.</p>
PS25	<p>There is no need to repeat all of the evidence and all of the arguments that were detailed in full in the Dump the Dump report as the Council have them.</p>	<p>The Dump the Dump campaign related to a planning application for specific waste management facility. The Sites Plan merely allocates a site which could potentially be suitable for waste management development. Until a scheme is proposed for the site it is not possible to make detailed judgements about the impacts of a new facility, as the technology and size are uncertain.</p>
PS70	<p>The consultation period seems deliberately designed to exclude comment from users of Downs Infants School and Downs Junior School due to the summer holidays.</p>	<p>The consultation ran for a period of nine weeks from 4th July to 5th September 2014.</p>
PS70	<p>The opportunity to use rail transport from the site has been excluded by previous developments. Site does not provide an opportunity to transport waste and minerals by a low carbon method.</p>	<p>The site assessment concluded that a rail connection was unlikely to be feasible as although the railway is adjacent, it is raised on an embankment.</p>

1 Summary of Responses

PS51	<p>The site is located within groundwater Source Protection Zone 1 Development should only be permitted if adequate mitigation measures can be implemented, to the satisfaction of the Environment Agency. In the Site Waste profile, this site is incorrectly described as being located in Groundwater Source Protection Zone 3. It is important that this should be amended as Zone 1. We have also identified that water and wastewater infrastructure crosses the site. Proposed amendment: Insert an additional bullet point in the Site Profile section headed Constraints: "The following constrains may need to be considered: Protection of underground wastewater and water supply infrastructure". Amend the existing bullet point under the section headed Constraints: Site is within Groundwater Protection Zone 1"</p>	<p>Comments noted. Amendments made to site profile.</p>
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WMSP-A/F Old Factory, West of A22, A271, and A267 Roundabout, Lower Dicker

PS21	<p>Concern site access is poor and would be difficult to access from the road</p>	<p>Information provided by the Highways Authority as part of the site assessment process indicated that the access may require altering depending on the size of vehicles required to access the site.</p>
PS3	<p>Site allocation A/F or A/G appear better suited in respect of access and impact on housing and business than O/F.</p>	<p>Noted. The WMSP is required to provide a range of suitable sites.</p>
PS63	<p>Support for locating new facilities on industrial estate; however this site is not an industrial estate.</p>	<p>While this site is not an industrial estate, this site has been developed for business / industrial use.</p>
PS21	<p>Concern a future waste management facility would generate bad odour.</p>	<p>Well designed modern waste management facilities with appropriate mitigation should have no more adverse effect than that of any other light industrial type operation.</p>
PS63	<p>Suggest for consideration inclusion of Hackhurst Lane Industrial Estate and / or the site of the former Abbots Joinery. These sites are more suitable than A/F and A/G.</p>	<p>Hackhurst Lane Industrial Estate was assessed as part of the site assessment process but was not included on the advice of the District which recently granted permission for a business park on this site.</p> <p>The former Abbots Joinery site (Oakwood Business Park) will be assessed and considered for inclusion.</p>

Appendix 2 – Summary of Technical Background Studies

Copies of all documents will be placed in Members' Rooms.

Sustainability Appraisal;

This document critically examines the objectives and options of the Sites Plan and tests them against the principles of sustainable development. The SA was informed by sustainability objectives throughout the evolution of the Plan, and was a key consideration in drawing up the site selection methodology.

Habitats Regulations Assessment;

In accordance with the requirements of the Habitats Directive 1992, the WMSP has been subject to Habitats Regulation Assessment (HRA) screening, both in terms of the proposed waste sites and policies within the Plan. As the WMSP has emerged, details of the HRA screening have been included in the site profiles of the plan. The HRA screening results have not led to exclusion of any sites, because none of the sites were found to definitely have an adverse effect.

Strategic Flood Risk Assessment;

The Strategic Flood Risk Assessment assesses the risk to the Plan Area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk. It also identifies the requirements for site-specific flood risk assessments in particular locations.

Site Selection and Methodology Document;

This document details the methodology used in assessing the suitability of sites for waste management purposes.

Schedule of Suitable Industrial Estates

Provides details of established industrial areas which are considered to be appropriate locations, in principle, for waste management facilities.

Detailed Site Assessment Document

Sets out full details of the site assessments carried out for all sites considered for inclusion in the Sites Plan.

Council

22 October 2015

Agenda Item 44

Brighton & Hove City Council

Subject:	Short-term Holiday Lets (Party Houses)		
Date of Meeting:	22 October 2015		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	AI		

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

- 1.1 The report provides for the consideration of the Scrutiny Panel's report on Short-term Holiday Lets and the response to the recommendations from the Environment, Transport & Sustainability Committee.

2. RECOMMENDATIONS:

- 2.1 That the Scrutiny Panel's report and the response from the Environment, Transport and Sustainability Committee are noted.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 All scrutiny panel reports are taken to the Overview & Scrutiny Committee for consideration and approval for referral to the relevant policy committee which is required to respond to the recommendations of the Scrutiny Panel.
- 3.2 The Scrutiny Panel's report and the response of the policy committee are then reported to the full Council for information.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Environment, Transport and Sustainability Committee can determine whether to accept the Scrutiny Panel's recommendations and what action should be taken as a result.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This is detailed in the Scrutiny Panel's report.

6. CONCLUSION

- 6.1 That the Scrutiny Panel's report and response to the recommendations from the Environment, Transport & Sustainability Committee be noted.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The financial implications are detailed in the report of the Director of Public Health which was considered at the Environment, Transport & Sustainability Committee meeting and is included at appendix 2.

Finance Officer Consulted: Michael Bentley

Date: 07/10/15

Legal Implications:

- 7.2 The legal implications are detailed in the report of the Director of Public Health which was considered at the Environment, Transport & Sustainability Committee meeting and is included at appendix 2.

Lawyer Consulted: Elizabeth Culbert

Date: 07/10/15

Equalities Implications:

- 7.3 Equalities issues are addressed in the scrutiny panel report.

Sustainability Implications:

- 7.4 None identified. The emerging sector could potentially impact on housing demand.

Any Other Significant Implications:

- 7.5 There are no other significant implications.

SUPPORTING DOCUMENTATION

Appendices:

1. Report of the Scrutiny Panel on Short-term Holiday Lets
2. Report of the Director of Public Health to the Environment, Transport & Sustainability Committee
3. Extract from the proceedings of the Environment, Transport & Sustainability Committee held on the 13th October 2015 (to be circulated following the committee meeting).

Documents in Members' Rooms

None

Background Documents

None.

Scrutiny Panel Report on Short-term Holiday Lets



Report of the Overview and Scrutiny Panel

October 2014

Short-term Holiday Lets

Panel Members

**Councillor Geoffrey Bowden (Chair)
Councillor Jayne Bennett
Councillor Alan Robins**

Chair's foreword

In July 2013 I asked that a scrutiny panel be established to look into the issue of what the media has labelled as '*Party Houses*'. This followed a number of representations in my own Queen's Park ward and, subsequently, from across the city from residents, whose lives had been adversely affected by the way some of these properties were being managed.

It was always accepted that short-term holiday lets catering for hen and stag groups contribute to the visitor economy, so the scrutiny panel sought to balance that against the genuine concerns expressed by residents affected by Anti-Social Behaviour. It is a growing market, so the panel felt it was important to find a mutually agreeable position that respects residents' views, but also supports responsible short-term holiday let operators catering for this market. We were also mindful of the impact on other local businesses, in particular small hoteliers, some of which aim to attract the same client profile, but are obliged to adhere to a more rigorous regulatory regime.

The panel had no interest in stifling business, but wanted to find a way forward that would benefit as many people as possible. However, as it became clear when taking evidence, properties catering for hen and stag groups or other large groups fall between the cracks of a number of legislative streams. Since a local authority's powers are limited, it was recognised that aiming for an operational 'gold standard' that responsible operators could sign up to might be the most realisable objective for the panel.

As a direct result of the establishment of a scrutiny panel, a number of local businesses have come together to promote best practice and offer some self-regulation of the market. The panel was heartened by this positive response and we hope that the Brighton and Hove Holiday Rental Association (BHRA) will evolve into a long-term partnership committed to running successful businesses in a respectful and sensitive manner, and, through its own example, be able to influence non-member operators to adopt best practice guidance.

We would like to thank everyone who took part in the scrutiny panel meetings or who contacted us to make representations. We would also like to thank the scrutiny team and council officers for their support. Finally I would like to thank my fellow panel members for their time and input into this panel. I think that we can all be proud of a thorough and positive piece of work.



A large, stylized handwritten signature in black ink, written over a white background. The signature is cursive and appears to be the name of the Chair.

Introduction

There is no denying that Brighton & Hove has always been a popular holiday destination, whether it's for a week by the seaside or a shorter break. There are as many different reasons to come to Brighton as there are people visiting us, whether this is for people visiting by themselves or in larger groups, who want to share a property, for example family groups or people attending a conference.

One of the growing sector areas has been in short-term lets catering for these larger groups, particularly hen and stag parties. Recent research has shown that Brighton and Hove is one of the top UK hen and stag party destinations of choice¹. A variety of accommodation types is available for all visitors, including hotels, guesthouses, B&Bs and short-term rented accommodation.

Councillor Geoffrey Bowden requested that a scrutiny panel be established to look into the issue of what were then referred to as 'Party Houses' – a journalistic shorthand; however following representations from operators in Brighton and Hove this has now been amended to 'short-term holiday lets' catering in particular for hen and stag groups. Local Action Team meetings in Queen's Park had highlighted these properties as an increasing nuisance problem to local residents. There had also been complaints from residents in other parts of the city including concerns about how the properties were managed, a lack of accountability, the negative impact they have on neighbourhoods, as well as whether they are being correctly classified as 'temporary holiday lets', for planning purposes, business rates and commercial waste collections.

The aim of the scrutiny panel was to establish a set of 'gold standards' for short-term holiday let properties aimed at the hen and stag market, so that they could be operated as successful businesses, while minimising disruption to neighbours and local residents.

As part of the panel process, panel members heard from members of the public across the city about their experiences, as well as from a representative of the city's small hoteliers and a number of large holiday let operators who manage or own properties in Brighton & Hove operating in this market. Panel members also spoke to council officers in Planning, Legal Services and in Environmental Health, the Police, as well as receiving ongoing support from East Sussex Fire and Rescue Service.

Complaints could largely be grouped into those relating to noise and anti-social behaviour; disruption to neighbours; how the properties were managed, including lack of response to complaints, and a feeling that there was little that statutory agencies could do or had done through existing legislation. At the same time small hoteliers told the panel that they felt that there was not a level playing field in terms of the regulatory regime under which they are

¹ <http://www.redsevenleisure.co.uk/hen-weekends/uk/>

obliged to operate, compared to short-term holiday lets catering for hen and stag groups or for other large groups.

In response, operators said that the complaints were often historic, which had occurred when the industry was in its infancy. They felt that the number of complaints had fallen considerably since that time, and that they were much quicker at pre-empting problems. The operators told the panel that they had recently set up a trade association, Brighton and Hove Holiday Rental Association, to promote best practice among holiday let operators and that they could regulate the market themselves.

The panel decided to allow the newly established industry body the opportunity to demonstrate that it could effectively regulate its members and promote best practice across the market. It is the panel's recommendation however that the council should closely monitor complaints and reports of nuisance to ensure that these incidents are addressed as soon as they occur and, should it prove necessary, take stronger action.

The panel is also mindful that new national legislation is due to come into action in October 2014 which, the Home Office says will allow local authorities to tackle any anti-social problems more speedily through the use of enhanced closure powers and community protection orders. Of course the panel would prefer not to go down the route of taking enforcement action, opting to work with the BHRA members instead seeing this as a more positive way forward. However, it is important that all parties understand that those new powers will be available to the local authority and will be used if it proves necessary.

The panel would like to thank everyone who submitted evidence or attended the panel meetings. It has been invaluable to hear from all sides. The panel hopes that this report gives a balanced account of everyone's views and provides a practical way of moving things forward to everyone's satisfaction.

Councillors Geoffrey Bowden, Jayne Bennett, Alan Robins

September 2014



1. Scene Setting

What are short-term holiday lets?

- 1.1 One of the problems that the panel encountered when beginning their research was that there is no agreed definition of a 'party house' or short-term holiday let. The same property might cater for a hen or stag group one weekend, a group of conference delegates the following week, a family group the next week. It became clear during the evidence gathering that the types of guests that were being referred to as causing problems tended to be larger stag and hen groups.
- 1.2 With all of the above in mind, panel members began by defining 'party houses' characteristics as
 - *short-term let available to rent for up to a week at a time*
 - *accommodating 6 people or more (not usually a family group), usually with two or more people per room*
 - *tending to be used for stag and hen parties, but not always the case.*
- 1.3 During the course of the panel, the short-term holiday let operators suggested that the focus should be on those properties that can accommodate ten or more guests²; after reflection this was agreed by the panel.

Figures

- 1.4 One of the problems that the panel had at the outset of the process was quantifying how many short-term holiday lets catering for hen and stag groups there were in the city. As part of the initial enquiries, a range of figures were given from a number of sources including East Sussex Fire and Rescue service and Environmental Health. Figures ranged between 50 and 500 properties although this latter number included all holiday lets of any size. Part of the panel's remit was to quantify the market size so that the potential impact on residents could be assessed.

As part of their evidence Brighton and Hove Holiday Rental Association (BHRA) said that they had cross referenced all websites and adverts to ascertain what they considered to be a definitive number of properties. They found a total of 106 properties in the city that sleep ten or more people.³ 78 of these are sole agency properties, and 28 are managed by more than one agency. Brighton Holiday Homes, one of the members of BHRA, manage over one third of these properties⁴.

² Stephen Stone, Panel meeting 18 February 2014

³ Stephen Stone, Panel meeting 18 February 2014

⁴ Neil Stonehill, Panel meeting 18 February 2014

- 1.5 There were various references to the 'grey market' during panel meetings. This was used to refer to private accommodation that is rented out on an ad hoc basis, typically through websites like Air-bnb, rather than through rental agencies. It is harder to quantify these types of property or to deal with any problems that may occur, as they can pop up from time to time without any notification. BHRA have advised the panel that their own investigations show that Air-bnb currently advertises 5 large group holiday rentals that are not already advertised by agencies or other holiday rental websites (as of 24 July 2014)⁵

The panel wanted to clarify that they did not feel that all 'grey market' properties were the source of anti-social behaviour and that as with more permanent holiday let operators, there were responsible owners of temporary holiday lets as well. The panel also noted that the Air-bnb relied on positive feedback from those renting the properties and the owners who tend to rent only to those who have received good feedback from other Air-bnb owners.

Terminology

- 1.6 The panel began their investigation by referring to the short-term holiday lets as 'party houses' in the absence of an agreed alternative. At the beginning of the second panel meeting, it was noted that some of the operators and local business people involved in the panel were unhappy with the phrase and felt it had unduly negative connotations. They asked for an alternative; 'large group private holiday lets' was suggested; this was subsequently changed to or 'short-term holiday lets' catering for hen and stag groups.

Why we are looking at it?

- 1.7 The topic of what was then called 'party houses' was suggested by Councillor Geoffrey Bowden, who had had a number of complaints from concerned residents within and outside his ward of Queen's Park. His enquiries into these complaints showed that there was no one regulatory body or council body with responsibility for 'short-term holiday lets'. It seemed to fall between Planning, Environmental Health, Licencing and the fire service but no team had overall responsibility. The anti-social behaviour did not appear to be a police priority either.
- 1.8 Panel members were very clear that their intention was to signpost residents so they clearly know where they can go for assistance and help businesses agree a 'gold standard' for holiday let operators catering for large, potentially disruptive groups. It was not the panel's intention to hamper responsible operators or close down the industry, but to support both residents and responsible operators to allow the

⁵ Email from BHRA, 24 July 2014

sector to flourish while respecting the communities within which they operate.

2 Residents' Experiences

- 2.1 The panel dedicated their first public meeting to hearing from residents who had had cause to complain or raise concerns about short-term holiday lets. They issued press releases, tweeted and gave local radio interviews to raise the profile of the panel and ensure that as many people as possible would hear about the panel. This was in order to gauge the size of the problem – see paragraph 1.4 above..
- 2.2 Complaints fell into a number of broad categories; noise throughout the day and night was the largest concern, as well as litter, the lack of parking, a lack of accountability on the part of the property owner or operator and 'pre-loading' with alcohol before groups left for the evening.

Some of the complaints about behaviour included:

...constant banging on the front door at 3am....

....A stripper physically in the street with screaming girls around.....

.....The noise is intermittent and generally between 11pm and 5 in the morning....

Guests congregating outside the house to smoke

..Huge piles of refuse and recycling being left and not cleared by the owners

...Fleets of taxis blocking the road.....

(All quotes from emails/ evidence received from residents)

- 2.3 Residents were also concerned that when they did complain, whether to the council, the police or directly to the house, they were often told that there was nothing that could be done to help at that time.

Some of the complaints about lack of response included:

Police asked [me] to log calls [about noise complaints]. After two years of doing so, ... was told I was a vexatious complainant

Haven't contacted the police as I don't feel they will attend

...the noise patrol isn't really suitable as the complaints are sporadic.

...it would need to be a long term problem for any Environmental health action to be taken...

The owner says they won't have any more hen parties but they do anyway

(All quotes from emails/ evidence received from residents)

3 The role of statutory bodies

- 3.1 It was clear from the panel's early research that short-term holiday lets do not fall under any one statutory body. While various departments and organisations had an interest in particular aspects, there is no one over-arching body with responsibility or oversight for the industry. As part of their investigations, the panel asked for more information about the role of statutory bodies such as Planning, Environmental Health, Community Safety, Business Rates, the East Sussex Fire and Rescue Service and the police.

Planning Enforcement

- 3.2 The Enforcement Team would measure the 'amenity harm' from a property that was being investigated; it was not necessarily that amenity harm was automatically caused. 'Amenity harm' may be harm to visual amenity (appearance) or harm to the amenities of neighbours (such as noise disturbance, vibration, overlooking, and loss of light).
- 3.3 Enforcement relied on complaints being made about a property. If Planning Enforcement received a complaint, the complainant would be asked to provide an evidence base including how often the property was used, and the amenity harm being caused.

The Enforcement Team would cross-reference the complaint with other departments and agencies including Environmental Health and the police to check if they had had any complaints about the property. The next stage would be to serve a Planning Contravention Order on the owner, asking them to clarify the type and frequency of use. When they

received the information back, the Enforcement Team could then consider whether a Change of Use had happened.

- 3.4 The panel heard that in a twelve-month period, the Enforcement Team had received four complaints about 'short-term holiday lets' but initial enquiries with other departments had shown that no complaints had been made nor had noise diaries been completed so it was not possible to determine whether there had been a change of use.⁶
- 3.5 'Change of use' was an issue raised by a number of residents and the local hoteliers' representative. At present, if a property owner wishes to let their property out as a holiday let, there are no planning restrictions to stop them doing so. This means that potentially the owner could convert their property without any notification to neighbours or the local authority. Some residents said that they feel that this is very unfair as there is no opportunity to object as there is with normal planning applications. If holiday let owners had to apply for 'change of use' this would give residents and other affected parties the chance to make representations for or against the proposal and for them to be considered against a set of agreed criteria.

The Brighton Hotelier's Association raised similar concerns when their representative spoke to the panel⁷. They felt that there was not a level playing field when it came to the regulatory requirements for hotels and holiday lets; hotels have to comply with a number of planning, environmental health and other requirements which do not necessarily apply to holiday let properties. The necessary regulatory regime increased the costs for hoteliers and they were concerned that holiday makers would not appreciate the difference, and base their choice purely on price.

The panel heard that any change to planning legislation, including change of use would have to come from central government and was not within the power of local authorities to introduce. (As an aside, slightly different legislative powers exist for London authorities, which is why the London Borough of Westminster can introduce its own short-term let policy.)⁸

- 3.6 Panel members heard that there was no use class within planning legislation for short-term holiday lets, so the property would be changed to use class 'sui generis' ['outside classification']. Any potential change to this, for example, adding a class for short-term holiday lets, would again have to come from central Government.

Environmental Health

⁶ Aidan Thatcher, Planning Enforcement, BHCC 20 February 2014 Panel meeting

⁷ Mark Jones, hotelier, 13 February 2014 Panel meeting

⁸ <https://www.westminster.gov.uk/short-term-letting>

- 3.7 The out of hours noise patrol service is managed by the Environmental Protection Team. It operates between 10pm and 3am on Friday and Saturday nights. Two officers provide this service for the whole of the city with the support of a controller. Officers aim to visit noise patrol customers within an hour.
- 3.8 Under the provisions of the Environmental Protection Act 1990 the team has a statutory duty to investigate noise complaints received, and assess whether a statutory noise nuisance exists. Noise nuisance is assessed having regard to the character, duration and frequency of the noise and how it affects a person in their home. They need to gather robust evidence in order to serve a noise abatement notice on the perpetrator, and this includes use of noise diary sheets, noise recording equipment that can be left in customer's homes, and visits by officers to witness the noise.
- 3.9 The panel heard that in 2011, there was a series of complaints about nuisance caused by short-term holiday let properties having large parties, including some properties that were the subject of legal action. As a result of these complaints, the Environmental Health Team met with some of the holiday let operators, East Sussex Fire and Rescue Service, and various council teams to discuss a way of managing these cases and preventing noise nuisance to neighbours. Since that time, the industry had begun to take ownership of the issue; they reported that they had not received the same number of complaints associated with these short-term let 'party houses'.⁹
- 3.10 There is now a practice of sharing intelligence and information on cases with East Sussex Fire and Rescue, Planning Enforcement, Neighbourhood Policing, and Community Safety Partnership. There are regular internal Joint Intelligence Meetings between the above agencies where cases are discussed. If there was a rise in complaints about noise nuisance or anti-social behaviour coming from short-term holiday let properties, this would soon come to the attention of these Joint Intelligence Meetings.
- 3.11 One stumbling block, which might be preventing people from formally complaining about noise, is that legally a property owner ought to declare knowledge of any noise complaints when they try to sell their property. It was felt that this may be acting as a deterrent to lodging complaints, since potentially it could affect the saleability of their homes.
- 3.12 It should be noted that several residents said that they did not contact the noise patrol team or other agencies when they experienced noise nuisance, as there was no swift solution to the problem. As mentioned in 3.9 above, residents need to gather evidence in order for action to be

⁹ Annie Sparks, Environmental Health, BHCC, 20 February 2014 Panel meeting

taken and this can take some time. The system is not designed to deal with individual one-off noise nuisance issues and if there are different holiday groups in a property every week, for some it appeared pointless making a complaint, if they know that the occupiers will not be there the next week. This means that the panel had to be very aware that the data on noise complaints was unlikely to paint an accurate picture of the situation on the ground.

- 3.13 The short-term let operators have said that they cannot respond to noise complaints or reports if they are unaware of the problems in the first place. While the panel thought this was a reasonable position to take, it also recognised that there was a Catch 22 situation in play. Some affected residents quite often put up with disturbance, since past experience showed their complaints fell on deaf ears. This in turn meant that operators could claim, with some justification, that their records showed no complaints.

A number of the operators clearly recognise the potential for noise and ASB as they operate their own noise patrol teams. There is an agreement with the newly formed trade association, Brighton and Hove Holiday Rental Association (BHRA), that they will investigate any complaints that are made about one of their properties and take action to address any anti-social behaviour. Please see section 5.12 below for more information.

There is also the forthcoming national anti-social behaviour legislation that is intended to deal with individual noise complaints in a much speedier manner. Please see 4.9 below.

Community Safety

- 3.14 The Community Safety Officers told the panel that their focus is on ongoing issues rather than one-off problems. Over the last twelve months, the only reports that they have had regarding any nuisance caused has been about one-off incidents so it has not been appropriate for them to take action.

In common with the other teams seen so far, the Community Safety Team relies on robust evidence in order to take action. In the case of short-term holiday lets, the residents change every week and so it would be hard to take action against an individual.

Business Rates

- 3.15 Several residents queried whether short-term holiday let operators were correctly registered as businesses and if not, whether this was something that ought to be taken forward. The panel spoke to the Business Rates team who advised that domestic property attracts Council Tax, based on the banding set by the Valuation Office Agency (VOA), a branch of HMRC. The banding is based on the market value

of the property as at 1/4/91. All other properties, other than exempt properties such as places of religious worship, attract National Non Domestic Rates (NNDR), often known as business rates. The amount payable is based on the rateable value (RV) of the property, again set by the VOA.

- 3.16 The law provides that properties that are available for short-term letting for at least 140 days per year should be assessed for NNDR rather than Council Tax. The council has referred a number of properties believed to be short-term lets to the VOA over the last few years; the properties have been removed from the Council Tax list and assessed them for NNDR, as holiday accommodation, instead.
- 3.17 Regarding the question of whether Council Tax or NNDR would bring in more revenue, this would depend on the rateable value and whether the owner qualifies for Small Business Rate Relief (SBRR). This provides a discount of up to 100% of the bill at least until 31 March 2015. (After that the discount levels may be halved, but it depends on central Government.) An owner will qualify for SBRR if the business is their only occupied NNDR assessment, and the rateable value is below £12,000. Relief is on a sliding scale, with a current discount of 100% for properties with RV rateable value of £6000 or less. Most of the holiday accommodation on the NNDR list has a rateable value at or below £6,000.¹⁰ All of the holiday let businesses who spoke to the panel gave assurances that they were registered for Business Rates in the correct way.
- 3.18 Council staff in Business Rates confirmed that they would be responsible for investigating all businesses including holiday lets. Based on all of the above information, the panel decided not to investigate the business rates aspect any further as they felt that it was already being fully considered elsewhere.

Commercial Waste

- 3.19 Some residents who gave evidence felt aggrieved that some short-term rental accommodation caused a build up of refuse, which should be collected under a commercial contract but that was left for domestic collection. The operators who spoke to the panel said that they all managed their refuse responsibly. BHRA is going to promote 'gold standards' for operating a holiday rental business; this will make reference to commercial waste collections.

The panel felt that if, as stated, those properties are paying Business Rates, arrangements must be put in place for commercial waste removal. At the same time Cityclean should be provided with a register of those businesses, so it did not collect refuse and recycling from those addresses.

¹⁰ email from Andy Hudson, Business Rates Team Leader, December 2013

Impact on Local Housing Market

- 3.20 Several residents drew attention to the impact of converting family size accommodation into short-term holiday lets, thereby removing property from the family housing market. Brighton and Hove is already a highly competitive housing market, with over 18,000 on the Council's own housing waiting list and many others being priced out of the market by lack of supply. However the panel was very clear that they were in support of the holiday rental business provided that the properties are managed responsibly. Therefore they did not progress their enquiries into the impact on the local housing market, but wanted to note the residents' concerns.

Legal Powers

- 3.21 The council's Senior Lawyer, Housing and Litigation explained that there had been legal action taken against the owner of a specific short-term let about five years ago but he was unaware of any current complaints that were undergoing legal action, this resulted in a fine of £10,000, which was later set aside on a technicality. The property ceased operating as a short-term holiday let shortly afterwards.
- 3.22 The panel was told that, in general terms, it was possible to carry out a private prosecution but it would need independent evidence so it is not a simple process. It's a similar situation if Environmental Health gets involved; an independent witness needs to observe the noise nuisance in order to take any action. It is hard to prosecute against a houseful of guests as you cannot prove who is making the noise; you cannot collectively prosecute unless you can prove everyone is responsible. A third option is to use Closure orders, which apply against a property rather than a group of individuals.¹¹
- 3.23 The Anti-social Behaviour, Crime and Policing Act 2014 legislation is due to come into force in October 2014 which will give other legal remedies. Please see page 15 for more information.

4 External Agencies

East Sussex Fire and Rescue Service

- 4.1 Dexter Allen, Business Fire Safety Manager for East Sussex Fire and Rescue Service (ESFRS) explained that his team's aim was to stop fire risks, and stop bad things happening to people through fire. They can take appropriate action as quickly as needed and aim to provide a consistent and supportive approach to all businesses. He told the panel

¹¹ Simon Court, Senior Lawyer BHCC, panel meeting 13 February 2014

that fire authorities don't have a 'too difficult' box – people's lives are too important. Mr Allen said '*Protecting Brighton & Hove's brand is key; one fire could adversely impact the entire visitor market.*'

- 4.2 ESFRS work with hotels, shops, clubs and marquees as well as holiday lets. In terms of holiday lets, they look at premises that sleep six or more people. ESFRS works with operators to audit their fire safety provision. Each property has a notice of works which need to be completed. He also stated that ESFRS has the power to shut down premises immediately if it was deemed too dangerous to allow it to remain open; this has happened on two occasions.
- 4.3 Mr Allen confirmed the information given by Environmental Health (in paragraph 3.10 above), that complaints had come to a head three years ago, but parties had come together to address the issues. There has been a mutual understanding of one another's positions and responsible operators have taken the time to engage with agencies including ESFRS.
- 4.4 Mr Allen told the panel that there is also the 'grey market' in accommodation, which can prove more troublesome due to its temporary nature. However, if and when they advertise their properties, ESFRS will find out about them and visit them to carry out the appropriate audits.
- 4.5 Mr Allen suggested that if there were to be a change in planning regulations seeking more regulation for holiday let operators, it could have the potential to drive responsible businesses underground and allow the grey market to take over. His position is that working collaboratively is a better way of moving forward.¹²

Police

- 4.6 Inspector Gareth Davies, of the Safe in the City Policing Team, explained how the police would address any complaints that they received about nuisance caused by short-term holiday lets. Inspector Davies clarified that he thought that this was not a particular problem area for Brighton & Hove but outlined their general approach.
- 4.7 When a call is received by the police contact centre, it is assessed according to harm being caused. If the call concerned noise or other anti-social nuisance, a standard set of anti-social behaviour assessment questions would be asked to assess the level of response needed. The police use four response levels, emergency (aiming for response within 15 minutes), immediate (within an hour), planned follow up (passed to Neighbourhood Policing Team to follow up within a few days), and lastly, noted for information.

¹² Dexter Allen, ESFRS Panel meeting 18 February 2014

Complaints about noise caused by short-term holiday lets would tend to be graded as 'planned follow up' although this could be increased if circumstances made it necessary, for instance if there was additional rowdy behaviour or if a complainant was particularly vulnerable.

- 4.8 Police powers were very limited dealing with noise coming from within a private dwelling; a significant amount of public disorder legislation only applies to public spaces. Police powers were limited but it was vital that the police had as much knowledge about a neighbourhood as possible and urged residents to log calls with the police. This would help to build the bigger picture and help to focus police resources where they were most needed. The police might not always need to take the lead on a particular issue, if a more appropriate agency was involved. Some agencies would have more impact than others, depending on the particular circumstance.¹³

Inspector Davies commented that the groups renting the properties often pre-loaded on alcohol. There was some discussion within the panel about the impact that this might have on A&E attendance, but as there had recently been a scrutiny panel looking at various aspects of alcohol consumption, the panel chose not to take this further.

Anti-social Behaviour, Crime and Policing Act 2014

- 4.9 The legislation below was not part of the panel discussions but was issued shortly after the meetings concluded. It was highlighted by a Home Office minister in a Westminster Hall debate on 8 April 2014 on the impact of 'party houses' in Poole in Dorset.

The Anti-social Behaviour, Crime and Policing Act 2014 will be enforced from October 2014.¹⁴ Various anti-social behaviours are covered in the Act but the section that could be applied to anti-social behaviour coming from within short-term holiday lets is covered in different ways.

Councils and police forces have the same objective—to ensure that the communities they serve are protected and safe—and by working effectively together they can achieve that. The new powers encourage agencies to solve problems together to ensure that victims and communities get the best results.¹⁵

- 4.10 The current closure powers do not make it possible to close non-licensed premises out of court, so police and councils have been limited in what they could do. However under the new closure power if a police or council officer has reason to believe that the use of premises has resulted or might result in nuisance to members of the public, the premises can be closed immediately. Those who habitually

¹³ Inspector Gareth Davies, Safe in the City Policing Team, Sussex Police 20 February 2014

¹⁴ <http://asbhelp.co.uk/what-the-law-says/>

¹⁵ Information from Hansard, 8 Apr 2014 : Column 24WH

reside in the premises cannot be excluded for the first 48 hours, but members of the holiday group would not fall within that definition and so could be excluded completely from the property. The power can be used preventively. Where the issue persists, the council or police force could apply to have the closure extended for up to six months.¹⁶

- 4.11 There will also be a community protection notice available to deal with persistent, unreasonable behaviour that has a detrimental effect on quality of life. The definition of “persistent” is open to the interpretation of the council or police officer. For instance, if the issue is loud music, if an officer had asked people to turn it down and they had not done so, it would be perfectly reasonable to consider that persistent. First, a written warning has to be issued to someone, explaining what the issue is. Once they have been given sufficient time to change the behaviour, which could be minutes in the case of turning down loud music, a community protection notice can be issued forcing them to comply with the request. If they do not, they commit an offence and can be arrested. The community protection notice could be used against the home owner or agency who was allowing the people to act antisocially.

Summary of current statutory powers

- 4.12 To sum up, there are various powers currently available to the local authority, fire services and police when they receive reports of noise nuisance or other anti-social behaviour, although some residents might query whether the powers are adequate. Through Environmental health, ongoing noise complaints can be monitored or acted upon and in one case, resulted in the property being closed down. There is leeway within planning legislation for enforcement action to be taken against a property in certain circumstances, although this has not happened to date.

There are also the local authority’s existing legal powers and the forthcoming Anti-social Behaviour, Crime and Policing Act with enhanced powers. The Fire Authority has the power to request immediate fire safety steps are implemented, and can close a property if it feels that health and safety is at risk.

5 Local Businesses

- 5.1 The panel wanted to probe what impact short-term holiday lets have on other businesses including hoteliers. They spoke to a representative of

¹⁶ Information from Hansard, 8 Apr 2014 : Column 23WH

the Brighton Hotelier's Association, as well as to VisitBrighton, the official tourism arm for the city.

- 5.2 The Brighton and Hove Hotel Association's spokesperson, Mark Jones, told the panel about the negative effect that holiday lets of this nature was having on hotels and the wider tourism industry.¹⁷ He felt that the larger groups of hens and stags that stayed in holiday lets often acted in a way that portrayed the city in a negative light, and might put off some hotel guests from returning to the city. A lot of hoteliers had chosen not to accommodate hen or stag parties due to the ensuing room damage and ongoing costs. This had acted to restrict the number of hen and stag groups in the city but since the growing holiday let market, the number of hen and stag parties had escalated, with ensuing anti-social behaviour.
- 5.3 The panel heard that the accommodation market was carefully balanced in order to keep a high quality offer. By bringing in more, potentially lower quality, accommodation types, this did not necessarily attract more guests to the city but would mean that hotels, B&Bs and holiday lets would be fighting for a smaller share of the same market. The Hotel Association had been asking Brighton & Hove City Council to act to minimise the holiday let market for some time.
- 5.4 Mr Jones also said that hotels had to abide by a huge range of statutory health and safety and environmental health legislation, which they accepted as part of their business operation. They felt that short-term holiday let operators did not have the same restrictions or safety requirements. (When the operators spoke to the panel, they assured the panel that they did abide by all necessary health and safety and other legislation.)

VisitBrighton

- 5.5 The panel heard from VisitBrighton, which is Brighton & Hove City Council's official tourism arm. They heard that the self-catering market was a very important part of the accommodation offer in Brighton & Hove. 8% of overnight visitors stayed in non-serviced accommodation. Almost 10% of international overnight visitors stayed in non-serviced accommodation¹⁸.

VisitBrighton has a partnership approach with accommodation providers in the city; there are 17 self-catering partners involved including Crown Gardens. Partners pay an annual fee, which is re-invested in the city. They can refer visitors to the approved premises but it will be up to the individual visitor where they choose to stay.

¹⁷ Mark Jones, panel meeting 13 February 2014

¹⁸ John Carmichael, Visit Brighton. 13 February 2014

- 5.6 VisitBrighton said that they did not use the terms '*party town*' or '*hedonistic*' in their marketing although they do promote the night-time economy as well as the cultural/ eating/ drinking aspects of visiting Brighton and Hove. This has a big economic impact; on average an overnight visitor will spend £125-£150 in 24 hours, whilst a day visitor will spend £35-40.

The Economic Value of the Holiday Let Businesses

- 5.7 One of the larger short-term holiday let operators, Brighton Holiday Homes (BHH), spoke to the panel about the economic impact of their business.

He told the panel that his figures show that every summer weekend, £300,000 goes back into the local economy from the spend from their residents. This can be extended to extra income throughout the year. Neil Stonehill of BHH said that his staff wages bill for last year was well in excess of £250,000 and will be higher this year. He feels a sense of pride that his organisation is in a position to create really good jobs with good salaries. There is also considerable income for the cleaning company, who have a full time staff of 16 with extra people taken on in summer. In addition there are handymen, plumbers etc who all benefit from BHH's business.¹⁹

The panel was also told that the short-term holiday let operators can also organise activities for the hen or stag parties when requested. This also generates significant income for local businesses. They ensure that they use businesses, who are happy to accommodate hen or stag parties to minimise disruption and inconvenience.

- 5.8 It could be considered reasonable to assume that other holiday let operators are similarly successful in generating income and supporting local businesses. The panel is keen to support responsible local businesses in their endeavours.

BHRA's own unaudited calculation estimates indicated that the market could possibly generate over £18 million to the city's economic activity:

Total large group holiday rentals in Brighton & Hove 106
Average number of large group holiday guests per weekend (average 12 guests) 1272
Average spend per individual (£300) £300.00
Average total weekly income brought to Brighton economy £381,600.00
Average total annual income brought to Brighton economy (based on 48 weeks) £18,316,800.00²⁰

Holiday Let Operators

¹⁹ Neil Stonehill, BHH, panel meeting 18 February 2014

²⁰ BHRA email

5.9 The panel was pleased to hear directly from many of the short-term holiday let operators catering for hen and stag groups in the city; one panel meeting was dedicated to listening to the industry, who responded honestly to the criticisms that they had heard. The panel heard from Brighton Holiday Homes, Crown Gardens, Citypad, Beatnik Breaks and several individual operators.²¹

5.10 Some of the key points they made were

- In the last year, Environmental Health had received 1862 noise complaints in total from general domestic houses and apartments in the Brighton area; 8 related to holiday lets, of any size or any website. Over a three-year period there were 30 complaints relating to all types of holiday lets. The operators commented that the establishment of the scrutiny panel could be interpreted, in their view, as a disproportionate response to a relatively small-scale problem although operators appreciate that it would not feel like a small scale problem to people affected.
- If people did not complain about noise or other nuisance, it was very difficult for agencies to take any action to address them
- A number of operators had privately run noise patrol services which responded to lower level complaints and more quickly than the council's own noise patrol service. They have authority to tell people politely but firmly to keep the noise down or risk the loss of their deposit; they can also be evicted immediately.
- The operators said that some of the complaints that the panel had heard about were historic; operators had learnt a lot from the early mistakes
- If people feel that they are being turned away from Brighton, it will have huge effects on jobs in the private tourism sector. Brighton & Hove cannot afford to be a dying seaside resort.
- The people who come to Brighton & Hove on hen weekends are typically in their late twenties, with a huge variety of jobs. You are much more likely to see local people drunk in the street rather than hen party guests.
- All responsible operators worked closely with ESFRS and carried out the necessary fire safety work.
- The holiday rental sector can complement the existing guest house provision as they largely accommodate different types of guests.

Positive steps to address anti-social behaviour

²¹ Panel meeting 18 February 2014

5.11 The operators told the panel about the steps that they were already taking to pre-empt complaints or potential anti-social behaviour. These included

- Running their own noise patrol team, which attends all properties in rotation. The patrol logs any noise from other sources eg student parties, as holiday lets can often be blamed for noise from other properties.
- Guests are told that parties are not allowed and that they may be ejected if this rule is broken
- installing CCTV cameras and microphones outside the property as guests are not allowed to gather outside.
- Keeping the [significant] deposit if there are complaints; this has happened once in the year that the property has been operating, they claimed that it was not a stag or hen group
- Giving neighbours an emergency contact number and encouraging them to call as soon as possible
- Carrying out soundproofing including installing secondary walls to minimise noise disruption
- Operators said that they regularly turned down properties that were in unsuitable locations, eg not in a city centre or if they had a garden. They actively discourage potential landlords with a property in an area which they think would cause a problem to neighbours

Brighton and Hove Holiday Rental Association

5.12 The panel was encouraged to hear that, prompted by the scrutiny panel's investigations, a local trade association, the Brighton and Hove Holiday Rental Association (BHRA) had been formed. This was doubly welcome since, at the outset the panel stated that it hoped for the formation of a responsible local trade association in the city, which would promote 'gold standards' for individuals and companies managing holiday lets. It is very unusual that a scrutiny panel's key stated aim was achieved before its work began.

This will be an opportunity for operators to share best practice and agree common guidelines, which should achieve the 'gold standard' for operators that panel members were looking for and to demonstrate that they can curb some of the worst excesses that prompt complaints from neighbours to these properties.

5.13 The operators who have set up the association are certain that they are best placed to oversee and monitor their own industry, and believe that

they can promote best practice from inside the industry rather than having something imposed on them. BHRA will be a self-regulating body with a board overseeing it; they welcome the opportunity to address any complaints themselves.

BHRA's intention is that if you follow the guidance set out, your holiday rental properties should not cause any problems for neighbours. They felt that problems tend to be caused by the rogue properties and the grey market, rather than responsible operators.

- 5.14 BHRA hopes to work with VisitBrighton and other bodies to promote their businesses and encourage visitors to stay in responsibly managed accommodation.
- 5.15 Since the panel has finished its public meetings, BHRA have set up a website (<http://brightonholidayrentals.org/>) which they said that they will be launching soon. There will be advice on there for potential operators and current members on best practice. Crucially from a resident point of view there will be a search engine where residents can search to see whether a certain property falls under BHRA's remit which means that BHRA can be alerted straight away if there is a problem. The website also gives advice about who to contact if the property is not a BHRA operated one.
- 5.16 Panel members have welcomed the emergence of BHRA as a trade organisation, representing good practice in the city. There have been a few complaints about nuisance caused by short-term holiday lets since the panel meetings concluded; the panel is very pleased to see that BHRA has actively investigated these even when they have turned out not to be BHRA properties, to try and give advice to residents and operators. The panel hopes that this will continue in the future.
- 5.17 Questions remain over how those operators who are not in BHRA will be targeted, and the grey market in holiday lets. The panel hopes that BHRA will contact those operators who are not currently part of BHRA to encourage them to join or at the least to adopt the best practice guidelines.

Best Practice guidelines

- 5.18 Brighton Holiday Rental Association has said that it will promote its gold standard guidelines to holiday rental operators in the city. The guidance is available on their website (currently draft form) at <http://brightonholidayrentals.org/BHRA-Guidelines.pdf> and covers key areas such as noise, rubbish removal, parking and fire risk.

It also outlines where the best location is for short-term holiday lets, gives advice as to what information operators should give to their guests, and how to manage the visit to benefit everyone.

The panel welcomes the guidance but believes that it could be strengthened in certain sections to reflect some of the concerns raised by residents. These concerns have already been detailed above, but include not knowing who to contact in case of disturbance, or not feeling that there is any value in making a complaint due to a perceived lack of action. Other concerns have been raised about the lack of information given to neighbours about a potential new holiday let being established.

The panel's recommendations largely centre around a need for enhanced two way communication between BHRA and those residents who live alongside their properties, so that the complaints and worries that have arisen in the past can be addressed at an early a stage as possible.

- 5.18a Consideration also needs to be given as to how BHRA will work with the council, police, fire service and the communication channels between all these organisations. There should be a protocol with the understanding that BHRA will immediately advise the council about any complaints received and action taken, so that the council can monitor the situation and call BHRA to account if it is deemed necessary.

As mentioned in 3.10 above, there are Joint Intelligence Meetings between East Sussex Fire and Rescue, Planning Enforcement, Neighbourhood Policing, and Community Safety Partnership. The panel would suggest that BHRA are asked to attend these if there are reservations about how they are managing their properties so that further steps can be considered.

The grey market

- 5.19 The panel heard that as well as the BHRA members already mentioned, there is a 'grey market' in holiday rentals caused by private rentals operated through websites such as Air-bnb, part of the growth market in the sharing economy. Some of the properties are not regulated or may just be used on a short-term basis. There is potentially an issue where the properties are not fulfilling the health and safety aspects needed, although Air-bnb tells providers that they must comply with regulations.²²

BHRA members have said that the so-called grey market properties can cause problems for the whole industry as they can be set up without any guidance, operate for a short time and then close again. The negative repercussions of any problems caused can have knock on effects for the more responsible operators.

- 5.20 One suggestion made by the operators and BHRA is that they could alert East Sussex Fire and Rescue Service and Brighton & Hove City

²² John Carmichael, Visit Brighton, panel meeting 13 February 2014

Council if they become aware of any larger holiday lets so that the necessary fire and safety audits can be carried out. In addition the owner can be encouraged to become a member of BHRA or adopt the gold standard to minimise disruption.²³ These steps might persuade some operators that it is too expensive to comply with regulations and cease operations.

Panel Conclusion and recommendations

The aim at the start of the panel was to get a set of gold standards for short-term holiday lets and for a trade industry association to be established that might be able self-regulate effectively. With the establishment of Brighton and Hove Holiday Rental Association (BHRA), this has been achieved and is recognised as a positive outcome by the panel. This is a great position to move on from, and the recommendations that follow reflect the additional work that will enhance this.

The panel would much rather have a positive pro-active outcome from the panel rather than relying on existing and incoming legislation to address any anti-social behaviour. Nevertheless, it should be remembered that new legislation will be in force by October 2014 which is much more stringent than existing legal powers open to the police and local authorities and it will remain open to the council and other statutory services to use these powers if the situation warrants it.

Panel members appreciate that BHRA members and other operators in the city are individual businesses and do not fall under the council's jurisdiction. Their co-operation is therefore appreciated and welcomed.

The recommendations listed below are intended to enhance the existing arrangements put in place by BHRA. The aim is to balance out some of the concerns that residents have raised alongside BHRA's intention to provide a first class holiday rental service.

1. **Notifying neighbours of existing short-term holiday lets –**
 - a) BHRA must take active steps to notify all neighbours in writing that they are living near to a short-term holiday let. Information should be given to all properties that are likely to be affected by any disturbance, including those backing onto the holiday let or in the same street. BHRA should keep a record of who has been notified. This should be repeated annually.
 - b) This notification should clearly identify the property and give neighbours information about what guest behaviour is acceptable, the contact details of the private noise patrol and other contacts in

²³ James Watts, Beatnik Breaks, panel meeting 18 February 2014

case of any disturbances. BHRA must ensure that they have a noise patrol in operation 24 hours a day during weekends and bank holidays.

- c) Noise patrols firms used must be British Standard compliant, use body or head cams to record all encounters and be SIA cleared and fully trained in conflict resolution. Written reports of incidents should be made within 24 hours.
- d) Noise patrol companies employed should use clearly identifiable vehicles and personnel should wear uniforms and carry identification with them at all times.
- e) Those who raise noise complaints should be provided with a copy of the incident report made to the operator by the professional noise patrol, so it is clearly understood that their concerns have been addressed.
- f) In hours of daylight, the noise patrol should always attempt to knock on the doors of neighbours that have raised noise issues to let them know that action has been taken and a report will be shared.
- g) In hours of darkness or very early in the morning, the patrol should post a card through the letterbox of the neighbours who raised the original noise complaint to let them know the patrol has attended and that an incident report will be forward to them within 48 hours.
- h) If BHRA receive complaints, these should be resolved in line with their agreed procedures. The council's Environmental Health team should also be notified about the nature of the complaint and the response made. If the council receives complaints directly, it should notify BHRA and let the resident know that it has done so.
- i) The panel recommends that where a clear breach involving noise and Anti-Social Behaviour has been identified prompting the forfeiture of a group's deposit, the operators should actively consider donating the deposit direct to the neighbours as compensation or to a local neighbourhood community group.
- j) The panel recommends that all noise patrol reports from operators should be routinely be posted onto the BHRA website to help build confidence and in the spirit of transparency.
- k) In addition to the leaflets , BHRA should attach a sign to the front of each of their properties with details of the operator and contact details of who to contact in case of disturbances; this should be a 24/7 service.

- l) The panel would encourage BHRA to complete its website as quickly as possible so that it can become active and useful.
- m) BHRA should promote their website as widely as possible, for the benefit of residents, guests and operators. The panel would like the website to list the street addresses of all BHRA properties to enable residents and statutory agencies to be able to easily check whether a property is operated by BHRA. This would help identify who to contact if there are any issues.

2. Notifying neighbours of new short-term holiday lets.

- a) The panel heard that residents were aggrieved about the lack of notification if a new short-term holiday let was opened up in their neighbourhood. Whilst there is currently no statutory duty to consult with residents before establishing a short-term holiday let, BHRA should encourage potential holiday let operators to consult with and work with neighbours, before converting accommodation into holiday rental accommodation in order to open up lines of communication
- b) Operators should be encouraged to actively listen to neighbours' concerns and suggestions about how to minimise disruption.
- c) In areas where there is a Local Area Team or other community forum, BHRA should engage with the group to notify them about the forthcoming holiday let and address any concerns about anti-social behaviour that might be raised.

3. Working with the council and VisitBrighton

- a) BHRA members should talk to VisitBrighton about how BHRA can work with the tourism body for the city. In turn, VisitBrighton should seek to work with BHRA to promote their positive practice and make any further suggestions that might arise in the future.
- b) There should be links between the BHRA website, the VisitBrighton website and Brighton and Hove City Council's website.

4. Monitoring and overseeing

- a) As a way of monitoring the situation, in the instance of any complaints being received by statutory agencies, eg noise, refuse, fire safety, the statutory agencies call BHRA into the regular Joint Intelligence Meetings straight away and consider investigating the properties to take any action necessary. In this

way, we can encourage the operators to be self-monitoring but retain an oversight and step in as soon as a problem arises.

- b) The panel recommends that the council reserves the right to review the arrangements and bring the monitoring in-house if it is not deemed satisfactory. The first monitoring should take place after six months and the second should not take longer than 12 months after the report is agreed. It will be for council officers including Environmental Health and Planning Enforcement, and East Sussex Fire and Rescue Service and the Police to determine together with BHRA whether this is necessary.

Subject:	Report of the Scrutiny Panel on Short Term Holiday Lets (Party Houses)		
Date of Meeting:	13 October 2015 – Environment, Transport & Sustainability Committee		
Report of:	Director of Public Health		
Contact Officer:	Name:	Tim Nichols/Annie Sparks	Tel: 29-2163
	Email:	tim.nichols@brighton-hove.gcsx.gov.uk annie.sparks@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 At Overview & Scrutiny Committee on 20 October 2014 Councillor Bowden, as the Chair of the scrutiny panel, introduced the report of a scrutiny panel which had been established to look at issues relating to ‘party houses’ – short term holiday lets targeting large groups such as stag and hen parties.
- 1.2 The panel had researched complaints concerning party houses and the lack of regulatory controls. The recommendations listed in the Scrutiny report are principally, advisory, good practice matters for Brighton and Hove Holiday Rental Association (BHRA) so that the rental businesses mitigate residents’ concerns. Local authority officers would have no legal authority to intervene. No formal enforcement action is requested of any department or agency: Sussex police; ESFRS; community safety, EH, planning, housing, economic development, tourism, VisitBrighton, or City Clean.
- 1.3 This is the formal response to those recommendations. While it would have been usual to have issued a formal response earlier in the municipal year, due to the end of the administrative term, it was decided that it would be more effective to postpone the response until the potential change in administration. This decision has had the benefit of allowing Environmental Health more time to assess the situation with regard to short term holiday lets. The revised timescale has not affected any actions taken by the Environmental Health team. It should be noted that since the scrutiny panel work was completed, some ward councillors and residents have reported community concerns about short term let properties.

2. RECOMMENDATIONS

- 2.1 That the Committee endorses the officer response on Short Term Holiday Lets as set out at Appendix One.

3. CONTEXT/BACKGROUND INFORMATION

- 3.1 The scrutiny panel was established to address concerns raised by residents who lived near to short term holiday accommodation about anti social behaviour. The cross-party councillors on the panel sought to balance the benefits brought by responsible short-term accommodation operators against the genuine concerns expressed by residents.
- 3.2 The panel felt it was important to find a mutually agreeable position that respects residents' views, but also supported responsible short-term holiday let operators catering for this market. They were also mindful of the impact on other local businesses, in particular small hoteliers.
- 3.3 It became clear that since a local authority's powers are limited, aiming for an operational 'gold standard' that responsible operators could sign up to might be the most realisable objective for the panel.

As a direct result of the establishment of the scrutiny panel, a number of local businesses came together to promote a 'gold standard' of best practice and offer some self-regulation of the market under the Brighton and Hove Holiday Rental Association (BHRA) umbrella.

- 3.4 The panel made a number of recommendations for BHRA. Brighton and Hove Holiday Rental Association (BHRA), is asked to ensure that operators act as good neighbours. Concerns included that they were locating in inappropriate areas and these properties were no longer available for family use. Some residents and panel members felt that if they were a business, then they should be subject to business constraints and regulation: trade refuse collection, planning and land use constraints, private rented sector housing standards, fire safety. The emerging sector may have an effect on housing demands and the local economy, contribution to business rate/council tax and local communities.
- 3.5 The scrutiny panel welcomed the establishment of the BHRA trade body, which had been one of the aims of the panel as self-regulation will be essential to achieve improvements. The association told the panel that they were committed to promoting the best service for visitors, and to contributing to the tourism sector in the city.
- 3.6 Responses to their recommendations can be found in Appendix 1.
- 3.7 Scrutiny officers worked with BHRA members during the panel and liaised with them when the recommendations were agreed. The recommendations have largely been in the gold standards that are available on the BHRA website. <http://www.brightonholidayrentals.org/BHRA-Guidelines.pdf>

3.8 The report recommendations also included two items for Brighton & Hove City Council:

Monitoring and overseeing

- 4a) *As a way of monitoring the situation, in the instance of any complaints being received by statutory agencies, eg noise, refuse, fire safety, the statutory agencies call BHRA into the regular Joint Intelligence Meetings straight away and consider investigating the properties to take any action necessary. In this way, we can encourage the operators to be self-monitoring but retain an oversight and step in as soon as a problem arises.*
- 4b) *The panel recommends that the council reserves the right to review the arrangements and bring the monitoring in-house if it is not deemed satisfactory. The first monitoring should take place after six months and the second should not take longer than 12 months after the report is agreed. It will be for council officers including Environmental Health and Planning Enforcement, and East Sussex Fire and Rescue Service and the Police to determine together with BHRA whether this is necessary.*

3.9 Unfortunately we can not agree with recommendation 4a in that the Joint Intelligence meetings are a multi agency including representatives from a number of Council Departments inc Housing, Planning Enforcement, Community Safety, Environmental Health, Licensing and Trading Standards. External partners who attend include the Police Fire Safety, Department of Work and Pensions and Immigration Services. The group meet every three weeks to share intelligence and resources on common cases, and target effective efficient responses to concerns and problems raised. This often includes sensitive, confidential information and is not the appropriate forum for the BHRA to attend.

3.10 However, agencies and partners are aware to bring current party house cases to the meeting where information is shared, and a joined up approach to the case is adopted. Any case is always shared with Fire Safety and Planning Enforcement and Environmental, and any appropriate action taken in accordance with enforcement policies. Managing agents and owners of premises are also made aware of cases and complaints.

3.11 One of the concerns was noise from 'party houses'. Analysis of noise complaints cannot separate party houses or short term lets from other noise sources as officers may not be aware of tenure. However, over the past few years noise complaints have stayed reasonably static:

2011/12	3331
2012/13	3381
2013/14	2779
2014/15	2706

- 3.12 Noise cases are coded in accordance with the requirements of the Chartered Institute of Environmental Health. Each year a statistical return is submitted to this professional body breaking down the types of noise cases received, in accordance with their codes. There is no specific code for party houses/short term lets.
- 3.13 On average we receive perhaps 1 to 2 cases a month in relation to Party House/Short term lets. This information is gathered from routine case reviews of the work undertaken by the Environmental Protection Team. In relation to noise this has to have regard to the provisions of the Environmental Protection Act 1990 and statutory noise nuisance is assessed having regard to the character, duration and frequency of the noise and how it affects a person in their home

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Members could choose not to endorse the officer response appended although the recommendations were made by a cross-party panel of councillors.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Please refer to the scrutiny panel report.

6. CONCLUSION

- 6.1 Members are asked to endorse the officer response.

7. FINANCIAL & OTHER IMPLICATIONS

Financial Implications:

- 7.1 'The recommendations listed in the Scrutiny report are advisory, good practice matters for BHRA, so that the rental businesses mitigate residents' concerns; rather than requiring formal enforcement. There are no direct financial implications for the Council. There has been a reduction in investigator capacity from 11 to 10 FTE to help support the 2015-16 budget strategy savings requirement within the Environmental Protection team that investigates all pollution complaints like noise, and in addition the night-time noise investigation service funding halved from the previous £0.110m. Therefore, self regulation of these matters becomes more critical.'

Finance Officer Consulted Michael Bentley

Date: 30 September 2015

Legal Implications

- 7.2 The Regulators' Code made under section 23 of the Legislative and Regulatory Reform Act 2006 requires local authority regulators to carry out their activities in a way that supports those they regulate to comply and

grow. Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

Lawyer: Elizabeth Culbert

Date: 2nd September 2015

Equalities Implications:

- 7.3 Equalities issues are addressed in the scrutiny panel report.

Sustainability Implications

- 7.4 None identified. The emerging sector could potentially impact on housing demand.

Any Other Significant Implications

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Responses to the Scrutiny Panel's recommendations

Documents in Members' Rooms:

1. None

No	Recommendation	Response
1.	<p>Notifying neighbours of existing short-term holiday lets –</p> <p>a) BHRA must take active steps to notify all neighbours in writing that they are living near to a short-term holiday let. Information should be given to all properties that are likely to be affected by any disturbance, including those backing onto the holiday let or in the same street. BHRA should keep a record of who has been notified. This should be repeated annually.</p> <p>b) This notification should clearly identify the property and give neighbours information about what guest behaviour is acceptable, the contact details of the private noise patrol and other contacts in case of any disturbances. BHRA must ensure that they have a noise patrol in operation 24 hours a day during weekends and bank holidays.</p> <p>c) Noise patrols firms used must be British Standard compliant, use body or head cams to record all encounters and be SIA cleared and fully trained in conflict resolution. Written reports of incidents should be made within 24 hours.</p> <p>d) Noise patrol companies employed should use clearly identifiable vehicles and personnel should wear uniforms and carry identification with them at all times.</p>	<p>To be referred to Brighton & Hove Holiday Rental Association (BHRA) for its consideration. The actions are good practice and require self-regulation and management by BHRA. The arrangements for BHRA should not negate the facility for residents to report concerns to the Council. BHRA will require a high standard of quality management designed to ensure that it meets the needs of communities. If the council's Environmental Health team receives complaints directly, it would notify BHRA and let the resident know that it has done so. The Regulators' Code came into effect in April 2014 under the Legislative and Regulatory Reform Act 2006. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Nearly all non-economic regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.</p> <p>The Security Industry Authority is responsible for regulating the private security industry in the UK.</p>

No	Recommendation	Response
	<p>e) Those who raise noise complaints should be provided with a copy of the incident report made to the operator by the professional noise patrol, so it is clearly understood that their concerns have been addressed.</p> <p>f) In hours of daylight, the noise patrol should always attempt to knock on the doors of neighbours that have raised noise issues to let them know that action has been taken and a report will be shared.</p> <p>g) In hours of darkness or very early in the morning, the patrol should post a card through the letterbox of the neighbours who raised the original noise complaint to let them know the patrol has attended and that an incident report will be forward to them within 48 hours.</p> <p>h) If BHRA receive complaints, these should be resolved in line with their agreed procedures. The council's Environmental Health team should also be notified about the nature of the complaint and the response made. If the council receives complaints directly, it should notify BHRA and let the resident know that it has done so.</p> <p>i) The panel recommends that where a clear breach involving noise and Anti-Social Behaviour has been identified prompting the forfeiture of a group's deposit, the operators</p>	

	should actively consider donating the deposit direct to the neighbours as compensation or to a local neighbourhood community group.	
No	Recommendation	Response
	<p>j) The panel recommends that all noise patrol reports from operators should be routinely be posted onto the BHRA website to help build confidence and in the spirit of transparency.</p> <p>k) In addition to the leaflets , BHRA should attach a sign to the front of each of their properties with details of the operator and contact details of who to contact in case of disturbances; this should be a 24/7 service.</p> <p>l) The panel would encourage BHRA to complete its website as quickly as possible so that it can become active and useful.</p> <p>m) BHRA should promote their website as widely as possible, for the benefit of residents, guests and operators. The panel would like the website to list the street addresses of all BHRA properties to enable residents and statutory agencies to be able to easily check whether a property is operated by BHRA. This would help identify who to contact if there are any issues.</p>	
2.	<p>Notifying neighbours of new short-term holiday lets-</p> <p>a) The panel heard that residents were aggrieved about the lack of notification if a new short-term holiday let was opened up in their neighbourhood. Whilst there is</p>	To be referred to Brighton & Hove Holiday Rental Association for its consideration. Liaison with the local community is supported as sensible practice to avoid causing problems in communities

	currently no statutory duty to consult with residents before establishing a short-term holiday let, BHRA should encourage potential holiday let operators to consult with and work with neighbours, before converting accommodation into holiday rental accommodation in order to open up lines of communication.	
No	Recommendation	Response
	<p>b) Operators should be encouraged to actively listen to neighbours' concerns and suggestions about how to minimise disruption.</p> <p>c) In areas where there is a Local Area Team or other community forum, BHRA should engage with the group to notify them about the forthcoming holiday let and address any concerns about anti-social behaviour that might be raised.</p>	
3.	<p>Working with the Council and VisitBrighton</p> <p>a) BHRA members should talk to VisitBrighton about how BHRA can work with the tourism body for the city. In turn, VisitBrighton should seek to work with BHRA to promote their positive practice and make any further suggestions that might arise in the future.</p> <p>b) There should be links between the BHRA website, the VisitBrighton website and Brighton and Hove City Council's website.</p>	To be referred to Brighton & Hove Holiday Rental Association and VisitBrighton for consideration. Government is developing a proposed 'growth duty' for regulators, which would require regulators to take into account the impact of their activities on the economic prospects of firms they regulate. Ref: Autumn Statement 2012: Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline including the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

No	Recommendation	Response
4.	<p>Monitoring and overseeing</p> <p>a) As a way of monitoring the situation, in the instance of any complaints being received by statutory agencies, eg noise, refuse, fire safety, the statutory agencies call BHRA into the regular Joint Intelligence Meetings straight away and consider investigating the properties to take any action necessary. In this way, we can encourage the operators to be self-monitoring but retain an oversight and step in as soon as a problem arises.</p> <p>b) The panel recommends that the council reserves the right to review the arrangements and bring the monitoring in-house if it is not deemed satisfactory. The first monitoring should take place after six months and the second should not take longer than 12 months after the report is agreed. It will be for council officers including Environmental Health and Planning Enforcement, and East Sussex Fire and Rescue Service and the Police to determine together with BHRA whether this is necessary.</p>	<p>Not accepted. The Joint Intelligence Meeting has terms of reference agreed between Sussex Police, East Sussex Fire and Rescue Service and the City Council. The prescribed core membership comprises Environmental Health Managers, East Sussex Fire and Rescue, Planning Enforcement, Safe in the City Delivery Unit, Chief Inspector - Neighbourhood Policing, Police Operations (Licensing), Analyst and Minute Taker.</p> <p>The terms of reference also gives examples of invited representation, which are all enforcement agencies: Highways enforcement, Housing, Adult Services and Children's Services. Its stated aims and purposes are:</p> <ol style="list-style-type: none"> 1. Discuss casework of note, other than high risk ASB, which is impacting on more than one service, or likely to benefit from a multi-agency approach. 2. Review current intelligence in association with current casework. 3. Agree a multi-agency response to complaints which don't necessarily sit within a team's primary statutory

		<p>responsibilities.</p> <p>4. Identify opportunities to support other teams with their workloads and reduce the number of multiple visits/duplicated work, also creating time for our communities and making best use of our time.</p> <p>5. Identify current problem priorities in the city and agree necessary actions and responsibilities, whether they involve enforcement or support.</p>
No	Recommendation	Response
		<p>6. Whenever possible seek to agree activities which are likely to achieve a permanent solution.</p> <p>7. Any information or intelligence discussed or shared is restricted to those agencies already permitted to share or according to any protective marking.</p> <p>Community intelligence (information from BHRA) would be welcome although for deliberate, operational reasons, joint information exchange meeting membership is exclusively enforcement agencies (see 7 above). Joint intelligence meetings are held fortnightly. Inclusion of private businesses would inhibit open information exchange and potentially impact on or undermine enforcement operations. It is recommended that BHRA report matters of concern to the relevant agency: police, environmental health, city clean, etc, who, in turn, determine intelligence to be discussed or shared. However, with reducing resources the enforcement officer joint intelligence meeting must keep this matter under consideration, particularly if complaints appear to rise again.</p>

Council

22 October 2015

Agenda Item 45

Brighton & Hove City Council

Subject: Extract from the proceedings of the Children, Young People & Skills Committee meeting held on the 20th July 2015 – Children’s Services Ofsted Inspection and Review of LSCB 2015

Date of Meeting: 22 October 2015

Report of: Monitoring Officer

Contact Officer: Name: Lisa Johnson Tel: 01273 291228

E-mail: lisa.johnson@brighton-hove.gov.uk

Wards Affected: All

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

To receive the item referred from the Children Young People & Skills Committee for information:

Recommendation:

That the report be noted.

BRIGHTON & HOVE CITY COUNCIL**CHILDREN YOUNG PEOPLE & SKILLS COMMITTEE****4.00pm 20 JULY 2015****FRIENDS MEETING HOUSE, BRIGHTON****MINUTES****Present:**

Councillors: Bewick (Chair), Chapman (Deputy Chair), Brown (Opposition Spokesperson), Phillips (Group Spokesperson), Barradell, Daniel, Knight, Marsh, Taylor and Wealls.

Voting Co-Optees: Ann Holt

Non-Voting Co-Optees: Ben Glazebrook, Riziki Millanzi and Amy-Lou Tilley

PART ONE**22 CHILDREN'S SERVICES OFSTED INSPECTION AND REVIEW OF LSCB 2015**

- 22.1 The Committee considered the report of the Executive Director of Children's Services which provided an update of the recent Children's Services Ofsted inspection. The report was introduced by the Executive Director of Children's Services.
- 22.2 The Committee thanked the Executive Director of Children's Services for the report and congratulated him and the department.
- 22.3 Councillor Phillips asked if the Committee would receive updates on the implementation of the Action Plan. The Chair confirmed they would.
- 22.4 Councillor O'Quinn referred to paragraphs 26 and 27 of the Inspection Findings, which commented on the 'weak quality of management oversight by practice managers', and noted that the Action Plan 5 stated that service would 'remove a layer of management'. The Executive Director of Children's Services said that post of Practice Manager had been deleted and the Team Manager would now make decisions.
- 22.5 Councillor Barradell referred to the Action Plan 6, and asked what the time scale would be for the return interview and risk assessment. The Executive Director of Children's Services said that it would be held within 15 days. However, if there were serious concerns the case would be prioritised.
- 22.6 Councillor Brown asked why the percentage of initial child protection conferences taking place within 15 working days of a strategy discussion being held, had dropped from 77% in March 2014 to 52% in February 2015. The Executive Director of Children's Services said that it was due to prioritisation of other work. Ofsted were clear that if there are concerns over a child that that case should be prioritised. However, it was accepted that it was necessary to get a better balance of work, and the matter was being looked at.

22.7 RESOLVED:

- (1) That the report be noted;
- (2) That the Local Authority post Ofsted Action Plan be agreed.

25 ITEMS REFERRED FOR COUNCIL

- 25.1 The Committee agreed that item 22, Children's Services Ofsted Inspection and Review of Local Children's Safeguarding Boards, be referred to the Council meeting due to be held on 22 October 2015 for information.

Subject:	Children's Services Ofsted inspection and review of LSCB 2015		
Date of Meeting:	20 July Children, Young People and Skills Committee 21 July Health & Wellbeing Board		
Report of:	Pinaki Ghoshal, Executive Director of Children's Services		
Contact Officer:	Name:	Carolyn Bristow	Tel: 29-3736
	Email:	Carolyn.bristow@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 To provide the committee with an update on the recent Children's Services Ofsted inspection and to provide assurance around action planning to ensure identified recommendations are followed up.

2. RECOMMENDATIONS:

- 2.1 That the committee note the Ofsted report given as appendix 1
- 2.2 That the committee agree the Local Authority post Ofsted action plan given as appendix 2

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In November 2013 Ofsted introduced a single inspection framework which focusses on the experiences and progress of children in need of help and protection, children looked after and care leavers. It looks at the effectiveness of local authority services and arrangements to help these children, including local authority adoption and fostering services. A review of Local Children's Safeguarding Boards was introduced alongside this new inspection framework.
- 3.2 Brighton & Hove City Council staff formed an Ofsted preparation group which looked at the new framework and managed a programme of work to improve services in light of the new requirements.
- 3.3 Brighton & Hove were notified on 13th April 2015 that the inspection team would arrive the next day. The inspection ran from 14th April to 7th May with initial feedback being given on 8th May.
- 3.4 During the inspection they looked at around 200 cases, met with 18 parents and grandparents, 16 adopters and carers and 48 children & young people.

- 3.5 The inspection report was published on 22 June 2015 and confirmed the judgements as:

Children's services in Brighton and Hove require improvement to be good		
There are no widespread or serious failures that create or leave children being harmed or at risk of harm. However, the authority is not yet delivering good protection and help for children, young people and families.		
The experiences and progress of children who need help and protection		Requires Improvement
The experiences and progress of children looked after and achieving permanence		Good
	Adoption Performance	Good
	Experiences and progress of care leavers	Good
Leadership, Management and Governance		Good
The Local Safeguarding Children Board is good		
The arrangements in place to evaluate the effectiveness of what is done by the authority and board partners to safeguard and promote the welfare of children are good.		

- 3.6 The local authority consider the report to be fair and accept the findings and recommendations. Ofsted recognised that the authority had already identified all the areas that needed improvement and work has already been underway to change elements of service delivery.
- 3.7 The local authority post ofsted action plan is given as appendix 2. This document is a requirement by ofsted and must be submitted by 28th September. After that point the actions will be incorporated into our existing business plans for 15/16 and beyond. This will allow for consistent and focussed monitoring of movement and success, being reviewed quarterly at the Children's Services Performance Board.
- 3.8 So far 59 authorities have had their reports published. No authority has been judged to be outstanding.
- 14 are judged good (24%)
 - 31 are judged to require improvement (52%)
 - 14 are judged to be inadequate (24%).
- 3.9 Out of those 31 authorities that have been judged to be requiring improvement for their children's services provision:
- Only 1 has been judged good on the experiences and progress of children who need help and protection – this is a key deciding judgement
 - 6 (19%) are judged good for the experiences and progress of children looked after and achieving permanence (including Brighton & Hove) whereas 25 are requiring improvement
 - 13 (42%) are judged good for adoption performance (including Brighton & Hove), with the rest being inadequate or requiring improvement
 - 8 (26%) are judged to be good in the experiences and progress of care leavers (including Brighton & Hove), with the rest being inadequate or requiring improvement

- Only 4 (13%), are judged good in leadership, management and governance (including Brighton & Hove) and only 25% of all inspected authorities were judged good on this measure.
- 3.10 The LSCB consider the review report to be fair and accept the findings and recommendations. Ofsted recognised that journey the LSCB has been on over the past two years and described a “rigorous approach to evaluating the effectiveness of safeguarding arrangements in all of its partner agencies”.
- 3.10 So far 29% (17) of LSCBs have been judged as good overall, 49% (28) as requiring improvement and 22% (13) as inadequate. Evidence shows that good LSCBs tend to be characterised by:
- mature partnerships, agreed priorities and shared resources
 - responsibilities clearly articulated between the chair, the LA CEO and DCS
 - good links between partners’ objectives and priorities and those of other local decision-making bodies (eg. health and wellbeing boards)
 - a determination to improve frontline practice, using section 11 audits and mutual challenge.
- 4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**
- 4.1 These statutory inspections are conducted under section 136 of the Education and Inspections Act 2006.
- 4.2 Ofsted require a submitted action plan by 28th September 2015 (70 days post release of report).
- 5. COMMUNITY ENGAGEMENT & CONSULTATION**
- 5.1 The voice of children, young people and their families is an essential part of our service delivery and work has progressed in the past 4 years to ensure this is consistent and genuine. The inspection report is very positive about the engagement with children and young people, in particular children in care and care leavers.
- 6. CONCLUSION**
- 6.1 Ofsted are satisfied there are no widespread or serious failures in the local authority’s services to vulnerable children and young people in the city. However, there is work to be done to ensure that we are delivering good and outstanding services for all. An improvement journey had begun before Ofsted’s arrival and will now continue with reassurance that the right direction is being taken. If the improvements already undertaken continue then the quality of service and a future Ofsted inspection judgement should recognise that good services are delivered across all areas.
- 6.2 It is unlikely that this area of work within Children’s Services will be inspected before 2018 as the city is considered to be a low risk Authority given that the judgement has not been Inadequate and also given that leadership, management and governance has been judged to be Good.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Local Authority: The actions contained within Appendix 2 will be incorporated into existing business plans for 15/16 and beyond and any costs will be met from Children's Services budgets. These budgets are currently under significant pressure with a marked increase in the number of referrals and an overspend projected in 2015/16

Finance Officer Consulted: Louise Hoten

Date: 23/06/2015

- 7.2 LSCB: The cost of any / all initiatives or actions arising as a result of the recommendations made in this report will be met from within existing LSCB budget (2015-16 £166,830)

Finance Officer Consulted: Brian McGonigle

Date: 26/06/2015

Legal Implications:

- 7.3 The report sets out how the Council intends to respond to the Ofsted report as it is required to do by The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007.

Lawyer Consulted: Hilary Priestley

Date: 10/07/15

Equalities Implications:

- 7.4 Ofsted's inspection framework ensures that the safeguarding and voice of our most vulnerable children & young people is heard. Work with the Corporate Parenting Board, our Children in Care Council and direct work with those subject to a child protection plans was particularly highlighted by Ofsted. Inspectors recognised that staff had been trained and encouraged to consider equalities issues in a child's life and to understand how this may impact on their wider experiences. This was seen as a strength and improvement since the last inspection in 2011.

Sustainability Implications:

- 7.5 Ofsted recognise that the changes that are currently being made in our social care teams are creating robust services that support families better. Our Early Help strategy and new arrangements are helping to better support families earlier in the process.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove City Council Ofsted Inspection report - Inspection of services for children in need of help and protection, children looked after and care leavers and Review of LSCB

2. Local Authority post Ofsted inspection action plan – July 2015

Brighton and Hove City Council

Inspection of services for children in need of help and protection, children looked after and care leavers

and

Review of the effectiveness of the local safeguarding children board¹

Inspection date: 14 April – 8 May 2015

Report published: 22 June 2015

Children’s services in Brighton and Hove require improvement to be good

There are no widespread or serious failures that create or leave children being harmed or at risk of harm. However, the authority is not yet delivering good protection and help for children, young people and families.

Good leadership means that children and young people looked after, those returning home and those moving to or living in permanent placements outside of their immediate birth family have their welfare safeguarded and promoted.

1. Children who need help and protection	Requires improvement
2. Children looked after and achieving permanence	Good
2.1 Adoption performance	Good
2.2 Experiences and progress of care leavers	Good
3. Leadership, management and governance	Good

¹ Ofsted produces this report under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006. This report includes the report of the inspection of local authority functions carried out under section 136 of the Education and Inspections Act 2006 and the report of the review of the Local Safeguarding Children Board carried out under the Local Safeguarding Children Boards (Review) Regulations 2013.

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The local authority

Information about this local authority area²

Previous Ofsted inspections

- The local authority operates two children's homes. Both were judged either good or outstanding in their most recent Ofsted inspection.
- The previous inspection of the local authority's safeguarding arrangements was in May 2011. The local authority was judged to be adequate.
- The previous inspection of the local authority's services for looked after children was in May 2011. The local authority was judged to be adequate.

Local leadership

- The Executive Director of Children's Services has been in post since July 2013.
- The chair of the Local Safeguarding Children Board (LSCB) has been in post since April 2013.

Children living in this area

- Approximately 50,000 children and young people under the age of 18 years live in Brighton and Hove. This is 18% of the total population in the area.³
- Approximately 20% of the local authority's children are living in poverty.⁴
- The proportion of children entitled to free school meals:
 - in primary schools is 15% (the national average is 17%)⁵
 - in secondary schools is 14% (the national average is 15%)
- Children and young people from minority ethnic groups account for 16%⁶ of all children living in the area, compared with 22% in the country as a whole.⁷
- The largest minority ethnic groups of children and young people in the area are Any other White Background (4.1%), and White and Asian (2.9%).⁸

² The local authority was given the opportunity to review this section of the report and has updated it with local unvalidated data where this was available.

³ Mid-2013 population estimates.

⁴ www.gov.uk/government/collections/households-below-average-income-hbai--2.

⁵ School census data, January 2015 (including academies and free schools).

⁶ 2011 census.

⁷ DC2101EW – Ethnic group by sex by age.

⁸ 2011 census.

- The proportion of children and young people with English as an additional language:
 - in primary schools is 13% (the national average is 19%)⁹
 - in secondary schools is 11% (the national average is 14%).¹⁰
- All of Brighton’s minority ethnic communities grew significantly in number and proportion between 2001 and 2011, with the exception of the White Irish community. The largest increase in the number of people in an ethnic category between 2001 and 2011 is in the Other White category, which rose from 8,041 to 19,524.

Child protection in this area

- At 31 March 2015, 1,479 children had been identified through assessment as being formally in need of a specialist children’s service. This is an increase from 1,412 at 31 March 2014.
- At 31 March 2015, 309 children and young people were the subject of a child protection plan. This is an increase from 288 at 31 March 2014.
- At 31 March 2015, 16 children were living in a privately arranged fostering placement. This is a reduction from 17 at 31 March 2014.

Children looked after in this area

- At 31 March 2015, 481 children were being looked after by the local authority (a rate of 95.2 per 10,000 children). This is an increase from 465 (92 per 10,000 children) at 31 March 2014.
 - Of this number, 268 (or 55.7%) live outside the local authority area.
 - 39 live in residential children’s homes, of whom 92.3% live out of the authority area.
 - Seven live in residential special schools,¹¹ of whom all live out of the authority area.
 - 387 live with foster families, of whom 56.1% live out of the authority area.
 - Five live with parents, of whom 20% live out of the authority area.
 - Eight children are unaccompanied asylum-seeking children.
- In the last 12 months:
 - there have been 52 adoptions

⁹ School census data, January 2015 (including academies and free schools).

¹⁰ School census data, January 2015 (including academies and free schools).

¹¹ These are residential special schools that look after children for fewer than 295 days.

- 28 children became the subject of special guardianship orders
- 180 children ceased to be looked after, of whom 3.9% subsequently returned to be looked after
- one child or young person ceased to be looked after and moved on to independent living¹²
- no young people ceased to be looked after and are now living in houses of multiple occupation.

¹² Based on Reason LAC Episode Ceased.

Executive summary

The current leadership team has implemented well-targeted plans effectively and made steady improvements to the quality of children's social care. However, some core functions still require improvement to be good. The senior management team has recognised this. It is now making good use of performance and quality assurance processes and had identified the areas for improvement, recommended in this report, prior to the inspection. One of the areas requiring improvement is that too many children are becoming subject to a child protection plan for a second or subsequent time as a result of child in need work not being sufficiently robust. Plans to address these deficits through a new model of practice are well advanced. Positive improvements include the effective multi-agency safeguarding hub (MASH), where appropriate child protection thresholds are consistently well applied.

Elected members are passionate and actively involved as corporate parents. They engage well with young people and take their views seriously. Members take an active role in quality assurance activity and have an appropriate level of understanding of frontline practice.

Since the last inspection, the senior management team has largely changed. The vast majority of recommendations have been met but two issues remain. The quality of supervision and management oversight at team level remain as areas for improvement despite significant investment in specialised training. Examples of where improved practice is now embedded include the independent reviewing service and the routine consideration by social workers of children and families' diverse needs.

When children and young people go missing, the authority's response is not yet sufficiently consistent or robust. All young people looked after are offered a return interview but the intelligence from those interviews is not yet systematically drawn together and used as effectively as it could be. Managers are aware of this and are currently commissioning a service to address the issue.

Partnership arrangements work effectively at both strategic and operational levels. Work to identify and address child sexual exploitation is well established, of good quality and has strong levels of multi-agency engagement. As a result, actions to protect young people from sexual exploitation are prompt and comprehensive. The council has responded well to the risks of radicalisation and wide-ranging multi-agency work effectively identifies and monitors those involved. A wide range of specialist assessment and support services add value and impact to core services.

When children are at risk of significant harm, thorough, timely strategy meetings and child protection investigations effectively assess risks. Children are routinely seen and issues of consent are dealt with thoroughly. Multi-agency involvement is wide ranging and section 47 enquiries are of good quality and are clearly recorded. However, there are too many delays in convening initial child protection conferences and performance in this area has recently declined.

Social workers work well to support families to make positive and necessary changes through formal child protection processes. When child protection plans end, the support provided under child in need arrangements is not always sufficiently robust to help families sustain the improvements made.

Children in need cases are appropriately assessed and held by qualified social workers. Where statutory involvement is not required, children needing help benefit from an early help assessment to identify their needs. The needs of children with a disability are assessed comprehensively and they are provided with a wide range of services that meet their needs.

Management oversight in some teams is not rigorous enough and the rationale for making decisions is not always clear on case files. Supervision by some managers does not challenge social workers where the progress of plans is delayed or drifting. The allocation and completion of children in need assessments is not always prompt and too many assessments take too long to complete. Where allocation is delayed, children may not be seen as quickly as they should be.

Children looked after achieve well in education compared with their peers. The virtual school provides good support and oversight taking individual needs into account. Attainment at Key Stage 4 is particularly good compared with national averages and represents significant achievement since the last inspection. The attainment gap for children looked after at Key Stage 2 is narrowing. Good quality practice and strong assessments result in children being matched and placed with their prospective adopters in good time. Adoption is given appropriate consideration for all children needing permanence. The authority does not yet have a sufficiently robust system to track and monitor the promptness of permanency planning. Assessments of adopters are robust and timely. Adopters are able to access a wide-ranging offer of support and express high levels of satisfaction with the service they receive.

The authority has high aspirations for its care leavers and supports them well. This is reflected in the numbers of young people who are engaged in employment, education and training. Tenacious efforts are made to keep in touch with care leavers and young people value the support they receive. High numbers of care leavers remain with their foster families after they are 18. However, presently there are too few local foster carers for older young people with complex needs. The engagement of care leavers in service design and influencing future practice is good, with clear impact. A small number of care leavers experience a delay in being allocated appropriate supported accommodation.

Recommendations

1. Ensure that when children cease to be the subject of a child protection plan, their families are given the priority and support they need to maintain the changes they have made.
2. Ensure that where a child requires a child in need assessment they are seen and spoken to promptly.
3. Ensure that managers monitor and track the timely completion of assessments so that needs and risks are identified promptly.
4. Improve the timeliness of initial child protection conferences so that multi-agency plans to meet children's identified needs and reduce risks, can be put in place at the earliest opportunity.
5. Improve the quality of management direction and oversight of cases to reduce the drift in plans experienced by some children.
6. When children go missing from home, ensure that they are offered a visit on their return to assess risks they may have been exposed to and to inform plans for them. Centrally analyse the records of these visits to help reduce risks to other children and young people.
7. With partners, review the pathways for early help to reduce the high numbers of inappropriate referrals that are made to the MASH.
8. Ensure that frontline managers provide rigorous, reflective and risk-focused supervision to social workers. Establish a supervision audit cycle to oversee frequency and quality.
9. Recruit and retain sufficient numbers of foster carers to meet the needs of young people with complex needs.
10. Ensure that permanence planning is undertaken promptly and that a tracking system is implemented to monitor this.
11. Increase the availability of supported accommodation for care leavers so that young people are promptly allocated supported accommodation that meets their needs.

Summary for children and young people

- Brighton and Hove City Council has made a lot of progress since its last inspection but some things still need to be improved.
- When children are at risk of harm, social workers recognise it and quickly take all the correct actions to protect them. Managers need to become quicker at organising the meetings where it is decided whether a child needs to have a child protection plan.
- Social workers, police and other professionals in the city work well together to know which young people are at risk of being sexually exploited. If a young person is being exploited, they take the right actions to protect them.
- The council needs to improve the way it helps families to continue with the changes they have made after their children's child protection plans end.
- The managers of social workers need to improve their oversight to ensure that children's plans are making a positive difference.
- Social workers who inspectors talked to know the children they work with well and could show inspectors the work they had done with them.
- Social workers are good at quickly finding new families for children who need to be adopted. They are also good at explaining adoption to children and making sure they understand why they can't stay with their birth family.
- Children who are disabled have social workers who understand their needs and are good at assessing with them what services will help them and their families best.
- Children in care in Brighton and Hove do well at school and achieve good results in their tests. They do not get excluded very often and their attendance is good. Social workers support them to attend regularly if they find that difficult.
- The council needs to recruit more foster carers in Brighton and Hove, especially for young people who have many difficulties.
- When young people leave care they receive good support and are helped to become independent at a pace that suits them. Personal advisers are very good at keeping in touch with young people when they leave care.

The experiences and progress of children who need help and protection

The experiences and progress of children who need help and protection	Requires improvement
<p>Summary</p> <p>Children, young people and families receive an inconsistent response from the assessment team. Children at immediate risk of harm are responded to promptly. Other children, however, wait too long for assessments to commence and their needs to be understood, and for plans to be put in place to support them. Practice and intervention with families in the children in need teams is variable. High numbers of children become subject to a second or subsequent child protection plan or are re-referred to social work teams because lower level intervention is not always helping families to sustain improvements.</p> <p>Practice managers do not consistently drive forward plans for children or provide appropriate challenge to workers about their practice. This means that some plans drift and children do not get the help they need when it is first identified.</p> <p>Not all children who go missing from home are offered a return interview.</p> <p>A wide range of early help services is available to children and their families. The coordination of these services through the early help hub is increasing the numbers of children who receive help. The local authority is beginning to review the impact of these services.</p> <p>The recently established multi-agency safeguarding hub (MASH) ensures comprehensive information-sharing between agencies and makes prompt and appropriate decisions about whether families require social work or early help services. Not all professionals are clear about the thresholds for contacting the MASH, with high numbers of referrals re-directed to the early help hub.</p> <p>Increasing awareness of child sexual exploitation by professionals from a range of agencies is leading to increased referrals to MASH and enabling help to be provided to children at an earlier stage. Effective monthly multi-agency child sexual exploitation (MACSE) meetings take place to consider all new referrals, have oversight of high risk cases and share information between professionals.</p> <p>Good multi-agency work protects young people at risk of radicalisation. Comprehensive plans, effective use of legal orders and intervention work ensures they remain in this country and that their activities are closely monitored.</p> <p>In response to local cases of female genital mutilation, prompt and effective partnership work has resulted in effective arrangements to reduce risk to children.</p>	

Inspection findings

12. The Early Help Partnership Strategy 2013–2017 clearly demonstrates the agencies commitment to providing early help support to families. A wide range of in-house and commissioned early help services are available. The partnership is beginning to evaluate this range of services to better understand their effectiveness in meeting children’s needs and so reducing the demand on statutory services.
13. The MASH and an early help hub were both established in September 2014. A new threshold document published at the same time sets out referral pathways for both services. Some professionals remain unclear; since its introduction, on average 30% of referrals that come into the MASH with a request for a social work service do not meet the appropriate threshold. However, these referrals are swiftly forwarded to the early help hub for a comprehensive early help assessment. Engagement officers proactively contact families and professionals to coordinate early help support. As a result, increasing numbers of children and their families are offered an early help assessment.
14. Professionals working with children are supported by the early help weekly allocation meeting. This is a well-organised meeting that responds to and coordinates early help referrals effectively. Representatives from early help services attend the meeting and agree the most appropriate support that can be offered to families. Some services do have delays in allocating a service promptly to families, although professionals already known to families work hard to bridge gaps in these circumstances.
15. Social work expertise and advice is available in the MASH to support other professionals. The co-location of partner agencies ensures comprehensive information-sharing between a range of partner agencies that is timely and informs sound decision-making. In most cases, consent to share information is sought appropriately and where denied this is recorded clearly. MASH processes effectively identify children who are at risk of harm and cases are swiftly transferred to social work assessment teams.
16. When children are identified as being at immediate risk of harm by the MASH, the assessment teams take swift action. Strategy discussions are held promptly between police and social care practice managers. Their decisions are informed by detailed information shared by the MASH from a range of other partners. Child protection enquiries are comprehensive and risk is analysed well. Social workers see all children within the household alone and carefully consider their views and experiences. Threshold decisions about ongoing risk are appropriate, although timescales for convening a child protection conference are inconsistent and have deteriorated over the past 12 months. The percentage of initial child protection conferences taking place within 15 working days of a strategy discussion dropped from 77% in March 2014 to 52% in February 2015. This results in delay in multi-agency plans being drawn up to reduce risk within these families.

17. Despite the prompt response to children at high risk of harm, other children receive an inconsistent response from the assessment teams. This is a particular issue where risk or need is assessed by the MASH to be at a medium or low level. Some children wait too long for a single assessment of their needs to begin. At March 2015, only 49.7% of children had their needs assessed within an appropriate timescale. In cases sampled, the interval between the referral and the child being seen was too long, taking into account the reason for referral and known family history. A re-referral rate of 30% at 31 December 2014 is an improvement from 33% in 2013–14 but is higher than the national average of 23%.
18. Although many assessments are taking too long to complete, the majority of those seen are of good quality, with careful consideration of family history. There is little evidence of research being used in these assessments, but analysis is thoughtful and appropriate, with outcomes clearly identifying risk and needs of children well. Cultural and language differences are appropriately considered within assessments and services provided address the diverse needs of families. In the majority of cases seen, social workers listened to children and considered their thoughts, fears and wishes well in assessments. The views of fathers and those parents who do not live in the same household as the child are included in more recent assessments. Specialist assessment services such as the Early Parenting Assessment Programme, Looking Forward, the Clermont Unit and the children with disability team all bring additional robustness to assessments due to their individual specialism for particular areas of vulnerability. The emergency duty team responds proportionately to presenting risks and provides daytime staff with prompt updates on actions taken.
19. When children are the subject of child protection plans, there is increasing oversight by child protection chairs to ensure that plans are progressed. The majority of child protection plans are clearly focused on reducing identified risks to children. Core groups meet regularly to progress these plans, with generally good attendance from professionals who are known to the family. Parents are routinely invited and a large majority attend. Minutes from core group meetings are detailed but do not always provide an analysis of the impact on the child of the actions taken and make it clear to parents the success or otherwise of the progress being made.
20. Child protection conferences are well attended by professionals known to the child and where they do not attend reports are routinely provided by most agencies. Partner agency attendance and contribution are monitored effectively by the relevant agency safeguarding lead. This has resulted in increased contributions from GPs. Increasing numbers of children are supported to attend and contribute to child protection conferences and are routinely offered the support of an advocate. The local authority has recently surveyed those who have attended and is planning to respond to the issues raised in this survey.
21. High numbers of children are made the subject of repeat child protection plans. During 2014–15, this affected 81 children (22% of children subject to child

protection plans). This is a slight decrease from 2013–14 performance of 26.5%, but is higher than the national average of 16%. The local authority has analysed the reasons for the need for the repeat child protection plans. While some were found to have stepped down too early, following only a brief improvement, the large majority identify the recurrence of domestic abuse, parental mental ill-health or relapses in misuse of drugs or alcohol.

22. The prevalence of domestic abuse, parental drug or alcohol misuse and the impact of parental mental ill-health are known. Of the children made subject to a child protection plan from April 2014 to March 2015, 51.5% featured domestic abuse and 35.7% recorded parental mental ill-health. Parental drug and alcohol misuse were factors in 29.6% and 23.5%, respectively.
23. A range of services is in place to support those families where domestic abuse has an impact. These include services to support victims and children and statutory and non-statutory programmes for perpetrators of domestic abuse. Arrangements to share information between professionals and coordinate support to victims of domestic violence at multi-agency risk assessment conferences (MARAC) are effective.
24. Drug and alcohol services are available but services to support parents who have mental ill-health but who are not eligible for an ongoing service from adult mental health services are limited. The majority of services are primarily available when risks to children are high. The local authority is in the process of reviewing its commissioning arrangements to ensure that services are effective in helping families to sustain improvements when high-level risks have reduced.
25. Practice and intervention with families in the children in need teams is variable. When children's cases are stepped down from child protection plans, the support they receive is inconsistent. This means that families are not always supported effectively to sustain changes that they have previously made while subject to a child protection plan. This contributes to the high rate of repeat child protection plans.
26. Children subject to child in need plans are not given the same priority as those subject to child protection plans. Not all children who require a child in need plan have one in place. Initial plans that are in place are usually of good quality and well informed by assessment. Children's needs and potential risks are well identified. However, the subsequent work with families varies, is often reactive to crises within the family and does not always provide support in a timely manner to prevent such crises. Some cases are closed too early by the children in need teams and an arrangement for continuing support to the family is not in place. However, some good examples were seen where networking meetings agreed the range of support that would continue to be available to families when cases closed to social work services.
27. A major contribution to the inconsistency of practice is the weak quality of management oversight by practice managers in children in need teams.

Practice managers are not consistently driving forward plans and case discussion records make insufficient reference to the child's plan and whether it is having an impact in reducing risks and meeting children's needs. The rationale for decisions is rarely recorded. Managers' case direction is limited to identifying required tasks, often without clear timescales for their completion. This leads to drift and delay, particularly for children in need. Children at greatest risk benefit from challenging independent oversight by child protection chairs. Social workers report that they have regular opportunities to discuss cases in formal supervision, but that they are not always helped to reflect on the complexities of cases.

28. Children are routinely seen at home and alone and build trusting relationships with social workers through regular contact with them. Communication methods are carefully considered to meet individual children's needs and their stage of development. In many cases, particularly for children subject to child protection plans, direct work is helping children to understand their individual experiences and the plans for them. This enables their voices to be heard in plans to reduce the risks to which they are exposed. For very young children, purposeful observations are made of their interaction with parents.
29. Professionals across the partnership have a good awareness of child sexual exploitation. As a result, when children are identified as being at risk of child sexual exploitation, they are quickly referred to the MASH and escalated to social work teams. All young people identified as being at risk of child sexual exploitation are presented to the monthly MACSE meeting and the level of risk is agreed. These arrangements ensure that plans to reduce risk and support young people are routinely considered by a multi-agency group, including a local authority senior manager, who chairs the meeting. In addition, the meeting supports good information-sharing between agencies.
30. At the time of the inspection, 58 children were known to be at risk of or have suffered child sexual exploitation. Low numbers of boys are identified as being at risk of child sexual exploitation. The local authority recognises this as an area for development with its partners. The newly established joint police and social work Kite team works well with nine of the 14 young people at high risk of child sexual exploitation. The other five young people at high risk continue to receive support from social work staff with whom they have existing positive relationships. There are 35 young people assessed to be at medium risk of child sexual exploitation and nine at low risk. All of these children continue to be supported by multi-agency working arrangements and are allocated to a social worker. In cases seen by inspectors the coordinated support provided to these children is reducing the risks of child sexual exploitation effectively.
31. The WISE (What is Sexual Exploitation?) project undertakes direct work with young people and helps to reduce the risks of child sexual exploitation. Child and adolescent mental health services (CAMHS) do not currently provide therapeutic support to children affected by child sexual exploitation. However,

alternative spot purchasing arrangements are in place to provide this support to young people.

32. Not all children who experience episodes of being missing from home are offered a return interview. Practice and the analysis of return interview information are inconsistent. The local authority accepts that it cannot be assured that effective plans are put in place to reduce risks of further missing episodes or that potential risks of child sexual exploitation are identified as a result of this inconsistent practice. Funding has been secured to commission an independent provider to undertake all return interviews, including looked after children, to tackle this deficit.
33. The local authority maintains an up-to-date register of children missing school-based education. At the time of the inspection, 246 children were on this register. This includes 188 children who are electively home educated as well as those who receive home tuition due to their medical needs and those presently not on the roll of a school. The local authority has a clear definition of what constitutes children missing education that extends beyond those without a school place. The children missing education panel considers cases routinely and individual action plans are put in place with a nominated professional responsible for operational oversight.
34. Agencies demonstrate a tenacious approach in tracking children. The local authority takes decisive action to return children to school where home education is not meeting their needs and they are vulnerable. Good liaison and information-sharing between professionals is used to establish the whereabouts and status of children. Checks are routinely made with schools to confirm which children arrive at school. Cases where children do not appear in school are routinely followed up.
35. When 16- and 17-year-olds are at risk of homelessness, they are well supported by a range of youth services and many return home to live with their families. A small number of these young people are placed in suitable emergency accommodation before being referred to the MASH. At that stage, despite parents' consent, their legal status is not clear. When emergency accommodation is required outside of office hours young people are referred to the MASH the following day. Where these young people are vulnerable, they are referred promptly for a social work assessment. As well as being provided with accommodation, including becoming looked after where appropriate, young people are offered an advocacy service and appropriate support.
36. Good arrangements are in place to respond to cases when allegations are made about professionals who work with children. The local authority designated officer's (LADO) comprehensive awareness-raising activity has resulted in a range of referrals from various statutory and non-statutory agencies, including sports groups and faith organisations. Some recent joint working initiatives with the council's licensing department are also raising awareness of the LADO role.

Good quality multi-agency work underpins all work by the LADO and helps to protect children.

37. Effective work identifies children living in private fostering arrangements. They and their carers are assessed by social workers to ensure arrangements are safe and needs are identified. This is mainly due to increased awareness of local language schools that arrange for children from abroad to live with local host families under private fostering arrangements. Appropriate support to privately fostered children is in place in almost all cases, although not all children are visited as regularly as they should be.
38. The local authority, with its partners, have reacted promptly to local cases of concern by raising awareness and putting in place effective arrangements to reduce the risk to children at risk of female genital mutilation. In addition, well planned measures have been taken in response to the identification of a growing risk of radicalisation for some young people in the city. Wide-ranging and good quality partnership meetings develop, implement and monitor comprehensive plans to meet the needs of such young people. The authority has proactively used wardship proceedings to effectively restrict international movement of young people at high risk.

The experiences and progress of children looked after and achieving permanence

Key judgement	Judgement grade
<p>The experiences and progress of children looked after and achieving permanence</p>	<p>Good</p>
<p>Summary</p> <p>Robust work is undertaken to identify children at risk of becoming looked after. A range of services provides effective support to maintain them with their families where this is the right plan and is possible. Effective work with partners has resulted in cases where children need to be protected by court orders progressing through legal proceedings without delay. This enables children to be secure about their future and minimises uncertainty.</p> <p>Effective work is undertaken to identify and reduce risks for children looked after who are most vulnerable to going missing, sexual exploitation and substance misuse. Children looked after are routinely offered an interview when they return from a missing episode.</p> <p>The education of children looked after is supported well by a strong virtual school, resulting in high school attendance and no permanent exclusions. Educational attainment for children looked after at Key Stages 2 and 4 is strong. Children looked after have positive health outcomes as a result of good quality health assessments and plans. The council works well to provide services that support children’s emotional well-being and mitigates against delay in accessing CAMHS.</p> <p>The sufficiency duty is met, although recruitment to increase numbers of in-house foster placements has had limited impact. Foster carers receive good quality preparation and are well supported. Placement stability for young people with complex emotional and behavioural needs is not yet good enough.</p> <p>Children placed for adoption are carefully and swiftly matched to appropriate adoptive parents and are well prepared for adoption. Assessments of prospective adopters are of at least good quality and are robust. Wherever possible, siblings are placed together.</p> <p>Care leavers are supported to make a successful transition to independence and are well informed about their entitlements. Young people leaving care are encouraged to remain in care until they are 18 and a high number remain living with their foster carers in ‘staying put’ arrangements after that time. A higher proportion of care leavers are in education, employment and training than those in similar areas and in England overall. The participation of care leavers and looked after children is good and they influence service development.</p>	

Inspection findings

39. The local authority takes robust action to identify children and young people on the edge of care and, with partners, provides a wide range of effective services to prevent them becoming looked after. For example, the Early Parenting Assessment Programme assesses and supports young parents pre-birth and following the birth of their child. It is highly valued by colleagues and service users. In addition, family group conferences are used effectively to engage wider family members to address concerns about children.
40. Children most at risk of becoming looked after are considered at the children's social care planning panel, which determines whether additional work is required or whether to initiate a legal planning meeting. In all cases seen, children were looked after by the local authority where it was in their best interests. Thresholds for children to become looked after are appropriately and consistently applied by local authority staff. High numbers of children are looked after and the authority is aware that this is mainly due to increasing numbers of adolescents being accommodated.
41. Few children looked after return home to live with their parents on a planned basis. A small number of older looked after children (16–17-year-olds) return home on an unplanned basis. This means these returns are not informed by a social work assessment and support plan. Social workers do however provide ongoing monitoring and assistance and the young person's care placement is maintained while stability is tested.
42. Effective strategic and operational work with the Children and Family Court Advisory and Support Service (Cafcass) and the courts results in good and timely performance, with care proceedings completed in an average of 28 weeks. This is enhanced by the local authority legal adviser jointly chairing the Local Family Justice Board. Assessments and reports prepared by social workers for court proceedings are of a high standard overall. Social workers are supported by good advice from legal services in preparing them. The local authority promotes and supports family members effectively to become special guardians, with 132 children subject to an order as of 31 March 2015.
43. In almost all cases, children looked after are seen regularly by social workers who know them well and who see them alone where appropriate. Social workers develop positive and sustained relationships with children looked after in most cases. Case loads are manageable and allow time to undertake direct work. Historically children had too many changes of social worker and this meant work such as life story work was interrupted too often. Managers are currently implementing a new model of working that will minimise case transfer points and further support continuity of social worker for looked after children.
44. Where the permanence plan is for children looked after to remain within their extended family, network assessments to consider connected persons are of

good quality and include a detailed analysis of strengths and vulnerabilities. Plans to manage identified risk factors are included and appropriate.

45. A significant proportion (42% in the year ending December 2014) of young people looked after enter care as adolescents, with a range of risk-taking behaviours that includes substance misuse, going missing and criminal activity. For a few young people, this behaviour is directly linked to radicalisation and they make up a significant proportion of looked after young people known to the youth offending service. These young people benefit from the involvement of a wide range of professionals, including from the national anti-radicalisation intervention programme. Social workers are able to build positive relationships with the majority of young people that helps the young people to understand the consequences of their behaviour. In a few cases, despite strong efforts, social workers struggle to engage effectively with these young people.
46. Five young people became looked after as a result of being remanded in custody. In these cases, the council makes good efforts to visit young people and support them by facilitating contact with their relatives. The youth offending service works closely with the support through care team and with independent reviewing officers (IROs).
47. Risks to children looked after who go missing from care and those at risk of child sexual exploitation are promptly recognised, assessed and addressed by social workers. Information-sharing between partner agencies and parents and carers is well established and results in effective care plans that target and reduce risks. Following episodes of children going missing, return interviews are routinely offered and recorded by children's social workers. Information obtained from these interviews is used effectively to inform plans to reduce risk to the children. Secure accommodation is used appropriately where risks are high and alternatives are not sufficiently protective. Four young people have been placed securely in the last year.
48. Children looked after's initial health assessments are not as timely as they should be, particularly for children over the age of five. However, review health assessments are timely and of good quality, demonstrating that actions from previous assessments are acted on. Good multi-agency involvement informs health assessments and plans.
49. Social workers for children looked after who have emotional health issues access CAMHS promptly for an assessment, but the wait for treatment is often too long. Positively, and to mitigate against this delay, the authority provides a range of good quality services such as Clermont, which offers a selection of therapeutic interventions and assures prompt access.
50. The virtual school provides good support and oversight of children looked after's education. Each child is known well and good plans take their individual needs into account. Data are used effectively to review children's progress and the virtual school intervenes to help when their progress falters.

51. Children aged 11 and 16 achieve well compared with their looked after peers in similar areas and in England overall. Between 2012/13 and 2013/14, children's attainment at age 11 improved in reading, writing and mathematics to above statistical neighbours and the England average. In 2013/14, over 54% of children in care achieved Level 4 or above in these subjects compared with 44% of children looked after in other areas. The attainment of children at Key Stage 4 is good, with 26% gaining five GCSEs including English and mathematics in 2013/14 compared with 14% in England. This represents good improvements since the 2011 safeguarding and looked after children inspection, when attainment at Key Stage 4 was identified as a weakness.
52. Children in care make good progress from their starting points. Between the ages of five and 11, data shows that a good proportion make the progress expected of all children in reading, writing and mathematics. Further good performance is demonstrated at Key Stage 2 in 2013/14, when the attainment gap between children looked after and their peers narrowed by 10% from the previous year to 27% and was smaller than the attainment gap for children in care in similar areas.
53. Most personal education plans (PEPs) are of good quality and schools now routinely take the lead in completing them. In the few that are not good, children's views are not well represented and target setting is not always sufficiently detailed. The proportion of children looked after with an up-to-date personal education plan has improved, from 74% in October 2014 to 84% in April 2015. The pupil premium is used effectively to support children's academic progress and personal development, for example through providing additional tuition.
54. Children looked after's attendance at school is good and is overseen effectively by the virtual school, which intervenes at the first indication of a concern. Effective joint working between schools and social workers ensures that problems are identified at an early stage and that support packages are put in place to prevent exclusions. As a result, there have been no permanent exclusions of children looked after for five years.
55. Around three quarters of children looked after attend a good or outstanding school. Where a school is judged less than good, careful consideration is given to the individual circumstances of the child and the progress they are making before disrupting their education.
56. Children are supported and encouraged very well to participate in positive activities outside of school. The virtual school runs six after-school clubs including dance, athletics and table tennis. Here, children and young people develop new friendships and learn new skills.
57. Children looked after live in a good range of safe placements that are effectively overseen and monitored. Placement stability is not yet good but is improving. The rate of children having three or more placement moves is

11.9%, and is moving positively towards the national average level of 11%. The performance figure is distorted by the fact that when independent foster carers transfer to the council this registers as a placement change even though the child has not moved. Longer-term stability is showing an improving trend at 68.5% in February 2015 compared with 62.7% in April 2014.

58. Over half (55.7%) of children and young people looked after are placed outside of Brighton and Hove, but most live within 20 miles of the city. These young people are not disadvantaged by this and are able to access the same range of services as those living locally. Social workers visit young people regularly and most are able to maintain local school placements. Providers' inspection grades are routinely monitored and individual cases are reviewed where there are concerns about the quality of care or where inspection outcomes deteriorate.
59. Although sufficient placements are available and young people's views are taken into account when placements are made, the local authority recognises the need to recruit more local foster carers. Investment in council employed staff to tackle this has not been as effective as hoped for. There is particular need for carers for adolescents and an independent provider has been commissioned to develop recruitment strategies and increase the number of available placements.
60. The fostering panel is suitably structured, with appropriate representatives from diverse backgrounds. It carries out its core functions robustly and is well supported by an effective panel adviser. Legal advice is readily available where required. The panel is chaired by a committed and experienced chairperson. Reports to the fostering panel are of a high standard and the agency decision-maker considers each case thoroughly. As a result, decision-making is timely and robust.
61. Foster carers are well prepared, trained and supported by supervising social workers. They access a range of training to update their knowledge and awareness of issues affecting looked after children.
62. When children become looked after, the quality of care plans for them is good. In the vast majority of cases, they are comprehensive and appropriately detailed. However, not all care plans include specific actions to be taken or clear enough measures of progress. Care plans are reviewed effectively and in a timely way. Children are encouraged to have ongoing contact with their own families and friends wherever this is safe and appropriate. Where young people are able to express their views, these are taken into account in both case and placement planning.
63. The IRO service works well and effectively ensures that children's care plans progress without delay. The functions of IRO and child protection conference chairs were separated in September 2014 with a positive impact for children and their families. Additional IROs are now in post, which has resulted in manageable caseloads of around 70 children per IRO. As a result, IROs carry

out their core duties effectively and also engage with children looked after outside of their reviews to establish meaningful relationships and monitor the progress of their care plans.

64. IROs routinely provide constructive feedback to social workers, recognising good practice and raising management alerts where practice is below the standards required. A formal management alert system is used effectively to highlight concerns and ensure that improvements take place. For example, in several cases, IROs appropriately challenged or prompted social workers and managers to ensure that work was undertaken effectively, such as convening strategy meetings where children looked after were missing and ensuring that risk assessments were up to date.
65. The independent visiting service is a strength and benefits children looked after. There are 46 well trained and supported independent visitors who are matched to looked after children, and a further 32 currently being trained. Children looked after also benefit from good work to address issues of diversity delivered by the intensive placement team.
66. Case recording is not always good and at times is too brief. This is particularly the case for the recording of statutory visits and the representation of children's views and opinions. However, in the disabled children's service, recording is of good quality and is purposeful.
67. The views of children looked after are well represented through a long-established Children in Care Council (CICC). This is well structured, with three groups comprising different age bands of young people from diverse backgrounds. The young people are rightly proud of the wide range and high quality of materials that they have produced to inform others of what they do, including the pledge. A good example of their influence is the published guidance on pocket money for children looked after. The CICC is well supported by committed and enthusiastic staff, some of whom are care leavers. They ensure that children looked after participate in a range of positive activities – including being on the corporate parenting panel and staff interviews, as well as being part of a music band.

The graded judgement for adoption performance is that it is good

68. The local authority places children for adoption in good time and matches them carefully to adoptive parents who can meet their needs. Prospective adopters are recruited through a variety of means and a diverse range of adopters are recruited. Of the adopters approved in the last year, almost a third were identified as LGBT (lesbian, gay, bisexual or transsexual), which is a good reflection of the diverse local population. Performance on the adoption score card is broadly in line with both the England average and statistical neighbours. The average time between a child entering care and moving in with its adoptive family is 592 days, which is better than the national average. The average time between a local authority receiving court authority to place a child and the local authority deciding on a match is 225 days, which is slightly worse than the national average of 217 days.
69. In the past year, 52 adoption orders have been granted and 42 children have been matched with adoptive parents. At the point of the inspection, there was only one child waiting to be matched to prospective adopters. Where family finding processes are unable to match a child with prospective adopters, a suitable permanent alternative is secured within an appropriate timescale. The number of children for whom this change of plan is the case is broadly in line with statistical neighbours and the national average, at 15% of those with an adoption plan.
70. The local authority performance for placing children over the age of five is 8%, which is higher than both statistical neighbours and the national average. Family finding for all children, including those over the age of five, is proactive and thorough, with careful consideration of available families and robust matching. Good use is made of the National Adoption Register, newsletters and activity days, as well as web-based services such as 'Be My Parent' and 'Adoption Link'.
71. Currently, there is no mechanism for tracking whether permanence plans are in place by the second review, which makes it difficult to monitor performance in this area. The senior management team is aware of this legacy and has plans to introduce a measure in the care planning panel that monitors and quality assures all key care planning points.
72. Adopter assessments are sound, with good consideration given to strengths and potential vulnerabilities. This supports and informs the matching process. Child permanence reports are detailed and identify all of a child's known needs, with the rationale as to why adoption is the preferred option set out clearly. The child's needs and the prospective adopters' ability to meet those needs are articulated well in matching documents. An effective plan to support any identified vulnerabilities is included. Consideration is given to siblings remaining

together and the rationale for decisions about this is based on assessments carried out by those with sufficient expertise.

73. Good efforts are made to ensure that contact is maintained with siblings where this is in the child's interests. Letterbox contact is supported by the local authority and advice is offered to both birth and adoptive families about appropriate content. Letterbox contact is encouraged with wider birth family members where this is appropriate.
74. The chair of the adoption panel is suitably independent. The panel is made up of experienced professionals and adoptive parents. Discussions held by the panel demonstrate probing questioning and robust exploration of relevant issues. The agency adviser provides effective quality assurance to ensure that only good quality work is presented to the panel. The panel demonstrates a positive impact on practice, for example the introduction of a more robust format for connected persons assessments. The agency decision-maker provides prompt scrutiny of panel recommendations and ensures that children are appropriately matched with a family that will meet their needs.
75. Families are able to access effective post-adoption support. There have been no disruptions of adoption placements prior to the adoption order being made for the last six years. The Adoption Support Steering Group is effective in encouraging organisations within Brighton and Hove to be 'attachment aware'. The implementation of an adoption 'passport' that details the offer from organisations across the city is an impressive recent development that provides easy access and support for families at a universal level.
76. Families report that post-adoption support has improved recently. An effective three-tier system works well so that families access a range of universal or targeted services through to a comprehensive post-adoption support assessment. Twenty-four post-adoption support plans were completed in 2014–15 and a further 18 assessments are in progress. Many more families access support at tiers one and two. This support includes an active toddler group, a group for LGBT parents, workshops and training.
77. A commissioned evidence-based training programme for adoptive parents is offered at tier two. It is well received by workers and families, with 38 adoptive families benefiting from the programme over the last year. Additionally, families can access the services of a psychotherapist if they are experiencing complex family difficulties.
78. The virtual school takes a strong, proactive role and provides good support to all children who have been adopted, as well as those who are subject to a special guardianship order. Schools are encouraged to be proactive in identifying adopted children so that the pupil premium can be used appropriately to support them. An easily accessible helpline for schools and adopters provides valued support to adopted children who are having difficulties in school. The local authority has identified that adopted children and

those on special guardianship orders underachieve in school. As a result, the steering group is successfully encouraging schools to use a PEP style review tool to ensure that adopted children's achievement improves.

79. Children are effectively prepared for adoption with careful planning of the introduction process. Children's wishes and feelings are comprehensively considered and sensitive life story work is undertaken. A range of direct work tools is used to assist children to understand the process and develop a secure attachment with their new parents. Children are given a well set out, child-friendly plan and a 'narrative' that details their journey into care and to adoption. They also receive good quality, honestly written later-life letters to help them fully understand the circumstances leading to their adoption as they get older.

The graded judgement about the experience and progress of care leavers is that it is good

80. Personal advisers are tenacious in their support for care leavers aged over 18 as well as those who leave care before their 18th birthday. Effective joint working between social workers for children looked after and personal advisers promotes positive transitions to adulthood for looked after young people aged 16 to 18, including those with moderate levels of learning disability. Transition arrangements for care leavers are good and clearly set out, including those for young people with profound disabilities or complex needs.
81. The local authority demonstrates a strong commitment to supporting young people in their transition to adulthood, with the percentage of young people who remain looked after until their 18th birthday higher, at 78% in March 2014, compared with other similar areas and the England average. This is further evidenced by the number of care leavers who remain living with their foster carers under 'staying put' arrangements, with 39 young people (22%) currently in such arrangements. The option of staying put is actively encouraged for all young people as part of pathway planning at the age of 16 and a half. The local authority also provides continuing support to young people who remain in education post-18 who were subject to special guardianship orders or child arrangement orders. Currently, 13 young people aged over 18 are being supported in such arrangements.
82. Personal advisers know young people well, visit them regularly and are committed to staying in touch with them. As a result there was only one care leaver that the local authority was not in touch with at the time of the inspection. Care leavers report that they value this support.
83. Care leavers report that they feel safe in their communities and in their accommodation. They are supported effectively to access safe housing, with 91% of care leavers aged 19 to 21 living in suitable accommodation. The

detailed joint protocol between children's social care and housing services ensures that the accommodation needs of care leavers are met. Care leavers are assisted to apply for a range of supported housing from both local authority and voluntary sector providers. A shortfall in the capacity of supported accommodation means that some young people wait too long to get the most appropriate accommodation to meet their needs. The local authority is aware of this and has already started the process of commissioning appropriate services, such as a new supported lodgings scheme.

84. Overall the quality of pathway plans varies from requiring improvement to good. Some lack specificity and sufficient emphasis on timescales to achieve objectives such as the development of independent living skills. Where plans and reviews require improvement, evidence of managerial oversight is not sufficiently robust. Senior managers identified the issue prior to the inspection and measures are now in place to quality assure and sign off pathway plans and reviews on a regular basis. Risk to young people is identified and assessed well, including the risk of sexual exploitation and going missing. These assessments, however, are not integrated into the young person's pathway plan. Young people's views are well represented within pathway plans and reviews.
85. Issues of diversity, such as ethnicity, faith and sexual orientation, are sensitively considered and inform assessments and plans. Good examples include careful consideration being given to appropriate placement matches in order to support young people's cultural and religious beliefs.
86. The majority of care leavers are supported effectively to develop skills to prepare them for independence. A range of approaches is used, including individual one-to-one support from personal advisers and independence living skills training provided in supported accommodation. In addition, the accredited independent living skills scheme is offered to all young people and is a pre-requisite for supporting a young person's transition to independent accommodation after a period in supported living. Ten care leavers have completed this course in the last six months.
87. The local authority is committed to preventing homelessness for young people. This is achieved by strong partnership working between children's services, housing and the youth service, where young people's needs are central to decision-making. A good joint protocol places emphasis on a proactive approach to preventing homelessness and care leavers are encouraged to access supported accommodation before moving to independent living. In those situations where it is assessed that the most suitable option for a care leaver is independent living, general needs housing is applied for and those young people are given the highest level of allocation priority.
88. In the event of homelessness, the use of bed and breakfast is avoided for care leavers wherever possible. In the last six-month period, no care leaver has been placed in bed and breakfast accommodation. In exceptional circumstances

when bed and breakfast accommodation is used in an emergency, an immediate referral to the youth advice centre tenancy support team ensures that such placements are subject to risk assessment and prompt action is taken to identify a suitable alternative.

89. The health needs of care leavers are effectively responded to and they are supported to register with universal health services. A specialist nurse located within the support through care team undertakes all review health assessments for young people aged 16 to 18. This enables the nurse to build a trusting relationship with young people that helps them to be more confident in engaging with mainstream health services once they are over 18. Although dedicated to the 16 to 18 years age group, the specialist nurse provides advice and support to any care leaver to help them access a range of services, including sexual health, substance misuse and mental health.
90. The quality of the care leaver's health passport, developed by the specialist nurse and a care leaver, is very good. It provides an individualised record of medical history for young people as well as being a young-person-centred resource and access guide for health services. This health passport is currently being rolled out to all care leavers following a positively received 2014 pilot scheme.
91. The local authority currently provides well-planned support to eight care leavers who are pregnant and 27 who are parents. These young people access an appropriate and wide range of universal services in the community, in addition to specialist health visiting support through the family nurse partnership.
92. The local authority has high aspirations for its care leavers. Personal advisers, social workers and specialist staff provide consistently good support over time to support their career aspirations. When current circumstances, such as early parenthood, prevent young people from taking up further training or employment, their long-term needs are considered and planned for effectively.
93. Good performance is evidenced in the rate of those aged over 19 in education, employment and training. Performance for this age group in 2013–14 was 65%, a much higher proportion than in similar areas and in England overall. For the year 2014–15, local data demonstrate that good performance is being maintained. The local authority has a range of good initiatives that support care leavers in their job-seeking journey, including a partnership with the Department for Work and Pensions and Brighton Job Centre. Further, the authority's investment in two dedicated posts in the support through care team and the Youth Employability Service ensures that effective, well-targeted support is provided to young people who are not in education, employment and training.
94. The virtual school's development of a post-16 personal opportunity plan effectively supports young people aged 16 plus to plan their next steps in education, training or employment. The virtual school strongly promotes

university as an option for care leavers by arranging visits with young people as well as undertaking awareness-raising with foster carers. The local authority ensures that young people attending university get good financial support while they are students. There are currently 17 young people at university and a further five planning to attend at the start of the next academic year.

95. An active apprenticeships programme within the council has led to care leavers successfully completing work placements in environmental health, the international team, legal services and parks. Good outcomes are demonstrated by examples such as one care leaver securing a full-time position after successfully completing a three-year carpentry apprenticeship with a local company. Another has completed an apprenticeship with the advocacy service. However, too few care leavers currently benefit from such placements, with only four care leavers in apprenticeships across the city.
96. The council ensures that care leavers' involvement and participation within the council is good. Care leavers influence service delivery and development; they are involved in the CiCC, the corporate parenting board and member training. Their views have shaped the development of the leaving care assessment, pathway plans, the health passport and the pledge 'Leaving Care Promises and Aims' and a range of other material such as financial support leaflets and guidance. As a result, young people are helped to make a successful transition to adulthood by clear information about their history and their entitlements.
97. The local authority is proactive in seeking the views of their care leavers through a wide range of activities that include 60-second surveys, questionnaires and moving on from care interviews. These are used effectively to inform and shape service developments as well as providing a forum for young people's views to be heard and responded to. A good example is the 'Ask Report Change Programme', where care leavers are involved in the inspection of the quality of children's homes and independent fostering agencies commissioned by the local authority. The Young Ambassadors Programme provides another example, where young people are involved in recruitment and have been involved in interviewing for key posts. Care leavers value these approaches and their achievements are celebrated through a range of initiatives including an annual awards ceremony. The authority's commitment to taking account of and learning from their care leavers is further evidenced by the employment of two care leavers into key posts (resource officer and participation worker). These young people provide inspiration for care leavers and their engagement with other young people across the city ensures that the experiences of young people in care and care leavers are understood and that their voices are heard.

Leadership, management and governance

Key judgement	Judgement grade
Leadership, management and governance	Good
<p>Summary</p> <p>Senior leaders have planned, and are implementing, an ambitious programme of cultural change and improved practice standards. Their priorities are to make changes sustainable and to have a skilled workforce delivering good quality services to children and families. Elected members are equally ambitious, and support the plan led by the Executive Director of Children’s Services. Political leaders and senior officers understand their roles and have a clear line of sight to the frontline. Commitment to vulnerable children at all levels is high. Elected members exercise appropriate scrutiny and use their influence well. Participation and user engagement are key strengths, with the involvement of children and young people genuinely sought, achieved and valued. Leaders are active corporate parents.</p> <p>Effective strategic partnership working is demonstrated by the MASH and is delivering prompt and appropriate responses to referrals. The early help hub is further evidence of strategic vision coming to fruition and benefiting families. Senior managers and their partners work well together, making best use of combined skills to identify and protect those at risk of child sexual exploitation and radicalisation.</p> <p>Workforce development is a significant priority and a well planned and resourced offer of training supports the planned cultural change. Training is linked to learning from serious case reviews and also to strengthen the new model of practice that is at an advanced stage of planning.</p> <p>Looked after children live in homes where their needs are being met. Leaders take good account of what is important to looked after children and young people, and are strong and proud corporate parents. Appropriate steps are being taken to improve the stability of relationships between looked after children and their social workers and to sharpen the focus on permanence planning for children of all ages. Work is underway to recruit more local foster carers for the most challenging young people. Local leaders demonstrate success in securing permanence for high numbers of children through adoption and special guardianship orders. Ambition for care leavers is high and the support and care these young people receive ensures that they feel safe where they live and that they make good progress in their lives.</p> <p>Vulnerable children do not yet receive a consistently good service. However, leaders and managers now use performance and quality assurance processes effectively and as a result have already identified all the key areas where practice needs to improve.</p>	

Inspection findings

98. Creating the right culture and environment for sustainable change is a firm priority for the current senior leadership team and the journey towards being good in all areas has been steady but decisive for the past 12 months. Prior to the appointments of the present Chief Executive, Executive Director of Children's Services and Assistant Director Social Care, the senior leadership team lacked stability. This has meant legacy issues within services that were weak or poorly coordinated have made sustained improvement difficult to achieve. Current directorate and team plans clearly identify improvements that are still needed.
99. Ambition is high but realistic, and sustainable changes are being made. For example, the introduction of the MASH has improved the coordination and speed of the first response to vulnerable families. The strategic vision for early help is now clear and the coordination of services at this level has been enhanced by the implementation of the early help hub. The IRO service, which historically did not have sufficient capacity to deliver all its core functions, has been strengthened and contributes effectively to raising standards.
100. Leaders are outward-looking and are learning from other organisations in their thinking about models of practice and new ways of working. Through the pilot 'teaching partnership', stronger links are being forged with local universities in order to improve the preparation and experience of social work students. The 'transformation of social work' programme has been informed by the careful consideration of models of practice in other areas. Commitment to improving long-term outcomes is exemplified by 'Looking Forward', a programme to help mothers who have had children removed and adopted to plan and care for subsequent children.
101. The Health and Wellbeing Board is a well-functioning group with a helpful balance between partners and political leaders. Priorities are appropriately focused on vulnerable children and are aligned to those of the local authority. Key leaders are well engaged, including the LSCB chair. The board is taking appropriate steps to understand key local and national issues such as child sexual exploitation.
102. Elected members from the three parties who hold political power are well informed and exercise appropriate scrutiny through the Children and Young People's Committee, the Health and Wellbeing Board and the Child Review Board. Service and performance information is shared and analysed, enabling members to maintain a good understanding of the delivery of services to local families. Members have been well briefed about key issues such as child sexual exploitation and radicalisation. The Chief Executive chairs 'One Voice', a group that brings together a range of ethnic and faith communities to raise and address issues of prejudice, extremism and inequality.

103. Political leaders and senior officers and the chair of the LSCB work together well, with regular informal and formal meetings and detailed discussion about key issues such as findings from multi-agency audits. The Chief Executive and lead member are well engaged with staff, local services and young people. The lead member is an active member of the LSCB, Corporate Parenting Board and the adoption panel, and regularly attends the Health and Wellbeing Board.
104. In some areas, sufficient improvement has not yet been achieved, for example in the consistency of response to children who go missing from home. A peer review, undertaken in November 2014, identified some key areas for improvement in missing from home practice. The local authority understands its weaknesses in this area and an action plan is in place to address them.
105. Further improvement is also needed in the length of time it takes for social workers to complete single assessments. Additional staff have been appointed to meet the demands created by high and rising referral rates. Management information is increasingly being used to track and oversee these assessments and there is a drive to improve timescales without compromising quality. Timescales are gradually improving.
106. Commissioning activity is undergoing positive and considerable change. All services above £75,000 are being re-commissioned in line with a new overarching commissioning strategy. New arrangements ensure that the clinical commissioning group is more actively engaged. The approach to commissioning and de-commissioning of services is increasingly analytical, with a range of data and evaluative information including the joint strategic needs assessment being used to inform decision-making.
107. A creative but at times reactive approach to commissioning has led to a high number of diverse in-house and externally commissioned services across the city. Such services are effective in helping families and are much valued by them. A strong commitment to youth work has led to the re-shaping of services and now includes the Youth Employability Service (previously Connexions). These services are in high demand and are central to the offer of help to local teenagers, including those who are experiencing instability in their families or their communities. Commissioned services are evaluated, but the wider impact on children, young people and families is not consistently understood, particularly in relation to key strategic priorities.
108. The sufficiency strategy is up to date, clear and coherent, with appropriate priorities linked to present and future need. Steps are being taken to address gaps, for example through the commissioning of an independent company to increase the number of in-house foster carers for older and more challenging young people. The 'payment by results' element of this arrangement demonstrates a commitment to achieving value for money.
109. The performance framework is well embedded and the quarterly performance board rigorously analyses key performance indicators, progress against

performance targets, risk actions, learning from complaints and audits and key people data. Helpful context and commentary is included. Managers are held to account for poor performance and the move to a culture of continual improvement is well underway. Management information is accessible, helpful and comprehensive, although not all managers at all levels use it consistently or effectively. Additional resource has been invested to help managers understand, interpret and use this data more effectively.

110. The quality assurance framework is well established, with learning routinely identified and disseminated from a range of sources including complaints and regular themed and deep-dive audits. The Executive Director of Children's Services and the lead member have undertaken auditing as part of this process. The audits undertaken by the local authority for this inspection were analytical and appropriately challenging. The local authority has a clear understanding of what good and poor practice look like.
111. Members of the corporate parenting panel demonstrate a sound understanding of the key issues facing looked after children and care leavers. The board is well attended by looked after children and care leavers, council members from all parties, foster carers, the virtual school and the clinical commissioning group. It is focusing on the right things, considering key issues such as education and health systematically and in detail, while also ensuring that looked after children can bring the issues that are most important to them (such as pocket money).
112. The appointment of a graphic designer and participation worker with Brighton and Hove care experience has led to the creation of high quality young-people-friendly documents such as the council's pledge to children in care, and has increased the reach and depth of engagement. These young adults care deeply about their work. Their involvement in the corporate parenting board has strengthened the voice of young people in this process and is bringing about meaningful change.
113. The local authority responds to complaints in a well-organised and open way. Where it identifies wider practice issues, it takes steps to introduce and embed the necessary changes. A series of complaints from parents who do not live with their children has led to new practice guidance for staff. It includes helpful information about parental responsibility and clear expectations for how these parents should be engaged with processes such as child protection conferences. In cases seen by inspectors, the engagement of parents within these families is increasingly effective. The Executive Director of Children's Services takes an active interest in complaints and uses this to increase his knowledge of what is happening within key social work teams.
114. Participation and user engagement is strong, with the involvement of children and young people genuinely sought, achieved and valued. For example, during 2014, 12 young people completed accredited interview training. A total of 17 young ambassadors were actively engaged in the programme and participated

in interviews for 13 key posts such as the head of the virtual school, the assistant director and LSCB lay members. The Children's Services Participation and Engagement Strategy has been developed with the involvement of young people, staff and a multi-agency working group including public health and representatives from the community and voluntary sector. It demonstrates that the local authority is committed to protecting and further strengthening this area of already good practice.

115. The children's services workforce is relatively stable, sickness rates are improving and the use of agency workers low. Social workers and other practitioners care about their work with children and families and about the council. Caseloads are manageable overall and staff feel well supported by their teams and their managers. The vision for the new model of practice is coherent, with the right balance of care for social workers, relationships with families and performance management. It is being introduced in a measured way through constructive engagement with staff.
116. Decision-making, supervision and management grip at team level are not consistently rigorous. In too many cases, this is delaying desired improvement. Senior managers are aware of this through regular case auditing and the new model of practice has been designed to address this. Within tracked cases, where management oversight has been poor, there is evidence of recent improvement leading to plans being back on track and progressed. It is crucial that inconsistencies in management oversight and case supervision are addressed effectively if services for children who need help and protection are to be good.
117. The Assessed and Supported Year of Employment (ASYE) programme for social workers is well established, with 123 newly qualified social workers (NQSWs) being supported in the last five years. Support to the current cohort of 22 is coordinated by an experienced social care manager who confidently oversees and mentors her virtual team. Some of these NQSWs have previously experienced support and care that is less than good, with insufficient supervision or high caseloads. The ASYE manager has acted swiftly to improve their experience.
118. Although currently filled by an interim post-holder while a permanent appointment is made, the principal social worker (PSW) role is well established and at an appropriate level to have influence and reach. There are effective links with regional PSWs for sharing good practice and joint initiatives.
119. The training offer is comprehensive and staff working with families at all levels of need are well supported to attend training events. However, social workers are not always able to talk confidently about how they assess the impact of neglect within families and the training offer for staff who are making important judgements and decisions about risk in this area needs to be strengthened.

120. There have been three serious incident notifications to Ofsted in the last two years, two of which have led to the commissioning of serious case reviews. Neither has yet been concluded. While awaiting the findings of formal case reviews, the local authority is taking appropriate steps to care for staff alongside acting on any immediate learning.
121. The local authority has a strong strategic and operational partnership with local schools. Through a schools safeguarding audit in 2014 it has maintained a good understanding of each school's safeguarding profile. This informs developments such as anti-bullying strategies and has enabled targeted support to be provided, for example in supporting schools to help pupils with emerging self-harming behaviour.

The Local Safeguarding Children Board (LSCB)

The Local Safeguarding Children Board is good

The arrangements in place to evaluate the effectiveness of what is done by the authority and board partners to safeguard and promote the welfare of children are good.

Executive summary

The LSCB has rapidly developed over the last two years from a local-authority-dominated board to a transparent, learning-focused multi-agency LSCB. The LSCB effectively monitors and influences improvements in frontline multi-agency safeguarding practice.

The LSCB undertakes its statutory responsibilities carefully and thoroughly. Its members recognise that not all elements of multi-agency safeguarding practice are yet of a consistently good standard, but there is a clear understanding of where further improvements are required. For example, the LSCB is aware of gaps in service responses to children who go missing. It has provided suitable challenge but has not yet been assured that the necessary improvements are in place.

The LSCB should build a better understanding of the effectiveness of early help services. Additionally, the board should further scrutinise numbers of repeat referrals and child protection plans.

The LSCB routinely scrutinises data in relation to children becoming looked after, although it needs to give more focus to looked after children living outside the authority area and improve its understanding of why thresholds for care or accommodation are reached.

The LSCB has strong leadership and effective governance arrangements, featuring senior managers from partner agencies chairing the majority of its sub-groups. The board now has a strong multi-agency influence and expertise for its oversight and evaluation of practice, providing an increasingly informed and diverse picture of particularly vulnerable groups of children and young people in the city.

The LSCB is outward-looking and ambitious to accelerate its momentum and influence as an improvement and change agency in the city. It has a strong presence in schools, the voluntary and private sector and in the city's health economy. The LSCB is demonstrably open to the suggestions and challenge of lay members and imaginatively seeks out feedback from children and young people on both how safe they feel and how the LSCB can incorporate their ideas in influencing its priorities and service development.

Recommendations

122. The LSCB should collate and analyse information from missing return interviews to improve knowledge of any common locations, trends and patterns.
123. The LSCB should build a better understanding of the effectiveness of early help assessments and interventions to ensure that children and young people with additional needs receive timely responses and that emerging difficulties are addressed at an early stage.
124. The LSCB should continue to scrutinise and influence the reduction of both the high number of repeat referrals and child protection plans, ensuring that partnership agencies understand and apply the local threshold criteria.
125. The LSCB should improve its links with the corporate parenting panel to provide greater focus to looked after children living outside the authority area and to better understand why thresholds for care or accommodation are reached.

Inspection findings

126. The LSCB has revised its governance arrangements to clarify and improve the rigour and accountability of its sub-structure and leadership group. An LSCB constitution and compact underpins the new arrangements, strengthening the responsibilities of partner engagement in, for example, multi-agency audit programmes and their attendance at LSCB meetings. Concurrently, the LSCB, led by the chair, has successfully delivered cultural reform from a predominantly process-focused, local-authority-led board to an outcome-based, multi-agency forum where partners routinely interrogate and challenge performance information.
127. LSCB members across the range of partner agencies welcome the positive cultural shift. This enables the board to identify and share cross-cutting intelligence and knowledge about particularly vulnerable groups of children and young people and to develop appropriate strategies and actions. Recent examples include stronger responses to radicalisation and the earlier identification of young people exposed to the risks of child sexual exploitation.
128. The chair has constructive relationships with other key strategic boards, both influencing their plans and holding them to account. Recent collaboration with the Health & Wellbeing Board contributed to the decision to review CAMHS and the emotional health and well-being services in the city. This arose from a learning review regarding a young person with self-harming behaviours.
129. The involvement of the Chief Executive and Director of Children's services is integral to the board's effective functioning. For example, they led a multi-agency section 11 challenge event in 2014 to rigorously test the compliance of partner agencies with core safeguarding policies and to increase levels of

engagement with the safeguarding agenda. A good example is the additional funding secured by the clinical commissioning group for a specific post to work with general practitioners to improve their identification and responses to domestic abuse as a consequence of an LSCB multi-agency audit on domestic violence and abuse.

130. The LSCB business plan focuses strongly on improving fundamental indicators of effective safeguarding including child sexual abuse and exploitation. The plan also considers how well children and young people participate and engage with services they are involved with. The LSCB has a well-considered three-year business planning cycle to achieve sustained improvements in an appropriate set of priorities. Measures of progress via multi-agency audits are included. The business plan does not provide a focus on children looked after living outside the local area and this is a shortfall. It is regularly reviewed at full board meetings and at leadership group meetings. The chair is aware that the board should be steadily focused on its core priorities.
131. The LSCB has a good quality assurance framework, supported by a complementary learning and improvement framework. This means that a planned approach is in place to measure the effectiveness of key safeguarding priorities. The monitoring and evaluation sub-committee leads on the design, implementation and reporting of planned multi-agency audits. Four good quality audits were undertaken in 2014, highlighting for example drift in some child in need plans and the lack of consistently robust and reflective supervision. Audit recommendations are rigorously pursued and repeat audits are scheduled to test whether improvements are sustained.
132. The LSCB has made tenacious efforts to develop a multi-agency performance management framework by adding relevant qualitative information to its core performance data, for example from the findings of single- and multi-agency audits. Contributing agencies provide commentaries explaining data trends and variances. The LSCB recognises that further refinement of performance information will be a gradual process and is working purposefully to increase the range and impact of its multi-agency intelligence.
133. The LSCB has a rigorous approach to evaluating the effectiveness of safeguarding arrangements in all of its partner, community and voluntary agencies. Compliance with safeguarding procedures and policies is widespread and analysis identifies themes for further development including, for example, improved work with fathers and male partners and better supervision of safeguarding leads. A safeguarding audit in schools achieved an excellent 100% rate of return. Findings identify that a large majority of primary and secondary school pupils in the city feel safe in their schools. Only a small minority of schools are identified as needing to take action to improve their safeguarding policies and procedures.
134. A comprehensive learning and improvement framework is strongly aligned with the multi-agency audit programme. The framework is informed by intelligence

from section 11 audits, agency annual reports, audit findings and the recommendations of serious case reviews and learning reviews. The LSCB Monitoring and Evaluation Subcommittee considers the 12 multi-agency child protection and children in need cases audited each quarter by the local authority, alongside themed audits targeted in the annual programme. Audit findings and recommendations are systematically and comprehensively disseminated across the partnership. The intelligence from completed audits, serious case reviews and learning reviews is used effectively to inform the content of specialist multi-agency training programmes, achieving a circular, joined-up model of learning and improvement.

135. Serious case reviews are commissioned in accordance with statutory criteria and thresholds applied correctly. The LSCB has adopted the Social Care Institute for Excellence methodology for undertaking both serious case reviews and learning reviews to better understand agency actions and effectively identify key learning outcomes. This leads to targeted and achievable action plans. The implementation of action plans is closely monitored. Learning review action plans receive the same level of scrutiny and attention as serious case reviews. Two serious case reviews have recently been commissioned and are in preparation, one has been recently completed and another is near to conclusion. Four learning reviews and two single agency reviews have been completed recently. Learning from reviews is appropriately cascaded to the workforce through a series of events for practitioners and frontline managers as well as through e-newsletters, e-bulletins and through LSCB members themselves.
136. The Child Death Overview Panel is effective in scrutinising serious incident notifications and has strong links with the serious case review sub-group. The panel has identified a small number of modifiable factors in reported child deaths, largely concerning co-sleeping arrangements for infants. The panel has also improved communication protocols between specialist tertiary hospital trusts and the local health system following the death of a young person with a complex health condition. This illustrates the panel's capacity to identify and achieve safeguarding improvements in other strategic bodies.
137. The LSCB's influence was instrumental in the formation of the MASH, the most recent threshold document and the development of the early help hub. The board is satisfied that all families that are referred are offered early help assessments and interventions at the weekly allocations meeting. The board has a multi-agency audit of early help and thresholds scheduled for September 2015, a year following the implementation of the early help hub. This audit is planned to evaluate overall effectiveness and is not in response to any concerns about thresholds.
138. An effective child sexual exploitation strategy and action plan is in place. A strategic sub-committee and two operational sub-groups are addressing child sexual exploitation through improved identification of potential victims. In addition, protection of victims is robust and prosecutions and disruption are

pursued with determination by partner agencies. A recent multi-agency audit observed that effective identification of risk factors concerning boys and young men are underdeveloped. The LSCB has achievable plans to improve the identification of children and young people at risk of child sexual exploitation at earlier stages, and their prevention and early identification sub-group is well positioned to progress this.

139. The LSCB has anticipated that numbers of identified victims will expand and is accordingly preparing to survey and challenge agencies about how they intend to meet this increasing demand. The WiSE (What is Sexual Exploitation) Project in the city recently undertook an intensive outreach awareness-raising exercise with young people and venue managers and staff, visiting bars and clubs across the city's night-time economy. This endeavour demonstrates the effectiveness of the LSCB's wide-ranging approach to addressing child sexual exploitation in the city.
140. The LSCB thoroughly evaluates intelligence and cross-cutting themes regarding particular groups of vulnerable children through an overarching vulnerable children's sub-group. The group considers the effectiveness of multi-agency responses to young people affected by, for example, forced marriage, modern slavery, radicalisation, female genital mutilation and other specific vulnerabilities. The sub-group has enlisted the services of a national charity and the lesbian, gay, bisexual and transgender lead from Community Safety to assist in identifying young gay men who may be at risk of sexual exploitation through, for example, visiting a local public sex site. The board has an appropriate action plan to further scrutinise and understand the effectiveness of services delivering return-from-missing interviews.
141. The LSCB's child protection liaison group identifies, through the presentation of case examples, difficulties in multi-agency frontline practice that require a swift multi-agency response. This arrangement enhances the capacity of senior partnership managers to achieve timely improvements within the safeguarding system. Recent examples have included improving the content of GP reports to child protection conferences and an improved risk assessment pathway for non-mobile babies who present with injuries.
142. Local multi-agency safeguarding procedures are well coordinated by the Pan-Sussex Procedures Group. Updates are quickly inserted and disseminated, including specific local additions. A recent example was the development of procedures regarding radicalisation that are particular to Brighton and Hove. The procedures are easily navigable on the LSCB website platform. Informal feedback indicates that staff find the procedures a valuable resource; a formal survey of compliance will be undertaken later this year.
143. The LSCB is an active and influential participant in informing and planning services for children and young people. Prominent examples include an effective challenge made to NHS England following the unexpected closure of a general practice in one of the most deprived parts of the city. The LSCB chair

has been influential in attaining the inclusion of safeguarding content in the Health and Wellbeing Strategy and also in assisting the scoping of the Safeguarding Adults Board's duty to ensure effective transitions for vulnerable young people into adult services, using evidence from case reviews to highlight gaps.

144. The LSCB multi-agency annual training programme ensures that training content is carefully designed to deliver specialist courses that complement learning priorities in the business plan and the learning and improvement framework. Practitioners are aware of the LSCB training offer and many spoken to have recently attended training. Staffing difficulties have impeded plans to improve post-course evaluations and the impact of training on improved practice. The LSCB is ambitious to recover progress following the imminent recruitment of a new training manager. The poor attendance of some agencies at core LSCB safeguarding courses has been challenged by the chair.
145. The board has made meaningful progress with effective and innovative initiatives to improve the engagement of children, young people and their families and also to increase public understanding of the board's work. Prominent among these is an accessible, informative and interactive website featuring Twitter, allowing LSCB members and the chair to have a wide range of ongoing exchanges with the board's audiences. Followers include parent groups, schools and teachers.
146. The good quality LSCB annual report reflects the board's learning and self-evaluative ethos. Priorities requiring further attention are highlighted, such as the provision of better performance information from some partner agencies and improving the content of referrals to the LADO. The effectiveness of local services are appropriately reported in summaries of completed multi-agency audits.

Information about this inspection

Inspectors have looked closely at the experiences of children and young people who have needed or still need help and/or protection. This also includes children and young people who are looked after and young people who are leaving care and starting their lives as young adults.

Inspectors considered the quality of work and the difference adults make to the lives of children, young people and families. They read case files, watched how professional staff work with families and each other and discussed the effectiveness of help and care given to children and young people. Wherever possible, they talked to children, young people and their families. In addition the inspectors have tried to understand what the local authority knows about how well it is performing, how well it is doing and what difference it is making for the people it is trying to help, protect and look after.

The inspection of the local authority was carried out under section 136 of the Education and Inspections Act 2006.

The review of the Local Safeguarding Children Board was carried out under section 15A of the Children Act 2004.

Ofsted produces this report of the inspection of local authority functions and the review of the Local Safeguarding Children Board under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006.

The inspection team consisted of eight of Her Majesty's Inspectors (HMI) from Ofsted.

The inspection team

Lead inspector: Lynn Radley

Deputy lead inspector: Stephanie Murray

Team inspectors: Pietro Battista, Pauline Turner, Donna Marriott, Nick Stacey, Anji Parker and Jon Bowman

Quality assurance manager: Nicholas McMullen

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Brighton & Hove City Council: Post Ofsted inspection action plan – July 2015

	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
185	<p>1 Ensure that when children cease to be the subject of a child protection plan, their families are given the priority and support they need to maintain the changes they have made.</p> <p><i>High numbers of children are made the subject of repeat child protection plans</i></p> <p><i>When children's cases are stepped down from child protection plans, the support they receive is Inconsistent</i></p> <p><i>When the child protection plans end, the support provided under child in need arrangements is not always sufficiently robust to help families sustain the improvements made.</i></p>	<ul style="list-style-type: none"> • Management oversight of child in need plans will be improved through service redesign and auditing activity. Longer term cases are being reviewed by CP Chairs or IROs. • CP chairs have been instructed to exercise caution when stepping down cases involving the toxic trio (MH,DV and SM) of issues to avoid step down from child protection plans too soon 	<p>Safeguarding and Offending Business Plan</p> <p>Safeguarding and Quality Assurance Business Plan</p>	<p>Performance Board</p>	<p>When a child has been removed from a child protection plan the appropriate support is given to maintain change within a child in need framework or by step down to appropriate Early Help service</p>

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
2	<p>Ensure that where a child requires a child in need assessment they are seen and spoken to promptly.</p> <p><i>Practice and intervention with families in the children in need teams is variable.</i></p> <p><i>A re-referral rate of 30% at 31st December 2014 is an improvement from 33% in 2013-14 – but higher than the national average of 23%</i></p> <p><i>Child in need plans – Children's needs and potential risks are well identified. However, the subsequent work with families varies, is often Reactive to crises within the family and does not always provide support in a Timely manner to prevent such crises. Some cases are Closed too early</i></p>	<ul style="list-style-type: none"> Practice guidance and management oversight through supervision and auditing will ensure that children are always spoken to in a child in need assessment at the earliest opportunity 	Safeguarding and Quality Assurance Business Plan	Senior Leadership Team	Children's views are prioritised at the early stage of a child in need assessment.

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
3	<p>Ensure that managers monitor and track the timely completion of assessments so that needs and risks are identified promptly.</p> <p><i>Despite the prompt response to children at high risk of harm, other children receive an inconsistent response from the assessment teams. Some children wait too long for a single assessment of their needs to begin</i></p> <p><i>Children looked after's initial health assessments are not as timely as they should be, particularly for children over the age of five.</i></p> <p><i>CAMHS for LAC is accessed promptly for an assessment but the Wait for treatment is often Too long</i></p>	<p>Management oversight to be improved to ensure that Single Assessments are appropriately monitored</p> <p>This will be taken up with SCT</p> <p>This will be addressed through the CAMHS review by the CCG</p>	<p>Safeguarding and Offending Business Plan</p>	<p>Performance Board</p> <p>Corporate Parenting Board</p> <p>Corporate Parenting Board</p>	<p>To ensure the meeting of local timescales for single assessments according to need</p> <p>Children over the age of five will receive health assessments within timescales</p> <p>LAC children will receive appropriate treatment without undue delay</p>

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	<i>PEPs - In the few that are not good, children's views are not well represented and target setting is not always sufficiently detailed</i>	Work taken forward by the Virtual School		Corporate Parenting Board	
	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
4	<p>Improve the timeliness of initial child protection conferences so that multi-agency plans to meet children's identified needs and reduce risks, can be put in place at the earliest opportunity.</p> <p><i>There are too many delays in convening initial Child Protection Conferences and performance in this area has recently declined.</i></p>	<ul style="list-style-type: none"> • Ensure proactive management of child protection conference planning to meet timescales • Current administrative review as part of service redesign has suggested key actions to help improve timeliness and reduce activity levels with regards planning conferences 	MASH and Assessment Business Plan	Senior Leadership Team	Child protection conferences are held within timescales

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
5	<p>Improve the quality of management direction and oversight of cases to reduce the drift in plans experienced by some children.</p> <p><i>Management oversight in some teams is not rigorous enough and the rationale for making decisions is not always clear on case files. Supervision by some managers does not challenge social workers where the progress of plans is delayed or drifting.</i></p> <p><i>The quality of supervision and management oversight at team level remain as areas for improvement despite significant investment in specialised training. (see also point 8)</i></p> <p><i>The managers of social workers need to improve their oversight to</i></p>	<ul style="list-style-type: none"> • Implementing the service redesign to remove a layer of management and achieve clarity over areas of responsibility for managers • Tracking activity is undertaken by the Care Planning Panel chaired by Assistant Director • Auditing activity under the Quality Assurance Programme will focus on the quality and oversight of plans • All Pathway plans have quality assurance oversight by Team Managers to ensure they are robust and clear on actions whilst being young person friendly and involving the views of the young person to improve outcomes. • All pathway plans are reviewed 	Safeguarding and Offending Business Plan	Performance Board	Outcomes for children demonstrate robust management oversight and timely delivery of interventions to achieve change for children

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190	<p><i>ensure that children's plans are making a positive difference.</i></p> <p><i>Practice Managers do not consistently drive forward plans for children or provide challenge to workers about their practice.</i></p> <p><i>A major contribution to the inconsistency of practice is the weak quality of management oversight by practice managers in children in need teams. Practice managers are not consistently driving forward plans and case discussion records make insufficient reference to the child's plan and whether it is having an impact in reducing risks and meeting children's needs. The rationale for decisions is rarely recorded. Managers' case direction is limited to identifying required tasks, often without clear timescales for their completion. This leads to drift and delay, particularly for children in need. Children at greatest risk benefit from challenging independent oversight by child protection chairs. Social workers report that they have regular opportunities to discuss cases in formal supervision, but that they are not always helped to reflect on the complexities of cases.</i></p>	<p>as a minimum every 6 months and authorised by the IRO and Team Manager</p>			<p>Auditing activity evidences</p> <ul style="list-style-type: none"> a. 100% of pathway plans reviewed within timescales and b. that the pathway plans are outcomes based and achieved
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Case recording is not always good and at times is too brief.

Evidence of managerial oversight is not sufficiently robust.

Decision-making, supervision and management grip at team level are not consistently rigorous. In too many cases, this is delaying desired improvement.

It is crucial that inconsistencies in management oversight and case supervision are addressed effectively if services for children who need help and protection are to be good.

Overall the quality of pathway plans varies from requiring improvement to good

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
6	<p>When children go missing from home, ensure that they are offered a visit on their return to assess risks they may have been exposed to and to inform plans for them. Centrally analyse the records of these visits to help reduce risks to other children and young people.</p> <p><i>Not all children who experience missing episodes from home are offered a Return interview.</i></p>	<ul style="list-style-type: none"> Establishment of Independent Return Interviews PAN Sussex are due to commence in 2016/17. In the interim capacity in Kite Team is to be extended to provide return interviews Children regularly missing from home/care are subject to effective scrutiny and monitoring and have effective risk management plans in place and links to CSE are made Review of the Brighton & Hove Missing Policy 	Safeguarding & Quality Assurance Team Plan	Senior Leadership Team	All children who go missing from home are risk assessed following a return interview and appropriate action taken

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
7	<p>With partners, review the pathways for early help to reduce the high numbers of inappropriate referrals that are made to the MASH.</p> <p><i>Not all professionals are clear about the thresholds for contacting the MASH, with high numbers of referrals re-directed to the early help hub.</i></p>	<ul style="list-style-type: none"> • Convene second Early Help Managers Conference in September 2015 to review tasks identified at initial meeting April 2015 • Resolve process issues through existing Early Help Hub Pathway Group and Management Information Group • Take proposals to Early Help Partnership Strategy Board in Autumn 2015 • Finalise arrangements with the LSCB for a joint Early Help Partnership Conference in November 2015 • Report to CYP&S Committee 	<p>Children's Services Directorate Plan</p> <p>Early Help Business Plan</p>	<p>Performance Board</p> <p>Early Help Partnership Strategy Board</p> <p>Stronger Families Stronger Communities Senior Management Team</p>	<p>Fewer better coordinated pathways for early help: complete rationalisation, design and implementation of integrated service pathways coordinated by the Early Help Hub</p> <p>Confirm acceptable baseline for referrals to the MASH re-directed to the Early Help Hub.</p> <p>Agree and achieve improvement targets</p>

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Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
<p>8</p> <p>Ensure that frontline managers provide rigorous, reflective and risk-focused supervision to social workers. Establish a supervision audit cycle to oversee frequency and quality.</p> <p><i>The quality of supervision and management oversight at team level remain as areas for improvement despite significant investment in specialised training.</i></p> <p><i>Decision-making, supervision and management grip at team level are not consistently rigorous. In too many cases, this is delaying desired improvement.</i></p> <p><i>It is crucial that inconsistencies in management oversight and case supervision are addressed effectively if services for children who need help and protection are to be good.</i></p>	<ul style="list-style-type: none"> Review of the Quality Assurance Framework and suite of performance management data in order to provide robust performance management and oversight A review of the current supervision arrangements in line with the new model of practice way of working Team Managers are expected to observe the individual supervision sessions for their group of Practice Managers Implementation of the social work service redesign 	<p>Safeguarding and Quality Assurance Team Plan</p>	<p>Senior Leadership Team</p>	<p>Auditing activity will confirm reflective and risk focused supervision on a regular basis</p>

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
9	Recruit and retain sufficient numbers of foster carers to meet the needs of young people with complex needs.	<ul style="list-style-type: none"> We have commissioned IMPOWER on a payment by results basis to work alongside our Fostering Team to improve our market share of fostering placements. 	Value for Money Action Plan	CS Modernisation Board	Market share improves from 50% and the targets are: 65% = adequate 75% = good 85% = excellent

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
10	<p>Ensure that permanence planning is undertaken promptly and that a tracking system is implemented to monitor this.</p> <p><i>The authority does not yet have a sufficiently robust system to track and monitor the promptness of permanency planning.</i></p> <p><i>Currently, there is no mechanism for tracking whether permanence plans are in place by the second review</i></p> <p><i>When children become looked after - Not all care plans include specific actions to be taken or clear enough measures of progress.</i></p>	<ul style="list-style-type: none"> From July 2015 the Care Planning Panel chaired by the Assistant Director will also track cases through to permanence Early consultation is offered to CIN Social Workers by the Permanence Planning Lead Practice Manager 	Family & Friends Team Plan	Senior Leadership Team	Drift and delay in permanency planning is minimised

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	Ofsted recommendation	Actions needed	Which 15/16 business plan(s) are the actions captured in?	Monitoring arrangements	Success criteria
11	<p>Increase the availability of supported accommodation for care leavers so that young people are promptly allocated supported accommodation that meets their needs.</p> <p><i>A small number of care leavers experience a delay in being allocated appropriate supported accommodation.</i></p> <p><i>Placement stability for young people with complex emotional and behavioural needs is not yet good enough</i></p> <p><i>Placement stability is not yet good but is improving.</i></p>	<ul style="list-style-type: none"> Working with the Council Housing Commissioner and other providers to commission a wide range of appropriate supported lodgings placements Careleavers are able to access affordable social housing when they are assessed as ready and able for independent living – use of the Joint Housing Protocol Supported Accommodation Panel to ensure consistent and transparent allocation of supported housing based on assessment of need 	Support Through Care 18-25 Team Plan	Senior Leadership Team	<p>Joint commissioning with Housing provides a greater range of options that are better suited to the needs of careleavers</p> <p>All careleavers requiring supported housing are allocated according to need</p> <p>The use of and time spent in unsuitable accommodation is significantly reduced</p>

In case of query please contact the Children's Services Service Development Officer on 01273 293736 or Carolyn.bristow@brighton-hove.gov.uk Early HDate of issue: July 2015

Council

22 October 2015

Agenda Item 46

Brighton & Hove City Council

Subject: Extract from the Proceedings of the Audit & standards Committee meeting held on the 22 September 2015 - Ernst & Young Audit Results Report

Date of Meeting: 22 September 2015

Report of: Head of Law

Contact Officer: Name: **John Peel** Tel: **01273 291058**
E-mail: john.peel@brighton-hove.gov.uk

Wards Affected: All

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

To receive the item referred from the Audit & Standards Committee for information:

Recommendation:

That the report be noted.

BRIGHTON & HOVE CITY COUNCIL**AUDIT & STANDARDS COMMITTEE****4.00pm 22 SEPTEMBER 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors A Norman (Chair), Chapman, Cobb, Druitt, Morris, Robins (Group Spokesperson), Sykes (Group Spokesperson) and Taylor.

Independent Persons & Co-opted Members: Diane Bushell and Dr David Horne

PART ONE**31 ERNST & YOUNG AUDIT RESULTS REPORT 2014/15**

- 31.1 The Committee considered a report of Ernst & Young that summarised the findings of the 2014/15 audit that included key messages arising from the audit of the financial statements and the results of work undertaken to assess the council's arrangements to secure value for money on its use of resources. Representatives from Ernst & Young stated that they were in a position to give a qualified opinion of the council's financial statements. A qualified opinion would be issued for the council's value for money arrangements as Ernst & Young were satisfied that the council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources however, sufficient progress had not been made in identifying the savings required to demonstrate its ability to secure a stable financial position over the medium term.
- 31.2 Councillor Morris noted that the report highlighted that £2.2 million as the sum owed to the council in relation to Coin Co International PLC entering administration. Councillor Morris stated that this figure had been reported as higher in other documents and asked the reasons behind that.
- 31.3 Simon Mathers clarified that this figure was reported as £2.2 million in this report as it exclusively covered the 2014/15 financial year.
- 31.4 Diane Bushell stated that whilst she was generally satisfied in the actions and progress taken by the council on ensuring value for money, she asked Ernst & Young if they felt there was room for improvement.
- 31.5 Paul King clarified that stated that Ernst & Young's opinion that the council was taking reasonable action and making reasonable progress was a general statement and there would always be areas for improvement. Simon Mathers added that whilst Ernst & Young could not give absolute assurance their audit had found nothing of specific concern and there was always scope for improvement in any financial practices.
- 31.6 Councillor Sykes noted that Brighton & Hove was over on above its benchmarking comparators on costs in relation to mental health and planning applications and asked if unit costs were used as statistical comparator as well as per capita.
- 31.7 Paul King confirmed that Ernst & Young used a range of indicators including unit cost and all determined that Brighton & Hove Council were high value in terms of cost in these areas.
- 31.8 Councillor Druitt asked for clarification on the acknowledgement that the council delivered to budget but that there had also been a reduction in its reserve funds.
- 31.9 Simon Mathers stated that the council had delivered to budget and that £2.4 million of reserves had been earmarked for the General Fund to support budgetary pressures. The overall level of usable reserves available to support spending was reducing and had done so by £10 million between 2013/14 and 2014/15.
- 31.10 Councillor Taylor expressed his disappointment that the council had not reached its value for money targets and his concern at the current £8.7m budget deficit. Councillor Taylor asked if there were any lessons the council could learn to improve in the future.
- 31.11 Paul King stated that councils were taking a range of options to meet the challenges of budget reductions. For example, some were examining methods of high returns, some

were considering increases to their fees and charges, and others were adopting shared service agreements.

31.12 The Interim Executive Director of Finance and Resources stated the council were mindful of effective financial planning and one measure put into place was for a four year budget strategy agreed at Policy & Resources Committee in July 2015.

31.13 The Chair stated that the £8.7m budget deficit was a matter the Committee took very seriously although she had been assured that the measures put into place would resolve the issue.

31.14 Councillor Sykes noted that there was a continued increase in demand upon services alongside severe central government budget reductions and the council needed a clearer, more coherent response to those issues.

31.15 Diane Bushell requested assurance on the measures the council were undertaken to reduce the current budget deficit.

31.16 The Interim Executive Director of Finance and Resources stated that the matter was ongoing and the council were continually reviewing measures to reduce the deficit. Strong financial controls had recently been put into place and a cross-party budget review group had been put into place providing oversight.

31.17 **RESOLVED-**

1) That Members note the findings set out in the 2014/15 Audit Results Report.

39 ITEMS REFERRED FOR COUNCIL

39.1 **RESOLVED:** That the report in relation to Item 31 on the agenda, Ernst & Young Audit Results Report 2014/15 be referred to the next Council meeting for information.

	Ernst & Young 2014/15 Audit Results Report		
Date of Meeting:	22 September 2015		
Report of:	Ernst & Young		
Contact Officer:	Name:	Paul King	Tel: 0118 928 1556 (Ext 41556)
	Email:	pking1@uk.ey.com	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Audit Results Report summarises the findings of the 2014/15 audit which is now substantially complete. It includes the key messages arising from the audit of the financial statements and the results of work undertaken to assess the Council's arrangements to secure value for money in its use of its resources.
- 1.2 We propose to issue a unqualified opinion on the Council's financial statements subject to full completion of outstanding areas of work as at 9 September.
- 1.3 We anticipate issuing an 'except' for qualified value for money conclusion. We are satisfied that, in all significant respects, Brighton & Hove City Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015 except for having yet made sufficient progress in identifying the savings required to demonstrate its ability to secure a stable financial position over the medium term.

2. RECOMMENDATIONS:

- 2.1 To consider our findings set out in the 2014/15 Audit Results Report, ask questions as necessary and raise any other matters which you consider relevant to the audit.

Brighton & Hove City Council

Audit results report for the year ended 31 March 2015

September 2015

Ernst & Young LLP



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Private and confidential

Audit & Standards Committee
Brighton & Hove City Council
Kings House
Grand Avenue
Hove
BN3 2LS

22 September 2015

Dear Members of the Audit & Standards Committee

Audit results report

We are pleased to attach our audit results report for the Audit & Standards Committee. This report summarises our preliminary audit conclusion in relation to Brighton & Hove City Council's (the Council's) financial position and results of operations for the year ended 31 March 2015.

The audit is designed to express an opinion on the 2014/15 financial statements, to reach a conclusion on the Council's arrangements for securing economy, efficiency and effectiveness in the use of resources, and to address current statutory and regulatory requirements. This report contains our findings on the areas of audit emphasis, our views on the Council's accounting policies and judgments, and any significant deficiencies in internal control.

This report is intended solely for the information and use of the Audit & Standards Committee and the Council. It is not intended to be and should not be used by anyone other than these specified parties.

We welcome the opportunity to discuss the contents of the report with you at the forthcoming Audit & Standards Committee meeting.

Yours faithfully
For and on behalf of Ernst & Young LLP

Paul King
Ernst & Young LLP
United Kingdom
Enc.

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Relevant parts of the Audit Commission Act 1998 are transitionally saved by the Local Audit and Accountability Act 2014 (Commencement No. 7, Transitional Provisions and Savings) Order 2015 for 2014/15 audits.

The Audit Commission's 'Statement of responsibilities of auditors and audited bodies' (Statement of responsibilities). It is available from the Chief Executive of each audited body and via the [Audit Commission's website](#). This document serves as the formal terms of engagement between the Audit Commission's appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

The Standing Guidance serves as our terms of appointment as auditors appointed by the Audit Commission. The Standing Guidance sets out additional requirements that auditors must comply with, over and above those set out in the Code of Audit Practice 2010 (the Code) and statute, and covers matters of practice and procedure which are of a recurring nature.

This Audit Results Report is prepared in the context of the Statement of responsibilities. It is addressed to the Members of the audited body, and is prepared for their sole use. We, as appointed auditor, take no responsibility to any third party.

Our Complaints Procedure – If at any time you would like to discuss with us how our service to you could be improved, or if you are dissatisfied with the service you are receiving, you may take the issue up with your usual partner or director contact. If you prefer an alternative route, please contact Steve Varley, our Managing Partner, 1 More London Place, London SE1 2AF. We undertake to look into any complaint carefully and promptly and to do all we can to explain the position to you. Should you remain dissatisfied with any aspect of our service, you may of course take matters up with our professional institute. We can provide further information on how you may contact our professional institute.

1. Executive Summary

The Council is responsible for preparing and publishing its Statement of Accounts, accompanied by an Annual Governance Statement (AGS). In this statement the Council reports publicly on the extent to which it complies with its own code of governance, including how it has monitored and evaluated the effectiveness of its governance arrangements in the year, and any planned changes in the coming period.

The Council is also responsible for having proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

As auditors we are responsible for:

- ▶ expressing an opinion on:
 - ▶ the 2014/15 financial statements;
 - ▶ the consistency of other information published with the financial statements,
- ▶ reporting by exception where the Annual Governance Statement (AGS) does not comply with relevant guidance;
- ▶ reviewing and reporting on the Council's Whole of Government Accounts (WGA) return;
- ▶ forming a conclusion on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and,
- ▶ discharging the powers and duties set out in the Audit Commission Act 1998 and the Code of Audit Practice.

This report also contains our findings on the areas of audit emphasis and any significant deficiencies in internal control or views on the Council's accounting policies and judgements.

Summarised below are the conclusions from all elements of our work:

Financial statements

We have performed the procedures outlined in our Audit Plan. We propose to issue a unqualified opinion on the Council's financial statements subject to full completion of outstanding areas of work as at 9 September. The current status of our work is set out in Section 6.1 of this report.

Our main audit findings are set out below with detailed findings in Section 3 of this report

Significant risks

Risk of management override

As identified in ISA (UK and Ireland) 240, management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records directly or indirectly and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. We identify and respond to this fraud risk on every audit engagement.

Audit findings and conclusions

We have completed our programme of planned work in relation to the identified risk. We identified no material misstatement due to fraudulent financial reporting or evidence of material fraud.

Control themes and observations

As part of our 2013/14 audit results report we noted that the Council had experienced significant difficulties with its security carrier contract for cash collection and the value of cash in transit at the end of 2013/14 was approximately £2.2 million. We are satisfied that the Council has taken reasonable action in relation to this and that that the issue has been accounted for appropriately in the Council's 2014/15 financial statements.

We raised a number of recommendations for improvement as part of our 2013/14 audit. We are satisfied that reasonable progress has been made by the Council in implementing those recommendations.

Summary of audit differences

Our audit identified a number of misstatements in the accounts presented for audit, as summarised below.

-
- ▶ As at 9 September there are no uncorrected misstatements resulting from our work. A small amount of work remains outstanding as set out in Section 6.1 of this report.
 - ▶ Net adjustments of approximately £32.6 million have been made by the Council to the disclosure of the prior year capital assets charges accounting adjustment calculated in accordance with the Housing Revenue Account Item 8 credit and Item 8 debit determination disclosed at Note 30 to the financial statements. The format of this note has been changed to improve the accuracy of this disclosure but this has no effect on the Housing Revenue Account Income and Expenditure Statement or reported financial performance or position of the Council.
 - ▶ The carrying value of land valued at depreciated replacement cost has been increased by approximately £10.1 million. This impacts on the value of property, plant and equipment disclosed on the face of the Balance Sheet and at Note 9 to the financial statements. As at 9 September further amendments may be required to the carrying value of buildings assets valued at depreciated replacement cost. Further details of this issue are set out in Section 3 of this report and we will provide a verbal update of progress at the meeting of the Committee.
-

Economy, efficiency and effectiveness

We have performed the procedures outlined in our Audit Plan and anticipate issuing an 'except for' qualified value for money conclusion. Our detailed findings and conclusions are set out in section 4 of this report.

In considering the Council's arrangements for securing financial resilience, and for challenging how it secures economy, efficiency and effectiveness we identified:

- ▶ There is a cumulative budget gap of approximately £60 million (assuming an annual Council Tax increase of two percent) over the three years 2015/16 to 2017/18, rising to £92 million over the five years to 2019/20, forecast in the Council's Medium Term Financial Strategy (MTFS). Without an increase in Council Tax, the five year budget gap would be £102 million.
- ▶ Unless the budget gap forecast in the MTFS is closed the Council would fully exhaust its usable reserves, including those already earmarked and/or controlled by others (e.g. Schools balances), by the end of 2017/18 assuming no increases in Council Tax.
- ▶ Review of comparative information on costs suggests that the Council remains high cost per capita overall, relative to comparable authorities, and is high cost compared to others in key high spend, demand-led service areas such as adult social care, children's services and housing. This finding is consistent with our findings in previous periods. Given the challenging resource position for the future and reducing levels of usable reserves, the Council needs to revisit this information to inform its budget planning.

- ▶ Although the Council did deliver to budget in 2014/15 there was a reduction in usable reserves of approximately £10 million in respect of both HRA and general fund, to £76 million, noting that only around £2.4 million of this movement comes from a reduction in reserves that were previously earmarked and available to support the general fund. The use of risk provisions of £2.1 million and other one-off corrective actions was required to deliver against budget in 2014/15.
- ▶ The Council, for the first time, did not fully deliver its VFM programme savings targets in 2014/15. Delivery was approximately 39 per cent under target (approximately £6.1 million against a target of £9.9 million).
- ▶ As at month 2 of 2015/16, the Council is forecasting a financial budget delivery risk of £8.7 million on the General Fund and £0.7 million on Section 75 health partnerships.

There is, however, a recognition that the Council's historic approach to service and financial planning needs to change if the financial challenges it faces are to be met. In July 2015 the Council decided to implement a four year integrated service and financial planning process covering the period 2016/17 to 2019/20, which was agreed cross party at the Policy and Resources Committee. The explicit intention of this change is to recognise the greater scale of change and associated time scales, and also provide a clearer indication of how far the Council has been able to identify strategies to address the budget gap over the period of its MTFs. This effectively moves the Council's medium term financial planning from a simple resource projection to a more detailed medium term budget plan. As part of the process, the Council is currently re-considering more fundamentally whether and how current services are delivered. Whilst this shows an acceptance of the need for change to secure the financial resilience of the Council, it is too early to judge the success of the new arrangements.

In our view however, the Council has therefore not yet made sufficient progress in identifying the actions necessary to demonstrate its ability to secure a stable financial position over the medium term. Therefore we have concluded that, except for arrangements for securing financial resilience, the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015.

Whole of Government Accounts

As at 9 September we are undertaking the procedures required by the National Audit Office (NAO) on the accuracy of the consolidation pack prepared by the Council for Whole of Government Accounts (WGA) purposes.

We are also aware more widely that authorities have not been able to action the final locking of the data collection tool (DCT) used to submit WGA data to the Department for Communities and Local Government (DCLG). This is because DCLG are asking for the DCT to be kept open until the end of September 2015 so that updates can be made on intra-group disclosures. We will not be able to complete our submission of the DCT until it can be locked. This has the potential to lead to delays in the issue of the audit certificate as the submission of WGA is a Code of Audit Practice responsibility and therefore the certificate cannot be issued until the WGA submission has been finalised.

We have raised this with the NAO as the auditor of WGA and will update the Committee verbally with progress.

Other reporting

A small number of amendments were made to the Council's draft Annual Governance Statement so that it reflected significant events after the end of the reporting period and all significant issues faced by the Council during the year.

Audit certificate

The audit certificate is issued to demonstrate that the full requirements of the Audit Commission's Code of Audit Practice have been discharged for the relevant audit year. We

expect to issue the audit certificate at the same time as the audit opinion subject to us being able to complete the submission of WGA by the opinion deadline of 30 September.

2. Scope update

Our 2014/15 audit work has been undertaken in accordance with the Audit Plan issued in February 2015, the Audit Commission's Code of Audit Practice, International Standards on Auditing (UK and Ireland), and other guidance issued by the Audit Commission.

Our work comprises a number of elements. Our Audit Plan provided you with an overview of our audit scope and approach for:

- ▶ expressing an opinion on:
 - ▶ the 2014/15 financial statements;
 - ▶ the consistency of other information published with the financial statements,
- ▶ reporting by exception where the Annual Governance Statement (AGS) does not comply with relevant guidance;
- ▶ reviewing and reporting on the Council's Whole of Government Accounts (WGA) return;
- ▶ forming a conclusion on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources; and,
- ▶ discharging the powers and duties set out in the Audit Commission Act 1998 and the Code of Audit Practice.

We carried out our work in accordance with our Audit Plan.

3. Significant findings from the financial statement audit

In this section of our report we outline the main findings from our audit of your financial statements, including our conclusions on the areas of risk/ audit emphasis outlined in our Audit Plan.

Significant risk: Risk of management override of controls

Description and audit response

As identified in ISA (UK and Ireland) 240, management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records directly or indirectly and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. We identify and respond to this fraud risk on every audit engagement.

Our approach focused on:

- ▶ Testing the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements;
- ▶ Reviewing accounting estimates for evidence of management bias; and
- ▶ Evaluating the business rationale for any significant unusual transactions.

Audit findings and conclusions

Our work identified no material misstatement due to fraudulent financial reporting or other evidence of material fraud.

As required by ISA (UK&I) 260 and other ISAs specifying communication requirements, we are required to report on:

- ▶ significant qualitative aspects of accounting practices including accounting policies, accounting estimates and financial statement disclosures;
- ▶ significant difficulties, if any, encountered during the audit;
- ▶ significant matters, if any, arising from the audit that were discussed with management;
- ▶ written representations we are seeking;
- ▶ expected modifications to the audit report;
- ▶ other matters if any, significant to the oversight of the financial reporting process;
- ▶ findings and issues regarding the opening balance on initial audits (if applicable);
- ▶ related parties;
- ▶ external confirmations;
- ▶ going concern;
- ▶ consideration of laws and regulations; and
- ▶ group audits

We wish to draw your attention to the following issues

Policy/practice/finding**EY comments****Closedown process**

During the year the Council has made changes to both the format of its financial statements and its arrangements to close down the financial ledger and produce the financial statements. These changes are intended to make the statements less complicated and more understandable, and to allow the Council to close down the general ledger and produce the financial statements more quickly. The changes are necessary for the Council and us to achieve earlier deadlines for production, approval and audit of the financial statements from 2017/18

Overall the quality and completeness of working papers produced to support the financial statements remained good with improvements made in some areas. However, there was some delay in providing us with a complete set of working papers at the start of the audit. This was because initial quality checks undertaken by Central Financial Services did not detect errors or other weaknesses in working papers produced. These issues were only detected late in the accounts preparation process and resulted in some working papers needing to be re-prepared at a relatively late stage. There was also a delay in the submission of the Council's Whole of Government Accounts return. Fortunately, other working papers were available for review and with some rearranging the audit was completed to the original timetable.

It is important that quality checks on working papers produced to support the financial statements and audit process are undertaken thoroughly and in a timely manner.

See recommendation 1

Prior period adjustments (PPAs)

The Council made a number of adjustments to audited prior year comparatives in the draft financial statements to correct for immaterial errors detected as part of the accounts preparation process.

The general principle in International Accounting Standard (IAS) 8 is that an entity must correct all material prior period errors retrospectively in the first set of financial statements authorised for issue after their discovery. IAS 8 also specifies specific disclosure requirements relating to the prior period error. These disclosure requirements were not fully met by the Council for immaterial PPAs. We have not challenged this approach given the immaterial nature of the adjustments made.

The Council should consider whether clearly immaterial prior year errors, that by definition are unlikely to affect the view a user of the financial statements, are treated as prior period adjustments in its financial statements.

See recommendation 2

Policy/practice/finding**EY comments****Indexation of property, plant and equipment (PPE) values**

The Council needs to be able to demonstrate that the carrying value of PPE is materially correct at the balance sheet date.

Land and building valuations are based upon valuation reports issued by a range of internal and external professional valuers used by the Council. The valuations are carried out in accordance with the methodologies and bases for estimation set out in relevant professional standards. The Council carries out a rolling programme for revaluing its PPE assets, excluding council dwellings and a limited number of other assets, which ensures that all PPE assets required to be measured at fair value are revalued at least every five years. In adopting this rolling programme of revaluations it is important that the Council is able to demonstrate the carrying value of assets not subject to revaluation in the year of account is not materially mis-stated.

During 2014/15 available indices for house prices showed significant increases during the period consistent with the wider economic recovery. Build cost indices have increased significantly over the last five years. In accordance with the Code the Council values the proportion of its general fund property which is specialised in nature at depreciated replacement cost (DRC). The land element of DRC valuations is based on housing prices, the buildings element is based on build costs. In both cases adjustments are made for known local factors. Given the increases in indices for house prices and build costs during the year, and the fact that only 20 per cent of DRC assets are reviewed annually and as at the start of the year, we challenged the Council's approach to valuing DRC assets. We specifically asked the Council to evidence that it was not necessary to apply indexation to ensure that the carrying value of DRC assets was materially correct as at the balance sheet date.

As a result of our challenge and additional work undertaken by the Council it has determined that it is necessary to increase the carrying value at the balance sheet date of land valued at DRC by approximately £10.1 million.

As part of this work the Council also considered whether it was appropriate to apply indexation to the buildings valued at DRC. The Council's initial approach was to undertake actual revaluations for 61 out of 399 buildings assets valued at DRC. This highlighted inconsistency in the change in value for assets subsequent to the last revaluation. As a result the Council has decided to undertake full revaluations of its remaining building assets valued at DRC with a gross book value of over £1 million. This work remains ongoing at 9 September. Further amendments to the financial statements may be made depending on the results of this work.

See recommendation 3

Recommendation 1

Ensure that all quality checks on working papers produced to support the financial statements and audit process are undertaken thoroughly and in a timely manner.

Recommendation 2

Consider whether clearly immaterial prior year errors, that by definition are unlikely to affect the view a user of the financial statements, are treated as prior period adjustments in the financial statements

Recommendation 3

The Council should ensure that:

- ▶ All property, plant and equipment revaluations are undertaken as close to the balance sheet date as reasonably possible.
- ▶ The scope of the annual impairment review undertaken by the Council's valuer is extended to explicitly consider the need to uplift asset values. This should consider both the results of actual revaluations undertaken across significant classes of assets and more widely available evidence of changes in value, for example available indices.
- ▶ Checks are undertaken and more clearly documented by the Council's internal valuer and Central Financial Services on the reasonableness of asset valuations undertaken by the Council's valuer.

4. Economy, efficiency and effectiveness

The Code of Audit Practice 2010 sets out our responsibility to satisfy ourselves that the Council has proper arrangements to secure economy, efficiency and effectiveness in its use of resources. In examining corporate performance management and financial management arrangements we consider the following criteria specified by the Audit Commission:

- ▶ arrangements for securing financial resilience – whether the Council has robust systems and processes to manage financial risks and opportunities effectively, and to secure a stable financial position that enables it to continue operating for the foreseeable future; and
- ▶ arrangements for securing economy, efficiency and effectiveness – whether the Council is prioritising its resources within tighter budgets, for example by achieving cost reductions or improving efficiency and productivity.

The table below presents the findings of our work in response to the risk areas in our Audit Plan.

Significant risks: Failure to make changes to secure longer term financial resilience.

Description and audit response

The Council faces significant and increasing financial challenges over the medium term. A clear focus on addressing high cost areas is therefore essential to the economy, efficiency and effectiveness of services delivered and the overall financial resilience of the Council. During 2014/15 the Council consistently reported a forecast overspend against its General Fund budget. It also refreshed its Medium Term Financial Strategy (MTFS) which forecasts a cumulative budget gap of £102 million by 2019/20 (assuming no annual increases in Council Tax) by 2019/20 if further savings cannot be identified.

In previous years we used the Audit Commission's value for money profile tool to assess Council spending against similar councils and over time. Our work suggested that the Council spending was high relative to both its statistical nearest neighbours and other unitary authorities in general. This was true for both its overall per capita spending, and per capita spending in the majority of its main service areas

As part of its future plans the Council intends to regenerate its seafront to preserve the city's reputation and visitor economy. Development of the i360 tower visitor attraction is key to this objective, but as with any major project it comes with both financial risks and rewards to the Council.

In response to this our approach focused on:

- ▶ Consideration of the relative spending of the Council by reference to comparable authorities and previous years using the Audit Commission's VFM profile tool.
- ▶ Review of the reasonableness and robustness of medium term financial planning assumptions set out in the refreshed MTFS.
- ▶ Review of the progress made on i360 project including the integration of financial projections in the Council's overall medium term financial plans.

Impacts on arrangements for:

Economy, efficiency and effectiveness

Financial resilience

Audit findings and conclusions

Consideration of the relative spending of the Council based on the VFM profile tool

Public Sector Audit Appointments Ltd (PSAA) produces value for money and financial ratio profiles for local authorities on an annual basis. This provides an indication of the

Significant risks: Failure to make changes to secure longer term financial resilience.

relative spending of an individual body against a comparator group of statistical nearest neighbours which have similarities in population, expenditure, and geographical area. We have used the latest available VFM profile data, largely relating to financial year 2013/14, to review the cost and efficiency of Council services.

Our review of the data shows that that Council's spending relative to its statistical nearest neighbours remains high. This is true for both its overall per capita spending and per capita spending in the Council's main service areas. This is consistent with our findings in both 2012/13 and 2013/14. Spending is decreasing in the majority of areas, but given the Council's relatively high spend overall this does not appear to be at any faster rate than at statistically similar authorities. Spend per head is particularly high in housing services and on housing benefit administration, which is in the top five per cent relative to statistical nearest neighbours. Spending on adult social care, which is a key area of budget focus for the Council, and an area that did not deliver target VFM programme savings in 2014/15, continues to be in the highest third relative to statistical near neighbours. Spend in other demand-led areas which form a significant proportion of the Council's total expenditure, such as children's services, continues to be relatively high. Other areas that have caused budgetary pressures at the Council, for example spending on homelessness and spending on looked after children, remain similar to previous years and high compared to others. The value and pattern of Council spending relative to all unitary authorities is very similar to the value and pattern of Council spending relative to its statistical nearest neighbours.

Based on this we have concluded that the Council has not yet been able to address its high level of relative spending per capita overall, or in its main high value demand-led service areas that are the main drivers of its overall spending.

The financial position and performance of the Council and the reasonableness and robustness of its medium term financial planning

Historically the Council has a good track record of delivering its financial plans including its VFM improvement targets. Despite significant budget pressures and forecast overspending throughout 2014/15 the Council delivered spending within budget, but with very little headroom in the context of its overall level of expenditure. The 2014/15 outturn position for the General Fund was an underspend of £3,000. This consisted of an underspend of £2.362 million on Council controlled budgets, an overspend of £0.259 million on the Council's share of the NHS managed Section 75 services and net one-off contributions to provisions of £2.1 million. Despite delivering to budget overall the Council did not fully deliver its annual VFM programme of savings. As at the year-end £6.081 million of VFM programme savings were achieved against an original target of £9.917 million. There is a general recognition that savings were considerably more challenging to achieve in 2014/15 than in previous years. In particular, while cost and placement efficiencies continued to be achieved in adults and children's social care, they were offset by increasing demand and complexity of need throughout the year. The unachieved savings were mitigated by one-off corrective action or other measures during the year alongside the release of risk provisions. These mitigating measures do not have a recurrent impact on future year budgets.

The Council's financial position remains sound at the end of 2014/15, but the overall level of usable reserves available to support spending is reducing. The minimum level of working balances deemed appropriate remains set at £9 million for the General Fund, representing about four weeks of council tax revenue; and £2.8 million for the Housing Revenue Account (HRA), representing five per cent of gross HRA expenditure. In both cases the actual level of unallocated balances at the end of 2014/15 is higher than the acceptable minimum. The level of usable reserves reported on the Council's balance sheet reduced by approximately £10 million or 12 per cent between 2013/14 and 2014/15. Although much of this decrease does not relate to reserves which could be used to directly support pressure on the Council's General Fund budget approximately £2.4 million of earmarked reserves were released during the year to support budgetary pressures. Unless the budget gaps forecast in the MTFS

Significant risks: Failure to make changes to secure longer term financial resilience.

are closed the Council would fully exhaust its usable reserves by the end of 2017/18 assuming no increases in council tax.

In common with most public sector bodies, recent government spending reviews and financial settlements have had a significant impact on the Council. The financial challenge facing the Council is clearly set out in its MTFS which was updated during the year as part of the wider update of the Corporate Plan. The MTFS covers the five year period 2015/16 to 2019/20 and sets out key planning assumptions and resources projections together with information about key areas for capital and revenue investment and financing and treasury management strategies. The key driver of the financial projections in the MTFS continues to be the impact of reductions in central government funding over the medium term. The estimates reflected in MTFS projections include significant reductions in both Revenue Support Grant and specific grants over the period. There is explicit recognition that there remains some uncertainty over the timing and scale of funding reductions. There is also an appreciation that the local government finance settlement is not expected until December 2015. This will give the Council little time to react to any material change to the financial planning assumptions and it is recognised that budget planning will need to allow flexibility to bring forward savings in the event of further funding reductions. Although we remain satisfied that the MTFS has been properly updated in light of the current economic climate and that the assumptions underpinning it remain reasonable, it does make clear the significant scale of the financial challenge currently faced by the Council. The MTFS forecasts a cumulative budget gap of approximately £60 million (assuming an annual Council Tax increase of two percent) over the three years 2015/16 to 2017/18, rising to £92 million over the five years to 2019/20. Without an increase in Council Tax, the five year budget gap would be £102 million. 2015/16 is a key year for the Council based on the resource projections set out in the MTFS. Of the £92 million budget gap currently forecast over the next five years approximately £21.1 million, or approximately 23 per cent of the total budget gap, needed to be bridged in 2015/16 to keep track with the Council's medium term financial plans. As part of our work we considered the 2015/16 current budget position. Although a balanced budget has been set, as at month two the Council forecasts financial risk for 2015/16 of £8.7 million on the General Fund and £0.7 million on Section 75 health partnerships. As at month 2, although we note that the £21m savings package is reported to be largely on track, there exists a significant risk to the overall achievement of the 2015/16 budget, which of itself is significant to bridging the total budget gap over the next five years set out in the MTFS.

As a result of its high costs relative to others, the difficulties experienced in fully delivering VFM savings targets in 2014/15 and the size of the budget gap faced over the next five years there is a recognition that the Council needs to change more radically. In light of this the Council decided in July 2015 to implement a four year integrated service and financial planning process covering the period 2016/17 to 2019/20. The explicit intention of doing so is to recognise the greater scale of change and associated time scales, and also provide a clearer indication of how far the Council has been able to identify strategies to address the budget gap over the period of the MTFS. This effectively moves the Council's medium term financial planning from a simple resource projection to a more detailed medium term budget plan. The movement to a four year planning cycle will require individual services to consider more fundamental questions about service delivery:

- ▶ Whether or not the Council should be providing the service at all.
- ▶ If the service should be provided, how it should be delivered i.e. in-house, as a shared service, out-sourced or through a mixed approach.

This is the first time at the Council that service and financial planning has been on a four year cycle and the first time that potential service decommissioning in this way has been considered as an option.

This does demonstrate an acceptance of the need for more radical change to retain the financial resilience of the Council, but it is too early to judge whether these revised

Significant risks: Failure to make changes to secure longer term financial resilience.

arrangements will be successful in bridging the budget gap.

The progress made on i360 project including the integration of financial projections in the Council's overall medium term financial plans

The Council entered into an agreement in July 2014 whereby it borrowed £36 million to allow private sector partners, Brighton i360 Limited (i360 Ltd), to build a viewing tower and visitor attraction on a site at West Pier.

i360 Ltd has taken a lease over the land on which the i360 attraction is being built from the West Pier Trust. To enable this single lease to be granted the Council surrendered its lease of two parcels of land either side of the original Pier structure to the Trust and, once the attraction is completed, the Trust will grant a new lease to the Council of land to replace that surrendered. The Council, as Senior Lender, has security over the land and other assets of Brighton i360 Limited (i360 Ltd) in the form of a fixed and floating charge and step in rights if required, which would allow it to take over the i360 and the lease and if need be to sell it on.

The Council agreed to borrow the £36m from the Public Works Loan Board (PWLB) to lend on to i360 Ltd to build the tower. Under the deal entered into by the Council it will borrow and lend on a total of £36.2 million which represents 78 per cent of the total estimated costs of the project. The period of the proposed loan is 27 years, which is approximately half the expected life of the i360. The remainder of the capital funding (£10m) will come from Junior loan from the Local Enterprise Partnership (LEP) (£4.0 million) and equity from Marks Barfield and associates (£6.0 million). The size of the senior loan made by the Council is significantly greater than originally planned and made for a longer period of time. There is an acceptance that this increases the level of financial risk faced by the Council.

The Council also hopes to secure one off and recurrent income from the agreement in the form of a 'risk premium' added to the cost of borrowing charged on to i360 Ltd, a small share of income from ticket sales and up-front arrangement and commitment fees charged to i360 Ltd. The loans to the Council are not secured, however as senior lender the loan agreement with Brighton i360 gives the Council the following security:

- ▶ Payments to the Council are a first call on all net income generated by the i360.
- ▶ Cash generated by the i360 will be set aside in reserves to act as a buffer against potential future shortfalls in income used to make payments to the Council.
- ▶ If certain financial ratios set out in the loan agreement fall below specified levels then various actions are triggered to improve the financial performance of the i360 in partnership with the LEP.
- ▶ The Council also has step in rights to appoint a new operator or run the i360 itself under certain circumstances.
- ▶ The Council has first call on all the assets of Brighton i360 should the project fail.
- ▶ The Council's modelling suggests that i360 can afford to make full payments to the Council covering both the repayments to the PWLB and the annual income due to the Council over and above the loan repayments even if visitor numbers are 40 per cent below the forecast level.
- ▶ The Council also anticipates it will receive a range of other financial benefits linked to the i360 including additional business rates, rents and extra income from car parking which, when taken with the margin built into the agreement, could generate a new income stream of over £1.5 million per annum.

As part of our audit of the financial statements we have considered the accounting arrangements and in-year financial transactions relating to the i360 development. We are satisfied that the arrangement has been accounted for appropriately and in accordance with our expectation in the financial statements. Potential issues around the legality of the agreement, for example compliance with rules on State Aid and council trading activity, have all been properly considered in developing the contractual

Significant risks: Failure to make changes to secure longer term financial resilience.

arrangements.

We are satisfied that both one-off and recurrent revenue arising from the arrangement have been considered as part of budget projections in the MTFS. Further additional income forecast from increased NNDR revenues and additional parking revenues has not been factored into financial planning, but these amounts are neither guaranteed or significant to the Council overall.

The Council as senior lender has first call on the assets and can exercise step in rights should the project be significantly less successful than anticipated. This is a key area of financial risk to the Council. Should the project not be commercially successful there is a risk as to whether the market value of the assets would be sufficient to cover the costs of the borrowing if the project were to fail. It is also not clear that the Council, even working in partnership with the LEP, would have sufficient expertise to manage and improve the financial performance of a financially challenged visitor attraction. The accuracy of the independent assessment of the future financial viability of the scheme, based on the projected number of future visitors, is therefore key to the level of future risk.

The i360 development is also intended to be of greater benefit to the Council and its residents as part of its wider plans for Seafront redevelopment. The Seafront is regarded as of vital importance to the tourism industry and plays a major role in attracting business visitors and the promotion of the wider city region. It is intended that the i360 will support the delivery of the Council's Seafront Strategy including making best use of the remaining seafront development sites and ensuring they deliver balanced, high quality development which meet the needs and aspirations of the city. The success of i360 is therefore key to the Council's continuing ambitious Seafront plans to deliver a major new conferencing and events venue for Brighton & Hove on the Black Rock site next to the Marina. At the same time, with Standard Life Investments, The Council is also exploring the potential for an expansion of Churchill Square shopping centre taking advantage of the opportunity provided by relocating The Brighton Centre.

Considering all of this we do not have any significant VFM concerns at this stage with the i360 development.

In considering the Council's arrangements for securing financial resilience, and for challenging how it secures economy, efficiency and effectiveness we identified:

- ▶ There is a cumulative budget gap of approximately £60 million (assuming an annual Council Tax increase of two percent) over the three years 2015/16 to 2017/18, rising to £92 million over the five years to 2019/20, forecast in the Council's Medium Term Financial Strategy (MTFS). Without an increase in Council Tax, the five year budget gap would be £102 million.
- ▶ Unless the budget gap forecast in the MTFS is closed the Council would fully exhaust its usable reserves by the end of 2017/18 (assuming no increases in Council Tax).
- ▶ Review of comparative information on costs suggests that the Council remains high cost per capita overall relative to comparable authorities, and is high cost compared to others in key high spend, demand-led service areas such as adult social care, children's services and housing. This finding is consistent with our findings in previous periods.
- ▶ Although the Council did deliver to budget in 2014/15 there was a reduction in usable reserves of approximately £10 million, to approximately £76 million, noting that only approximately £2.4 million of this movement comes from a reduction reserves that were previously earmarked and available to support the general fund. The use of risk provisions of £2.1 million and other one-off corrective actions was required to deliver against budget in 2014/15.
- ▶ The Council, for the first time, did not fully deliver its VFM programme savings targets in 2014/15. Delivery was approximately 39 per cent under target (approximately £6.1 million against a target of £9.9 million).

- ▶ As at month 2 of 2015/16, the Council is forecasting a financial budget delivery risk of £8.7 million on the General Fund and £0.7 million on Section 75 health partnerships.

In our view, the Council has therefore not yet made sufficient progress in identifying the savings required to demonstrate its ability to secure a stable financial position over the medium term. Therefore, we have concluded that the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending 31 March 2015 except for arrangements for securing financial resilience.

5. Control themes and observations

As part of our work, we obtained an understanding of internal control sufficient to plan our audit and determine the nature, timing and extent of testing performed. Although our audit was not designed to express an opinion on the effectiveness of internal control, we are required to communicate to you significant deficiencies in internal control identified during our audit.

The matters reported below are limited to those deficiencies that we identified during the audit and that we concluded are of sufficient importance to merit being reported to you.

5.1 Current year observations

As part of our 2013/14 audit results report we noted that the Council had experienced significant difficulties with its security carrier contract for cash collection and the value of cash in transit at the end of 2013/14 was approximately £2.2 million. We reported that delays in the banking of cash collected on behalf of the Council by the contractor had continued into 2014/15, and the Council had terminated the contract with the security carrier on 2 August 2014.

Subsequent to the issue of our 2013/14 audit results report the contractor entered administration during 2014/15. The Council is an unsecured creditor of the company and was ultimately owed approximately £3.2 million. The Council continues to actively seek to recover this money, but it is not yet clear whether, after taking into account the costs of company administration/liquidation, any funds will be available to be shared among unsecured creditors. Internal Audit, supported by external consultants, is carrying out a review to determine whether improvements to the Council's procurement processes and decision making could minimise financial risks of this nature in the future. We are satisfied that this issue has been accounted for appropriately in the Council's 2014/15 financial statements.

5.2 Status of previous year's recommendations

As part of our work we followed-up the progress the Council has made in implementing recommendations agreed as part of our 2013/14 audit results report.

2013/14 finding and recommendation	Impact
<p>Housing Leases</p> <p>Based on our review of leases for temporary accommodation we found:</p> <ul style="list-style-type: none"> ▶ Weaknesses in the Council's arrangements for the signing and sealing of leases. ▶ Weaknesses in record keeping for leases. Specifically the Council was not able to show that it was able to locate a significant minority of the leases considered by our work. ▶ A lack of consistency and clarity in lease terms and conditions across similar lease arrangements. <p>Our testing of other disclosures in the financial statements relating to the Council as lessor identified some further weaknesses in lease documentation and record keeping.</p> <p>Based on this we recommended the Council</p>	<p>The following actions have now been implemented:</p> <ul style="list-style-type: none"> ▶ Legal Services has reviewed and improved the arrangements for signing, sealing and document storage. ▶ The Council's procurement team now operate a specific procurement process for temporary accommodation. ▶ Improvements in practice in relation to leases have been implemented within the Temporary Accommodation Team.

2013/14 finding and recommendation**Impact**

should improve documentation and internal control over leases having regard to the specific weaknesses in arrangements identified by both our review, and the findings from relevant Internal Audit work.

Related party transactions – members

We concluded that the Council's arrangements for the identification and disclosure of related party interests and transactions are reasonable overall. However, as part of our work we noted that the disclosure of related party interests for members is informed primarily by review of the members' register of interests. The Council was reliant on members keeping this information up to date. Quarterly reminders were issued, but there was no routine annual circularisation of members to check that the information is accurate. Our review of the members register of interest highlighted some out of date information. We noted, however, that the committee based system of decision making at the Council does offer some mitigation against the risk of any one member having significant influence over operating decisions taken by the Council.

Based on this we recommended the Council should continue to improve arrangements to identify material related party transactions with members. Specifically we asked the Council to consider whether active circularisation of members would provide a better level of assurance in this area.

Our work during the 2014/15 audit has shown that the Council has made improvements to its processes in this area. The Council has actively circularised members on a quarterly basis to gain confirmation that existing related party declarations remain correct. It has also reviewed internal appointments of members to external bodies to check the accuracy and completeness of related party relationships disclosed by members.

Debtors

Our testing identified the Council has repeatedly raised and cancelled a £1 million invoice relating to the lessee of Shoreham Airport. This had been done as a mechanism to enforce the lessee to carry out its obligations under the terms of the lease agreement. There was no debt due to the Council unless the lease condition is not met. We are satisfied that the amount raised was cancelled by a credit note at the end of the year, does not appear as part of year end debtors and therefore is correctly excluded from the financial statements. However, the invoice been re-raised in the new financial year.

In light of this we recommended that the Council should reconsider its current approach of raising and cancelling an invoice where it does not expect to collect a cash debt due to it.

Based on our work we are satisfied that this approach is no longer followed by the Council. The £1 million debt is accounted for in the Council's financial statements but the cost of potentially failing to collect the debt has been fully provided for.

5.3 Challenges for the coming year

2014/15 has been a challenging year for the Council and it is currently working to recruit both a new Chief Executive and Executive Director of Finance & Resources. Addressing the financial pressures faced by the Council, and identifying savings to bridge the budget gap it currently faces over the medium term, continues to be its main area of challenge.

The following national issue on Highway Network Assets is also relevant to the Council.

Description	Impact
<p>The Invitation to Comment on the Code of Accounting Practice for 2016/17 (ITC) sets out the requirements to account for Highways Network Asset under Depreciated Replacement Cost from the existing Depreciated Historic Cost. This is to be effective from 1 April 2016.</p>	<p>CIPFA have produced <i>LAAP bulletin 100</i>, which provides a suggested timetable for actions to prepare for this change. This has been supplemented by the issue of the <i>Code of Practice on Transport Infrastructure Guidance Notes (May 2015) and ITC (July 2015)</i>.</p>
<p>This will be a material change of accounting policy for the Council. It will also require changes to existing asset management systems and valuation procedures.</p>	<p>The Council is aware of the challenges this presents and is developing arrangements to meet the new requirements. Specific challenges will include being able to demonstrate the completeness of base information and the need to ensure that valuation information is appropriate to the Council, and that national valuation indicators are not used without consideration of their appropriateness locally.</p>
<p>Relevant assets may also be held outside of the highways department e.g. within the Housing Revenue Account, which will also have to be valued on the revised basis.</p>	
<p>Nationally, latest estimates are that this will add £1,100 billion to the net worth of authorities.</p>	

6. Status of our work

6.1 Financial statement audit

Our audit work for our opinion on the Council's financial statements is complete. The following items were outstanding at 9 September.

Item	Actions to resolve	Responsibility
Letter of representation	To be tabled at Audit & Standards Committee on 22 September 2015.	Management and Audit & Standards Committee
Statement of Accounts	<ul style="list-style-type: none"> ▶ Incorporation of EY amendments ▶ Accounts authorised for issue by CFO 	Management, Audit & Standards Committee and EY
PPE valuation	The Council is continuing to undertake work to consider whether it was appropriate to apply indexation to the buildings valued at depreciated replacement cost (DRC). Its initial approach was to undertake actual revaluations for 61 out of 399 buildings assets valued at DRC. This highlighted inconsistency in the change in value for assets subsequent to the last revaluation. As a result the Council has decided to undertake full revaluations of its remaining building assets valued at DRC with a gross book value of over £1 million. This work remains ongoing at 9 September. Further amendments to the financial statements may be made depending on the results of this work.	Management and EY
Whole of Government Accounts	We are undertaking the procedures required by the National Audit Office (NAO) on the accuracy of the consolidation pack prepared by the Council for Whole of Government Accounts (WGA) purposes.	Management and EY

On the basis of our audit work to date, we anticipate issuing an unqualified auditor's report on the Council's financial statements. However, until we have completed our outstanding procedures, it is possible that further matters requiring amendment may arise.

6.2 Economy, efficiency and effectiveness

Our work in respect of our conclusion on the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources is complete.

We expect to present a qualified value for money conclusion on the Council's arrangements to ensure economy, efficiency and effectiveness in its use of resources.

6.3 Objections

As at 9 September we have received no objections to the 2014/15 accounts from members of the public.

7. Fees update

A breakdown of our fee is shown below.

	Proposed final fee 2014/15 £'000	Planned fee 2014/15 £'000
Total Audit Fee – Code work	TBC	210,330
Certification of claims and returns	TBC*	18,530

Our final fee will depend on the amount of additional time taken to conclude the ongoing work on asset valuation set out in Section 6.1 of this report.

Fees for the auditor's consideration of correspondence from the public and formal objections are charged in addition to the scale fee.

**Our fee for certification of grants and claims is yet to be finalised for 2014/15 and will be reported to those charged with governance in January 2016 within the Annual Certification Report for 2014/15.*

8. Summary of audit differences

In the normal course of any audit, we identify differences between amounts we believe should be recorded in the financial statements and amounts actually recorded. These differences are classified as either 'factual' or 'judgemental'. Factual differences represent items that can be accurately quantified and relate to a definite set of facts or circumstances. Judgemental differences generally involve estimation and relate to facts or circumstances which are uncertain or open to interpretation.

We determined planning materiality to be £11.6 million (2014: £7.7 million), which is 1.5% of gross expenditure of services reported in the accounts of £775.2 million, adjusted for items of recurrent expenditure accounted for in the Council's reported surplus on the provision of services. This provided a basis for determining the nature, timing and extent of risk assessment procedures, identifying and assessing the risk of material misstatement and determining the nature, timing and extent of further audit procedures.

We consider gross expenditure to be one of the principal considerations for stakeholders in assessing the financial performance of the Council.

We set our tolerable error for the audit at the upper end of the available range. Tolerable error is the application of planning materiality at the individual account or balance level. It is set to reduce to an appropriately low level the probability that the aggregate of uncorrected and undetected misstatements exceeds planning materiality. The level of tolerable error drives the extent of detailed audit testing required to support our opinion. We set tolerable error at this level as a result of no material errors being detected in our audit of the prior year financial statements.

We agreed with the Audit & Standards Committee that we would report to the Committee all audit differences in excess of £0.581 million (2014: £0.387 million) and these are included in our summary of misstatements below.

8.1 Uncorrected misstatements

As at 9 September there are no uncorrected misstatements resulting from our work. A small amount of work remains outstanding as set out in Section 6.1 of this report.

8.2 Corrected misstatements

We highlight in particular the following misstatements identified during the course of our audit and which have been corrected by management that were individually greater than £0.581 million.

- ▶ Brighton Aldridge Community Academy and Portslade Aldridge Community Academy are currently accounted for on the Council's balance sheet as it continues to control the assets. Depreciation on the assets had been disclosed as expenditure in the children's & education services line of the Consolidated Income and Expenditure Statement (CIES). This was not correct as in both cases the education service is provided by the academy with no input from the Council. The Council has amended the CIES to disclose depreciation charged on the assets outside of the cost of services. The impact of the adjustment was approximately £1.6 million in 2014/15 and £1 million in 2013/14 (the prior year comparative).

Net adjustments of approximately £32.6 million have been made to the disclosure of the prior year capital assets charges accounting adjustment calculated in accordance with the Housing Revenue Account Item 8 credit and Item 8 debit determination disclosed at Note 30 to the financial statements. The format of this note has been changed to improve the accuracy of this disclosure but this has no effect on the Housing Revenue Account Income and Expenditure Statement or reported financial performance or position of the Council.

The carrying value of land valued at depreciated replacement cost has been increased by approximately £10.1 million. This impacts on the value of property, plant and equipment disclosed on the face of the Balance Sheet and at Note 9 to the financial statements. As at 9 September further amendments may be required to the carrying value of buildings assets valued at depreciated replacement cost.

9. Independence confirmation: update

We confirm there are no changes in our assessment of independence since our confirmation in our Audit Plan dated February 2015. We complied with the Auditing Practices Board's Ethical Standards for Auditors and the requirements of the Audit Commission's Standing Guidance: in our professional judgement the firm is independent and the objectivity of the audit engagement partner and audit staff has not been compromised within the meaning of regulatory and professional requirements.

We consider that our independence in this context is a matter that should be reviewed by both you and ourselves. It is therefore important that you consider the facts of which you are aware. If you wish to discuss any matters concerning our independence, we will be pleased to do so at the Audit & Standards Committee on 22 September 2015.

Appendix A Required communications with the Audit Committee

There are certain communications that we must provide to the Audit Committee. These are detailed here:

Required communication	Reference
Terms of engagement	The Statement of responsibilities serves as the formal terms of engagement between the Audit Commission's appointed auditors and audited bodies.
Planning and audit approach Communication of the planned scope and timing of the audit including any limitations.	Audit Plan
Significant findings from the audit <ul style="list-style-type: none"> ▶ Our view about the significant qualitative aspects of accounting practices including accounting policies, accounting estimates and financial statement disclosures ▶ Any significant difficulties encountered during the audit ▶ Any significant matters, arising from the audit that were discussed with management ▶ Written representations we are seeking ▶ Expected modifications to the audit report ▶ Any other matters significant to the oversight of the financial reporting process 	Audit results report
Misstatements <ul style="list-style-type: none"> ▶ Uncorrected misstatements and their effect on our audit opinion ▶ The effect of uncorrected misstatements related to prior periods ▶ A request that any uncorrected misstatement be corrected ▶ In writing, corrected misstatements that are significant 	Audit results report
Fraud <ul style="list-style-type: none"> ▶ Enquiries of the Audit Committee to determine whether they have knowledge of any actual, suspected or alleged fraud affecting the entity ▶ Any fraud we have identified or information we have obtained indicating that a fraud may exist ▶ A discussion of any other matters related to fraud 	By correspondence with the Chair of the Audit & Standards Committee dated 17 March 2015 Audit results report
Related parties Significant matters arising during the audit in connection with the entity's related parties including, when applicable: <ul style="list-style-type: none"> ▶ Non-disclosure by management ▶ Inappropriate authorisation and approval of transactions ▶ Disagreement over disclosures ▶ Non-compliance with laws and regulations ▶ Difficulty in identifying the party that ultimately controls the entity 	Audit results report. No significant matters identified.
External confirmations <ul style="list-style-type: none"> ▶ Management's refusal for us to request confirmations ▶ Inability to obtain relevant and reliable audit evidence from other procedures 	Management has not refused for us to request external confirmations.

Required communication	Reference
<p>Consideration of laws and regulations</p> <ul style="list-style-type: none"> ▶ Audit findings regarding non-compliance where the non-compliance is material and believed to be intentional. This communication is subject to compliance with legislation on tipping off ▶ Enquiry of the Audit Committee into possible instances of non-compliance with laws and regulations that may have a material effect on the financial statements and that the Audit Committee may be aware of 	<p>We have not identified any material instances of non-compliance with law and regulation.</p> <p>We made written enquiries to managements and those charged with governance. We also have also received representations as part of the letter of management representation. No instances of material non-compliance have been disclosed by either management or those charged with governance.</p>
<p>Independence</p> <p>Communication of all significant facts and matters that bear on EY's objectivity and independence</p> <p>Communication of key elements of the audit engagement partner's consideration of independence and objectivity such as:</p> <ul style="list-style-type: none"> ▶ The principal threats ▶ Safeguards adopted and their effectiveness ▶ An overall assessment of threats and safeguards ▶ Information about the general policies and process within the firm to maintain objectivity and independence 	<p>Audit Plan and update in section 9 of this report</p>
<p>Going concern</p> <p>Events or conditions identified that may cast significant doubt on the entity's ability to continue as a going concern, including:</p> <ul style="list-style-type: none"> ▶ Whether the events or conditions constitute a material uncertainty ▶ Whether the use of the going concern assumption is appropriate in the preparation and presentation of the financial statements ▶ The adequacy of related disclosures in the financial statements 	<p>Audit results report</p>
<p>Significant deficiencies in internal controls identified during the audit</p>	<p>Audit results report</p>
<p>Fee reporting</p> <ul style="list-style-type: none"> ▶ Final, planned and scale fee broken down into the headings of Code audit work; certification of claims and returns; and any non-audit work (or a statement to confirm that no non-audit work has been undertaken for the body). 	<p>Audit Plan and Audit results report</p>
<p>Summary of certification work undertaken</p> <ul style="list-style-type: none"> ▶ Annual report to those charged with governance summarising the certification work undertaken 	<p>Annual Certification Report – to be issued January 2016.</p>

Appendix B Letter of representation

To:

Paul King
Executive Director
Ernst & Young LLP
Wessex House
19 Threefield Lane
Southampton
SO14 3QB

Brighton & Hove City Council - Audit for the year ended 31 March 2015

I confirm to the best of my knowledge and belief, having made appropriate enquiries of other directors of Brighton & Hove City Council, the following representations given to you in connection with your audit of the Council's financial statements for the year ended 31 March 2015:

A. Financial Statements and Financial Records

I have fulfilled my responsibilities, under the relevant statutory authorities, for the preparation of the financial statements in accordance with the CIPFA Code of Practice on Local Authority Accounting (CIPFA Code).

I acknowledge my responsibility for the fair presentation of the financial statements. I believe the financial statements referred to above give a true and fair view of the financial position, financial performance and cash flows of the Council in accordance with the CIPFA Code and are free of material misstatements, including omissions. I have approved the financial statements.

I confirm that as the Responsible Officer I have:

- ▶ reviewed the accounts;
- ▶ reviewed all relevant written assurances relating to the accounts; and
- ▶ made other enquiries as appropriate.

The significant accounting policies adopted in the preparation of the financial statements are appropriately described in the financial statements.

I believe that the Council has a system of internal controls adequate to enable the preparation of accurate financial statements in accordance with the CIPFA Code that are free from material misstatement, whether due to fraud or error.

B. Fraud

I acknowledge that I am responsible for the design, implementation and maintenance of internal controls to prevent and detect fraud

I have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

We have no knowledge of any fraud or suspected fraud involving management or other employees who have a significant role in the Council's internal controls over financial reporting. In addition, we have no knowledge of any fraud or suspected fraud involving other employees in which the fraud could have a material effect on the Council financial statements. We have no knowledge of any allegations of financial improprieties, including fraud or suspected fraud, (regardless of the source or form and including without limitation, any allegations by "whistleblowers") which could result in a misstatement of the Council financial statements or otherwise affect the financial reporting of the Council.

C. Compliance with Laws and Regulations

I have disclosed to you all known actual or suspected noncompliance with laws and regulations whose effects should be considered when preparing the financial statements.

D. Information Provided and Completeness of Information and Transactions

I have provided you with:

- ▶ access to all information of which you are aware that is relevant to the preparation of the financial statements such as records, documentation and other matters as agreed in terms of the audit engagement;
- ▶ additional information that you have requested from us for the purpose of the audit; and
- ▶ unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.

All material transactions have been recorded in the accounting records and are reflected in the financial statements.

I have made available to you all minutes of the meetings of the Council and its relevant committees (or summaries of actions of recent meetings for which minutes have not yet been prepared) held through the year to the most recent meeting on the following date: 22 September 2015.

I confirm the completeness of information provided regarding the identification of related parties. I have disclosed to you the identity of the Council related parties and all related party relationships and transactions of which I am aware, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements, guarantees, non-monetary transactions and transactions for no consideration for the period ended, as well as related balances due to or from such parties at the year end. These transactions have been appropriately accounted for and disclosed in the financial statements.

I have disclosed to you, and the Council has complied with, all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.

E. Liabilities and Contingencies

All liabilities and contingencies, including those associated with guarantees, whether written or oral, have been disclosed to you and are appropriately reflected in the financial statements.

I have informed you of all outstanding and possible litigation and claims, whether or not they have been discussed with legal counsel.

I have recorded and/or disclosed, as appropriate, all liabilities related litigation and claims, both actual and contingent, and have disclosed in the financial statements all guarantees that I have given to third parties.

F. Subsequent Events

Other than described in the financial statements, there have been no events subsequent to period end which require adjustment of or disclosure in the financial statements or notes thereto.

G. Accounting Estimates

I believe that the significant assumptions I used in making accounting estimates, including those measured at fair value, are reasonable.

In respect of accounting estimates recognised or disclosed in the financial statements:

- ▶ I believe the measurement processes, including related assumptions and models, used in determining accounting estimates is appropriate and the application of these processes is consistent.
- ▶ The disclosures relating to accounting estimates are complete and appropriate in accordance with the applicable financial reporting framework.
- ▶ The assumptions used in making accounting estimates appropriately reflects our intent and ability to carry out specific courses of action on behalf of the entity, where relevant to the accounting estimates and disclosures.
- ▶ No subsequent event requires an adjustment to the accounting estimates and disclosures included in the financial statements.

H. Retirement benefits

On the basis of the process established by us and having made appropriate enquiries, we are satisfied that the actuarial assumptions underlying the scheme liabilities are consistent with our knowledge of the business. All significant retirement benefits and all settlements and curtailments have been identified and properly accounted for.

I. Segmental reporting

I have reviewed the operating segments reported internally to the Council and I am satisfied that it is appropriate to aggregate these as, in accordance with IFRS 8: Operating Segments, they are similar in each of the following respects:

- ▶ The nature of the products and services
- ▶ The nature of the production processes
- ▶ The type or class of customer for their products and services
- ▶ The methods used to distribute their products

J. Going Concern

I have made you aware of any issues that are relevant to the Council's ability to continue as a going concern, including significant conditions and events, our plans for future action, and the feasibility of those plans.

K. Comparative Information

We have amended comparative information of the Balance Sheet and Note 9 Non-Current Assets to correct a previous error relating to the valuation of two assets. The correction has a value of £xm.

The comparative amounts have been correctly restated to reflect the above matter and appropriate note disclosure of this restatement has also been included in the current year's financial statements.

L. Specific Representations

There have been no significant changes to the Council's Private Finance Initiative schemes during 2014/15 and contractual arrangements, including any material variations, and the accounting model used are not significantly changed from the end of the last accounting period.

Signed on behalf of Brighton & Hove City Council

I confirm that this letter has been discussed and agreed by the Audit & Standards Committee on 22 September 2015

Signed:

Name: Rachel Musson

Position: Interim Executive Director Finance & Resources

Date: 22 September 2015

Signed:

Name: Ann Norman

Position: Chair, Audit & Standards Committee

Date: 22 September 2015

EY | Assurance | Tax | Transactions | Advisory

Ernst & Young LLP

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Council	Agenda Item 47
22 October 2015	Brighton & Hove City Council

Subject:	Housing Related Support Budget & Commissioning Report		
Date of Meeting:	23 September 2015		
Report of:	Executive Director of Adult Services, Acting Executive Director Environment, Development & Housing, Director of Public Health & Executive Director of Children's Services		
Contact Officer:	Name:	Caroline De Marco	Tel: 29-1063
	E-mail:	Caroline.demarco@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

<i>Action Required of the Council:</i> To receive the item referred from the Housing & New Homes Committee for information:
Recommendation:
That Council note the report referred for information from Housing & New Homes Committee.

BRIGHTON & HOVE CITY COUNCIL

**HOUSING & NEW HOMES COMMITTEE
17 JUNE 2015**

MAIN MEETING ROOM – THE FRIENDS MEETING HOUSE

Present: Councillor Meadows (Chair) Councillors Hill (Deputy Chair), Mears (Opposition Spokesperson), Gibson (Group Spokesperson), Atkinson, Barnett, Lewry, MacCaffety, Miller and Moonan.

PART ONE

27 HOUSING RELATED SUPPORT BUDGET & COMMISSIONING REPORT

- 27.1 The Committee considered the report of the Executive Director Adult Services, Acting Executive Director Environment, Development and Housing, Director of Public Health and Executive Director of Children's Services which provided information of the current position with regard to the Housing Related Support (HRS) Budget, HRS procurement activities and the development of the new Rough Sleeper Strategy. Housing Related Support Services were formally known as Supporting People services and incorporated Homeless Prevention Grant Funded services. These services aimed to prevent homelessness and provide support which help individuals move towards or maintain independent living. The report was presented by the Commissioning Officer, Rough Sleepers, Single Homelessness, Substance Misuse and the Head of Adults Assessment.
- 27.2 Councillor Mears stated that she was pleased to see a report on Supporting People, however there were a number of issues that concerned her. Councillor Mears referred to paragraphs 1.3 and 1.4 and stressed that the approach of working with commissioners was not new. It had been happening in housing for 10 years and in 2012 the council had been commended for work on rough sleepers. Councillor Mears referred to paragraph 3.6 which spoke about the impact of the overall budget reductions. She was concerned about the increased pressures on other services. Councillor Mears was particularly concerned about the proposals in paragraph 3.8 (Single Homeless Supported Accommodation) as there was already a waiting list of over 80 people. Councillor Mears considered that these proposals would increase the waiting list.
- 27.3 Councillor Mears referred to paragraph 3.10 (Mental Health Supported Accommodation) which she felt conflicted with paragraph 3.15 (Tiered Mental Health Pathway). Councillor Mears was concerned at the professional jargon used in the report and felt it was lacking detail. She noted that officers were indicating that there would be a £2 million budget cut and was concerned at the impact of cuts across the city. Councillor Mears felt that Housing & New Homes Committee members had little control over budget matters and stressed that there was no longer an Adult Services Committee.
- 27.4 Councillor Mears considered that the role of councillors on the Committees was to address inequality. She asked if members were being asked to note recommendations that would lead to more deaths amongst homeless people. Councillor Mears emphasised that Supporting People had been ring fenced by a previous administration. She asked that it be recorded that that she was not prepared to note the report.
- 27.5 The Head of Adults Assessment informed members that the budget cut of £2 million was a Council decision not an officer decision. The Commissioning Officer, Rough Sleepers, Single Homelessness, Substance Misuse informed members that officers were aware of the impact of reductions in adult accommodation. Officers were trying to ensure that as much money as possible went into the single homeless account and were trying to fill the gap with initiatives such as the women only service and Housing First & Severe Weather Emergency Provision. Officers were trying to improve services that were being commissioned to reduce the impact of budget cuts. Mental health tiered services were jointly financed and would be remodelled.

- 27.6 Councillor Mears referred to paragraph 3.11 which stated that the Rough Sleepers Outreach Service had been tendered and the contract awarded to St Mungos Broadway. To date she had not seen any details on contracts and was interested in knowing how the contract would be administered.
- 27.7 The Commissioning Officer, Rough Sleepers, Single Homelessness, Substance Misuse replied that she could come back with an overview of the contract. It was also possible to arrange for service providers to meet with Committee members or to attend a future committee meeting.
- 27.8 Councillor Mears stressed that previously the Housing Committee had been able to review all contracts. The Chair referred to paragraph 3.2 which stated that on 22 January, Policy & Resources Committee agreed to delegate authority to the Executive Director of Adult Services to procure and enter into any contract to secure effective delivery of support services for vulnerable people. Councillor Mears replied that the report should have been submitted to Housing Committee before being considered by the Policy & Resources Committee.
- 27.9 Councillor Moonan shared some of Councillor Mear's concerns and would have liked to see more detail in the report. Councillor Moonan agreed that the proposals would have a real impact on homeless people and rough sleepers. She acknowledged that there had been a great deal of good work in the past and a great deal of good practice at the moment. The administration had prioritised rough sleeping. There was a need to implement the remodelling of homeless services before quarter 3. This was a matter of urgency. Councillor Moonan reported on the Neighbourhood approach of the administration and of the important work of the Neighbourhoods, Communities and Equalities Committee. As Deputy Chair of that Committee she had special responsibility for homelessness. She stressed that Brighton & Hove was blessed with a rich diversity of voluntary sector organisations. She would link information to the Housing & New Homes Committee.
- 27.10 Councillor Miller expressed concern at the loss of 136 adult bed spaces. The proposals would impact other services. Councillor Miller asked if there would be better value for money if the contracts were combined.
- 27.11 The Commissioning Officer, Rough Sleepers, Single Homelessness, Substance Misuse replied that some services had been combined into one contract, however officers had not yet considered combining all services together. This would require a consortium bid which would cause an issue when working with individuals. For example, if one person was banned from a source of accommodation, they would be banned from all accommodation whereas they can currently move on elsewhere.
- 27.12 Councillor Gibson stated that he considered that the level of cuts visited on the city were due to the proposals put by the previous administration being turned down. He echoed Councillor Mear's comments and he expressed concern at the equalities implications set out in paragraph 7.3.
- 27.13 Councillor Gibson noted that the financial comments in paragraph 7.1 stated that the risks identified in the report would need to be quantified. He felt this work should have been carried out already. Councillor Gibson noted that the parts of the service being

cut were non statutory. This could lead to more problems and he considered that prevention was better than cure. The Commissioning Officer, Rough Sleepers, Single Homelessness, Substance Misuse replied that floating support had been remodelled and this would help to build resilience. Officers were trying to reach people more effectively.

- 27.14 The Head of Adult Assessment informed members that the aim was to target those most in need. Prevention was not always about money. It was about working in a different way. There was a risk involved in the proposals but the work was part of an overarching strategy with regard to wellbeing. This was a city wide issue.
- 27.15 Councillor Mears referred to Councillor Moonan's comments and stated that the voluntary services were exceptional in this field. However, she asked why St Mungos Broadway had been awarded the Rough Sleepers Outreach contract rather than an organisation closer to home. Meanwhile, Councillor Mears stated that many vulnerable people were being discharged from Millview Hospital and there needed to be more work in this area.
- 27.16 Councillor Hill agreed that the budget cuts would have a negative impact but stressed that the local authority was facing budget cuts year on year.
- 27.17 Councillor Atkinson shared the concerns about the report which he did not fully understand. He felt that Councillor Moonan's work on the Neighbourhoods, Communities and Equalities Committee would provide members with more understanding on this issue. Councillor Atkinson expressed concern that winter was approaching and he was not sure how homeless people would cope if there was severe weather.
- 27.18 **RESOLVED:** That the report be noted.

NOTES: A vote was taken. Six members voted for the recommendation and four voted against.

Councillors Mears and Miller requested that it be recorded that they did not wish to note the report.

31 ITEMS REFERRED FOR COUNCIL

- 31.1 **RESOLVED:** That the following items be referred to the next Council meeting on 22 October 2015:

Item 27 – Housing Related Support Budget & Commissioning (referred by Councillor Mears).

Item 29 – Living Rent (referred by Councillor MacCafferty).

Subject:	Housing Related Support Budget & Commissioning Report		
Date of Meeting:	Housing & New Homes Committee 23rd September 2015		
Report of:	Denise D'souza, Executive Director Adult Services Nick Hibbert, Acting Executive Director of Environment, Development & Housing Tom Scanlon, Director of Public Health Pinaki Ghoshal, Director of Childrens Services.		
Contact Officer:	Name:	Jenny Knight	Tel: 293081
	Email:	Jenny.knight@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 This report is being provided to inform the Housing & New Homes Committee of the current position in regard to the Housing Related Support (HRS) Budget, HRS procurement activities and the development of the new Rough Sleeper Strategy. Housing Related Support Services were formally known as Supporting People services and incorporate Homeless Prevention Grant Funded services. These services aim to prevent homelessness and provide support which help individuals move towards or maintain independent living.
- 1.2 The Housing Related Support Budget is subject to a reduction of £2.000m on externally commissioned contracts. The Housing Related Support Budget was £7.970m in 2014/15 this is to be reduced to £4.925m by 31/03/16 with £1.220m being transferred to other commissioners. Budget reductions totalling £1.320m have been achieved so far this financial year and these are illustrated in the table in 3.3 along with the reductions still to be implemented.
- 1.3 The Housing Related Support Commissioning Team was transferred from Housing to Adult Social Care last year, and this has enabled closer working with commissioners across ASC and Health. Using a commissioning cycle model of assessing needs, reviewing and remodelling services, the team is carrying out planned decommissioning of some services, redrafting service specifications to ensure services are flexible, providing a more personalised response to need, reducing dependency, avoiding duplication with other services across the city and meeting local priorities such as reducing admissions to institutions.
- 1.4 This approach will ensure that those with the most complex needs, who receive a range of services, will be supported into independence where this is achievable or will have a suitable service in place to support them to maintain accommodation and prevent homelessness. People with lower needs will now receive short term, outcome focused and targeted support. A focus will also be on people who have been in homeless services for some time to offer them

sustainable support and accommodation packages. We want to significantly reduce the numbers of people who have unplanned moves between homeless services and ensure people have a suitable service which adequately meets their needs.

2. RECOMMENDATIONS:

2.1 The recommendation is for the content of the report to be noted.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Adult Social Care has the lead responsibility for commissioning Housing Related Support services (previously Supporting People funding). These services cover a range of client groups (illustrated in 3.3) and provide services to ensure that individuals can access and retain accommodation, link to support services to meet their needs and improve their health and wellbeing.

3.2 On 22nd January 2015, Performance and Resources agreed to delegate authority to the Executive Director of Adult Services to procure and enter into any contract to secure effective delivery of support services for vulnerable people. Decisions are to be made in consultation with the Executive Directors of Environment, Development & Housing, Children's Services, Finance & Resources, Director of Public Health and the Monitoring Officer.

3.3 The Housing Related Support Budget 2014-16 by Client Group

	Budget 2014/15 (£'000)	Savings achieved (£'000)	Savings to be made (£'000)	Budget Transfers to other dept.'s (£'000)	Contract Values as at 31/03/16 (£'000)	Proposed savings carry forward to 17/18
Supported Accommodation	2,025	190	185	0	1,650	185
Floating Support / Peer Support / Work & Learning	910	525	10	0	375	0
Mental Health	880	85	235	0	560	0
Young People	1,390	115	185	0	1,090	185
Rough Sleepers / SWEPE / Housing First	400	20	-100	0	480	0
Older People	265	175	35	0	55	0
Tiered Mental Health	155	-115	0	0	315	0
Generic (money advice/ HIA)	410	10	0	0	400	0
Inflation 2015/16	155	155	0	0	0	0
Learning & Physical Disabilities	505	70	0	435	0	0
Substance Misuse	635	90	0	545	0	0
Domestic Violence	240	0	0	240	0	0
TOTAL	7,970	1,320	550	1,220	4,925	370
Inflation 2016/17	0	0	120	0	0	0
Grand Total	7,970	1,320	670	1,220	4,925	370

3.4 Services recently retendered:

Provider	Service Name	End Date	Start Date	2014/15 Contract Value (£'000)	2015/16 Contract Value (£'000)
BHT	MH Floating Support	30/9/15		110	
Southdown/BHT	Supprt4Housing	30/9/15		440	
Southdown	Floating Support		1/10/15		300
YMCA Downslink	HATS	30/9/15		226	
Home Group	YP Young People's floating		1/10/15		174
CRI	RSSSRT	31/8/15		312	
CRI	A10 Rough Sleepers	31/8/15		42	
St Mungos			1/9/15		325
			TOTAL	1,130	799

3.5 We are remodelling services in line with identified gaps. While there will be an overall reduction in the number of supported accommodation beds for single homeless people we plan to expand the range of smaller accommodation services as recommended by the Overview & Scrutiny Panel for Homelessness.

3.6 The impact of overall budget reductions on supported accommodation services may increase pressure on other services within the city, including Housing, Adult Social Care, Health and Community Safety. We may also see an increased number of people living on the streets.

3.7 The following information details the current position with regard to each client group and the plans for future commissioning.

3.8 Single Homeless Supported Accommodation

Housing Related Support funds the Integrated Support Pathway (ISP) which was set up in 2007 as a way of providing supported accommodation for single homeless people, rough sleepers and ex offenders who require support.

Through consultation, the rough sleeper estimate and needs analysis we have identified a number of gaps in provision and an increase in levels of demand for some services within the city.

We are currently in the process of drafting the specifications for the future tender of Homeless Supported Accommodation. The contracts for these services are at an end. We are remodelling the pathway to fill identified gaps in services this

includes tendering a small women only accommodation service for women with complex needs. We will also be introducing medium support accommodation because of the difficulty that service users have moving from hostel accommodation with 24 hour support to low support accommodation.

We have started to decant some lower demand accommodation services. We are working with providers and the Housing Allocations Team to support the individuals whose accommodation is being decommissioned and to source alternatives.

As part of the remodeling of accommodation services and the integration of services under the Homeless Better Care Programme we will also be looking to review the working groups that support the homeless pathway. The current structure supports the outcomes of the Homelessness Strategy and attendance is mainly HRS providers. We would like to review the groups and their terms of reference to broaden representation and include other services in the city who are working with this client group.

The aim is to develop stronger links with health and other support services for Homeless People and to encourage the shared ownership of actions which relate to improving services and improving the outcomes of service users. This model would include wider representation from service users.

3.9 Floating Support, Peer Support & Work & Learning

The previous floating support services for adults and people with mental health issues have been combined and have been out to tender. The contract for this service has been awarded to Southdown Housing. The new service commences on 1st October 2015 and will be a focused, outcomes based service to build people's resilience and reduce their reliance on support services.

We are currently in the process of assessing some excellent peer support models from other areas of the UK with the intention of commissioning a new service. The previous support service was decommissioned on 30 June 2015. This service will complement and not duplicate the existing peer support services in the city.

We have one externally commissioned work and learning service supporting individuals with literacy and numeracy. This service will be tendered in 2016.

3.10 Mental Health Supported Accommodation

Mental health supported accommodation services will be retendered at the end of 2015/16 with a reduced budget. However, by remodelling services to meet the changing demand for accommodation services, we aim to tender for a similar number of units of accommodation.

3.11 Rough Sleepers Outreach Service

The Rough Sleepers Outreach Service has been tendered and the contract has been awarded to St Mungos Broadway. The budget for this service has been reduced however they will continue to work with all rough sleepers within the city. The new service commenced operation on the 1st September 2015.

3.12 Housing First & Severe Weather Emergency Provision

The Housing First Tender is due to be released in September 2015 following a successful pilot and evaluation by the University of York. Brighton & Hove will be one of the first local authorities in England to tender for a Housing First service. The current service supports 7 individuals and this support will continue in the new service with the addition of 2 units of support funded through Children's Services for 18-25 year olds and an expansion in the provision for adults.

Brighton & Hove City Council will continue to provide Severe Weather Emergency Provision through Brighton Housing Trust in conjunction with St Mungos Broadway.

3.13 Young People

Young Peoples services are due to be retendered and the process of designing the tenders is underway in consultation with Children's Services and Housing. As part of this process we have decommissioned 14 units of accommodation in 2015.

The Young Peoples Floating Support Service has been through a competitive tender process and was awarded to Home Group. The new service is due to commence on the 1st October 2015 and we are working closely with the service provider to mobilise this service.

3.14 Older People

The funding for support services to sheltered accommodation ceased on the 1st April 2015. Service Providers were supported to apply for the Intensive Housing Management rate of Housing Benefit and remodel services in order to mitigate the loss of funding. A review of alarm services is being carried out. Services are currently funded until 31/3/16.

3.15 Tiered Mental Health Pathway

This pathway which includes mental health accommodation and floating support services was jointly commissioned with the CCG in 2014. These services are commissioned until 2018.

3.16 Other (Money Advice & Home Improvement Agency HIA)

The Money Advice Service is being extended for this financial year to allow for work to take place to align the service with other commissioners. This contract is part of a council wide review of commissioned advice and information services.

Savings were made on the Home Improvement Agency contract in April 2015. We are currently looking to align this service with other Adult Social Care contracts and tender in 2016.

3.17 Rough Sleeper Strategy

We are reviewing the city's approach to rough sleeping to develop a new Rough Sleeper Strategy.

The number of rough sleepers has increased in recent years (132 estimated in March 2014). To respond to these challenges, the current approach is being

reviewed across housing, public health, social care, health, community safety, police and the third sector.

The strategy aims to reinvigorate our partnerships to address the recent increase in the numbers of rough sleepers and improve outcomes for rough sleepers and those at risk of rough sleeping.

The review has a phased approach and forms part of the Corporate Modernisation programme, the review will include a rough sleepers summit:

Phase	Timing	Activity
1	2015 Q4	Position Paper
2	2015 Q4	Stakeholder Summit
3	2016 Q1-Q2	Finalise / approve strategy and transformation plans
4	2016 Q3	Launch and implement

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 This report is for information only.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Consultation was undertaken as part of the development of the Housing and Homelessness Strategies 2014-19 and as part of the review of the Housing Related Support Strategy 2011-15. Consultation with partners has taken place through existing working groups.

5.2 Analysis has taken place internally to assess the needs of service users, the gaps in provision, service performance, benchmarking, outcomes and value for money.

6. CONCLUSION

6.1 The tendering of HRS contracts is underway and we are finalising the timescales of the retender of supported accommodation and young people's services to ensure an effective implementation plan.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 The 2015/16 Budget Strategy included a savings target of £2.000m against the Housing Related Support budget to be delivered over 2015/16 and 2016/17.

The 2015/16 gross budget for external contracts against the Housing Related Support budget is £6.011m, which is after the target savings of £0.959m (part year effect) for the current year and the transfer to other commissioners

(£1.000m of the £1.200m) as referred to in 1.3 of this report. Savings achieved to date are £1.320m

The 2016/17 gross budget will be reduced by the remaining £1.041m (i.e. the full year effect) of the 2015/16 savings target. There is a projected shortfall of £0.370m against this savings target from Supported Accommodation and Young People services which requires mitigating actions to manage this shortfall in 2016/17. The remaining £0.220m of the transfers will be implemented in 2016/17

The Integrated Service and Financial Plans for the period 2016/17 to 2019/20 are currently being developed in accordance with the Budget Planning report to Policy & Resources on 9th July 2015.

In addition, a number of risks have been identified under section 7.5 of this report due to the loss of accommodation and the financial impact will need to be quantified against these to see the overall impact to the council services.

Finance Officer Consulted: Neil J Smith

Date: 02/09/15

7.2 Legal Implications:

As the report is for information only no detailed legal advice is required at this stage. The equalities issues are dealt with below.

Lawyer Consulted: Simon Court Date: 19th August 2015

7.3 Equalities Implications:

Budget EIA has been completed for proposed reductions to externally contracted Housing Related Support and non statutory Homeless Prevention contracts.

There are equalities impacts which will result from the reducing budgets for Housing Related Support. People who require Housing Related Support often have multiple and complex needs and can suffer multiple exclusions from mainstream services. The impact of the loss of accommodation and support provision could further widen inequalities for these service users.

To mitigate the impact of the budget reductions and the changes in services individual groups are working on each service area to support the mobilisation of new services and to work with service users and partners around the risks of decommissioning services.

7.4 Sustainability Implications:

Procurement processes are taking into account the sustainability of housing stock and the principles of Social Value in order to achieve best value for money, sustainability of services and community resilience.

7.5 Any Other Significant Implications:

There are significant impacts for the city which are detailed below:

Risk	Impact
Loss of Accommodation Inc Closure of high support hostel bed spaces	<ul style="list-style-type: none"> • Increase in street homelessness – we have commenced planning for the decant of service users. Contract end notices are being served on some of our current low support services. • The decant of service users and the loss of bed spaces will have a significant impact on our waiting lists and add to pressures on other services. • The loss of approximately 136 adult bed spaces will significantly increase the waiting list for supported accommodation.
Impact on the city	<ul style="list-style-type: none"> • Negative publicity for Brighton & Hove City Council. • Reputational damage. • Increase in numbers rough sleeping and its visibility. • Increase in street drinking and associated anti-social behaviour. • Impact on the way the city is perceived by visitors and tourists. • Increase in enquires from councillors, MP's and members of the public. • Increased pressure on acute services.
Loss of low support accommodation	<ul style="list-style-type: none"> • The loss of low support accommodation will reduce move on from higher support services, although the introduction of medium support accommodation will mitigate some of the bed losses it will not resolve the issue of how we move clients through the higher support services. • Decanting people in low support accommodation has been difficult with lack of access to PRS accommodation in the city.
Loss of Support Services to Older People	<ul style="list-style-type: none"> • There is a risk that the provision provided through intensive housing management will not meet the needs of service users and will result in increased numbers of service users accessing residential care.
Impact on other services	<ul style="list-style-type: none"> • Increase in Housing & ASC accommodation placements and emergency placements. • Increase in A&E attendances and unplanned hospital admissions due to numbers of individuals with multiple and complex needs living on the streets. • Loss of direct access for probation referrals. • Impact on Community Safety and Sussex Police from increased numbers on the streets and associated complaints from the public. • Increased pressure on the Rough Sleepers Outreach Team which has been retendered with a lower budget. • Impact on the implementation of the Homeless Better Care Programme
Impact of loss	<ul style="list-style-type: none"> • In order to mitigate the loss of accommodation services we

of Floating Support	have significantly reduced the budget for floating support and peer support. These services are vital to homeless prevention and keeping people in their own accommodation and we risk increasing the number of individuals who lose their accommodation and need to access Housing Options or enter supported accommodation further increasing our waiting lists.
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These risks are being mitigated on a service by service basis or at client group level by working with partners and service providers to ensure the impact on the city and individual services users is minimised.

SUPPORTING DOCUMENTATION

None

Council	Agenda Item 48
22 October 2015	Brighton & Hove City Council

Subject:	Extract from the Proceedings of the Housing & New Homes Committee meeting on the 23rd September 2015 - Living Rent		
Date of Meeting:	23 September 2015		
Report of:	Monitoring officer		
Contact Officer:	Name:	Caroline De Marco	Tel: 01273 291063
	E-mail:	caroline.demarco@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GENERAL RELEASE

<i>Action Required of the Council:</i> To receive the item referred from the Housing & New Homes Committee for information:
Recommendation:
That Council note the report referred for information from Housing & New Homes Committee.

BRIGHTON & HOVE CITY COUNCIL

**HOUSING & NEW HOMES COMMITTEE
23 SEPTEMBER 2015**

MAIN MEETING ROOM – THE FRIENDS MEETING HOUSE

Present: Councillor Meadows (Chair) Councillors Hill (Deputy Chair), Mears (Opposition Spokesperson), Gibson (Group Spokesperson), Atkinson, Barnett, Lewry, MacCafferty, Miller and Moonan.

PART ONE

29 LIVING RENT

29.1 The Committee considered the report of the Acting Executive Director Environment, Development and Housing which outlined some of the key challenges and

considerations when developing a Living Rent model. The report was prepared in response to a public question concerning Living Rent calculations on new council housing being developed in the city. The report was presented by the Head of Housing Strategy & Development.

29.2 Councillor Gibson proposed two alternative amendments to the recommendations as follows:

First amendment

Amend the recommendations by adding 3 new clauses so they would read:

- 2.1 That the Housing & New Homes Committee notes the contents of this report” and add
- “2.2 A budget report outlining different HRA and HRA capital budget options for wider consultation be prioritised for the November Housing & New Homes Committee;
- 2.3 The November budget report should set out a proposed budget options consultation timetable with tenants which will include consideration by Housing Area Panels;
- 2.4 That a working group of members from each group, officers and tenant representatives be set up with immediate effect to review apportionments of expenditure between the General Fund and the Housing Revenue Account with a view to identifying changes and consultation with tenants on about what their rent pays for.”

Second amendment

Amend recommendations by adding 1 new clause so they would read:

- 2.1 That the Housing & New Homes Committee notes the contents of this report and add
- “2.2 In order to consider how best Brighton & Hove City Council support truly affordable renting it is proposed that this report be referred to the Fairness Commission”.

29.3 The Chair stated there was already a consultation process with tenants on their part of the budget. Councillor Gibson replied that he was asking for this process to be brought forward.

29.4 The Acting Executive Director Environment, Development & Housing explained that the budget was agreed by Policy & Resources Committee in July 2015. This process had to be followed. If members wanted a report which outlined the July budget, he could bring a report to the November Housing & New Homes Committee. It was confirmed that the July P&R meeting had agreed both the housing general fund and the Housing Revenue Account budgets

- 29.5 The Chair stated that she was taking a decision as Chair not to accept the first amendment as all amendments should relate to the subject of a report. However, the second amendment could be put to the vote. The Chair asked if there was a seconder and Councillor MacCafferty seconded the amendment.
- 29.6 The Chair stressed that the budget was a Policy & Resources Committee decision and could not be challenged. The budget had been agreed and there was a proper process. However there could be a report on the implications of the July budget on future budgets.
- 29.7 The Senior Lawyer confirmed that the Chair's action was supported by the Procedural Rule 13.3 as set out in the Council's constitution. The budget was a Policy and Resources Committee function.
- 29.8 The Chair stressed that there was already an existing consultation forum where the council had consulted with tenants very successfully for a number of years. A new one would add to costs and would be adding to an existing forum.
- 29.9 Councillor Gibson asked if the Housing & New Homes Committee had the right to set up a working group. The Senior Lawyer explained that if the matter fell under the remit of the Policy & Resources Committee, then Housing & New Homes Committee did not have the power to set up a working group.
- 29.10 Councillor Gibson asked if the Committee could comment on the budget. The Chair replied that the Committee did help to set budgets through the existing lines of consultation. However, Policy & Resources Committee and Full Council had the final responsibility for the budget.
- 29.11 At this point Members voted on the second amendment as follows:
- Amend recommendations by adding 1 new clause so they would read:
- 2.1 the Housing & New Homes Committee notes the contents of this report and add
- “2.2 In order to consider how best Brighton & Hove City Council support truly affordable renting it is proposed that this report be referred to the Fairness Commission”.**
- 29.12 The above amendment was agreed
- 29.13 **RESOLVED:-**
- (1) That the contents of the report be noted.
- (2) That in order to consider how best Brighton & Hove City Council support truly affordable renting it is agreed that this report be referred to the Fairness Commission.

31 ITEMS REFERRED FOR COUNCIL

31.1 **RESOLVED:** That the following items be referred to the next Council meeting on 22 October 2015:

Item 27 – Housing Related Support Budget & Commissioning (referred by Councillor Mears).

Item 29 – Living Rent (referred by Councillor MacCafferty).

Subject:	Living Rent		
Date of Meeting:	23 September 2015		
Report of:	Acting Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Martin Reid	Tel: 29-3321
	Email:	martin.reid@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 At the Housing & New Homes Committee (17 June 2015) the Chair responded to a public question concerning Living Rent calculations on new council housing being developed in the City. The meeting resolved that the public question be noted. The Executive Director, Environment Development & Housing advised that there would be a report to the next meeting of the Committee showing the difference between rental levels.
- 1.2 This report outlines some of the key challenges and considerations when developing a Living Rent model.
- 1.3 The report also notes that the following matters have arisen since Housing & New Homes Committee on 17 June that are material to any meaningful review of Living Rent models, are currently subject to consideration by officers and will require a full report to a future Committee meeting:
 - The Government's Summer Budget 2015 announcements, including that rents in social housing sector will be reduced by 1% a year for the next four years, will have a material impact on the Housing Revenue Account Business Plan and budget decisions, including rent calculations on any new housing schemes.
 - Initial discussions are taking place with Greater Brighton partners about new models of delivery, including exploring Living Wage housing models, as part of the emerging Devolution proposals.

2. RECOMMENDATIONS

- 2.1 That the Housing & New Homes Committee notes the contents of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Housing & New Homes Committee on 17 June 2015 considered the following public question:

'At the March meeting of the Housing Committee, Councillor Randall said that the council would be carrying out Living Rent calculations on the new council housing being developed and that the Head of Housing Strategy and

Development promised to report on his work in the June meeting. Councillors wished to find ways to offer new council housing at a Living Rent rather than an unaffordable 80% of market rent. Do these models include the option to extend the repayment period on the building costs of new homes, so that rents can be lowered without increasing the subsidy required?’

The Executive Director, Environment, Development and Housing replied that there would be a report to the next meeting. Our initial outline of some of the key challenges and considerations to be taken into account when developing a Living Rent model are outlined in paragraphs 3.6 to 3.19 of this report.

- 3.2 On Wednesday 8 July 2015 the Chancellor announced his Summer Budget to Parliament. Key announcements in relation to reforming the welfare system included that rents for social housing will be reduced by 1% a year for 4 years, and tenants on higher incomes (over £40,000 in London and over £30,000 outside London) will be required to pay market rate, or near market rate, rents.
- 3.3 The impact of the measures in the Summer Budget for the HRA Business Plan is currently being reviewed by council officers and will require a full report back to a future Housing & New Homes Committee, including implications for the modelling of rents on the building costs of new homes. Registered Provider partners in the City are also considering the implications of reduced social housing rents on their ability to borrow to deliver new rented homes in Brighton & Hove.
- 3.4 In addition:
- Discussions are taking place with Greater Brighton partners about new models of delivery, including exploring Living Wage housing models, as part of the emerging devolution proposals.
 - Following a report to Policy & Resources Committee (14 October 2014) on ‘Improving Housing Supply, Off Plan Procurement & Residential Acquisitions’, and a successful bid to Department of Communities & Local Government for case study funding, modelling is being undertaken to review options for the Council to intervene in the local housing market as potential purchaser (or lessee) of new housing being brought forward on development sites in the City to meet housing needs.
- 3.5 It is proposed more information on both of these initiatives, in particular as it relates to any considerations aligned to Living Rent models, also be included in a future report to Housing & New Homes Committee.

Living Rent – an outline of key challenges and considerations

- 3.6 A key Housing Strategy 2015 priority is support for new housing development that delivers a housing mix the city needs with a particular emphasis on family, Affordable Rent and where feasible, Social Rented housing. The Government introduced Affordable Rent to help fund the development of new affordable housing using less public subsidy. Those homes developed with Government funding (and some existing homes when vacant), including those funded by use of Right to Buy receipts, are now let at a rent up to 80% of market rent. The extra rent enables the housing provider to borrow more money to pay for building the home in place of higher grant.

- 3.7 Through the Tenancy Strategy (2013) the council is committed to:
- Ensuring that existing council tenants will continue to enjoy lifetime tenancies within the existing Social Rent framework, with no conversion of vacant Council homes to Affordable Rent;
 - Keeping Affordable Rents affordable, ensuring that Affordable Rents to be set at the lower of either 80% market rent level or the Local Housing Allowance (LHA) limit.
- 3.8 In practice, due to the increasing gap between market rents and the LHA levels, Affordable Rents in the city are not set at 80% market rate but are capped at the LHA limit. When compared to 2014/15 market rents, the LHA equates to around 78% and 64% of market rent for a one bedroom flat and a three bedroom house respectively.
- 3.9 A number of consultation responses to the development of the new Housing Strategy 2015 and deputations to Committee have argued that Affordable Rents or LHA rents are too high for those on low incomes who see little noticeable difference in their disposable incomes from their work efforts and have called for a Living Rent in Brighton & Hove that is affordable to those on lower incomes.
- 3.10 In theory, the Local Housing Allowance (LHA) provides a safety net that supplements incomes for those with rents beyond their affordability. However, even when rents are within LHA limits, the high cost of renting in Brighton & Hove means that a household needs to be earning a significant sum before they see a real increase in their disposable income beyond the minimum disregards and taper allowances afforded by the LHA. In effect, all those earning below the level required to be free of the LHA see very small differences in their disposable income despite the range in hours worked and money earned.
- 3.11 The Living Rent is intended to be a level below LHA limits, where those in work but at lower income levels can see a noticeable difference in their disposable income.
- 3.12 However, there is no set definition of a Living Rent and a multitude of assumptions, options and methodologies that could be used to set such a level.
- 3.13 A true Living Rent would be based on the individuals income irrespective of the size of the property they needed to live in which brings us back to the traditional rent model with LHA to top up the shortfall which has its own shortcomings as outlined above.
- 3.14 This shapes the real meaning of what is behind the Living Rent concept to effectively having “a lower rent” that is between the higher LHA level rents and Social Rents such as those charged on existing council homes. The lower the rent, the more subsidy required to build a new home which, without additional investment or alternative borrowing strategies, risks fewer new affordable homes being built overall.
- 3.15 To define what this lower rent level may be, a number of assumptions will need to be made. Each of these assumptions has the potential to be considered in a number of ways and would therefore be subject to an options appraisal that

would require a range of stakeholder input. Some of the challenges in defining a Living Rent include:

What proportion of income is affordable to spend on housing costs? An affordable housing cost is defined by various researchers and agencies in a number of ways, such as 25% of net income, 35% of gross income. The real circumstances of households vary so much – wages, numbers earning, tax, national insurance, child care, location costs etc. adding to the complexity of linking rents to earnings and what is affordable.

- **At what level do we set the rent?** A key consideration is whether we set rents based on the specific household's ability to pay. Research has shown that tying rents directly to individual's incomes raises concerns about work incentives and social mix, as well as increased administration costs. To counter this, a mechanism for linking rents to average local earnings data, such as that available from the Annual Survey of Hours and Earnings (ASHE) produced by the National Office of Statistics (which is updated annually) could be used as a basis to set rent levels. It is also important to recognise that service charges are also an important aspect to rent setting and need to be considered as part of the whole affordability approach. Critically, if the level is set too low, the rent will not be enough to cover the property costs and the higher the level, the fewer the people who would be able to afford it.
 - **How do we account for different property sizes?** A household can afford a fixed level of rent based on their income. A key Living Rent challenge is therefore whether the same rent should be charged / paid irrespective of the property size required? A method could be used to adapt the figures arising from the average earnings data to reflect the differing composition of household in different sized properties. This would allow for the fact that household income for low paid families with children is likely to be enhanced by government support.
- 3.16 One of the biggest challenges is that a Living Rent is about an individual household's ability to afford their home which is dependent on their income. Where-as, the rent of a property is dependent on the cost to build, maintain, manage the home. By their very nature, larger houses are going to cost more to build and maintain, however, a single earner on the minimum wage can afford the same rent level irrespective of whether they need to live in a 1, 2, 3 bed or larger home.
- 3.17 Reduced public subsidy and higher income risks aligned to welfare reform have made borrowing to build homes for rent a much higher risk for Registered Providers with a significant shift away from development of homes for both Social Rent (no new homes planned) and Affordable Rent. The City Council has responded to these challenges by initiating a programme to develop new affordable council homes for rent on HRA owned land.
- 3.18 Housing Committee unanimously agreed at its meeting on 6 March 2013 that a range of funding, rent and home ownership options should be provided in new housing to be developed on HRA land under the Estate Regeneration Programme in order to ensure that development is viable and to increase the number of new homes the Estate Regeneration Programme can deliver. The

report indicated the level of Affordable Rents and the impact these higher rents would have on the number of homes the HRA could develop.

- 3.19 To illustrate the impact of a notional Living Rent on new affordable housing development, for illustrative purposes only, a rental figure of £600 per month modelled for the recently approved Findon Road scheme and applied to all units regardless of number of bedrooms (based on 1/3 of an average local wage of £22,000 per annum) would increase the subsidy required from the Housing Revenue Account (HRA) from £17,000 per unit to £71,000 per unit; an overall increase of £54,000 per unit. Over the Findon Road development this is an overall increase of HRA scheme subsidy requirement of around £3.100M. This is modelled over 40 years which is in line with housing sector standards where schemes are generally modelled on between 30-40 years.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 This is a scoping report outlining some of the key considerations to a Living Rent. If a Living Rent was defined for Brighton & Hove, a wide range of financial options and permutations will have to be explored.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation on the Housing Strategy 2015 and deputations to Committee have repeatedly called for some form of rent restraint, whether in the private rented sector or with affordable social housing. Any new Living Rent model would have to be developed with full stakeholder engagement.

6. CONCLUSION

- 6.1 The challenges in developing a Living Rent model raises the key consideration that affordability or a 'Living Rent' is a factor of the households ability to pay rather than being based on the property size, value and costs to develop and manage. Any 'Living Rent' level that we could suggest risks being a theoretical concept that would be difficult to apply in practice.
- 6.2 Based on the above, this would suggest a larger scale research project may be required that would require extensive stakeholder engagement. Clearly, with Brighton & Hove being a low wage economy with excessively high property costs, there is a need to consider how best we can support households within our financial envelope and perhaps this may be a matter for an independent body such as the Fairness Commission or one of the Universities to consider.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Officers are currently reviewing the impact of the Government's Summer Budget 2015 announcements (Welfare Reform bill) on the Housing Revenue Account (HRA) 30 year Business Plan. The most significant announcement for our authority's HRA is the proposed 1% reduction in in social housing rents from April

2016 for 4 years. Although the 4 year rent reduction may be seen as good news for some tenants, the reductions in rental income has a significant impact on the HRA financial plans, and therefore the resources available to deliver services, property and estate improvements and development plans.

- 7.2 The budget statement also included provision for high income (£30k household income) tenants to be charged a market or near market rent ('Pay to Stay') with the additional rent raised by local authorities to be returned to the Treasury. This is expected to be introduced from April 2017.
- 7.3 Other announcements were also made on the on-going welfare reforms, including
- Roll out of universal credit, payments to claimants rather than to landlord
 - 18-21 will no longer be automatically entitled to Housing Benefit
 - Benefit cap for working age families reduced to £20,000
 - Continuation of bedroom tax.
- 7.4 Officers are reviewing what actions can be introduced to mitigate the loss of rental income within the HRA from the recent budget announcements, including how the future plans of investment in existing stock, as well as building new homes can be managed within the funds available to the HRA.. A full report will be presented to a future New Homes and Housing Committee.
- 7.5 The example in this report of a reduced notional living rent modelled for Findon Road scheme, shows a potential increase in HRA subsidy required of approximately £3.100M as detailed in the body of the report.

Finance Officer Consulted: Name Susie Allen

Date: 13/09/2015

Legal Implications:

- 7.6 Rents for council properties are required to be reasonable (section 24 Housing Act 1985). This gives the council a wide discretion to fix their own rents.

Lawyer Consulted:

Name Liz Woodley

Date: 11/09/2015

Equalities Implications:

- 7.7 A Living Rent set below the Local Housing Allowance or legally defined Affordable Rent level (80% market rent) will reduce housing costs and increase disposable income for those affected households. This will benefit vulnerable groups. However, if the trade off is that fewer affordable homes are developed then overall, fewer households can be helped. This trade off will need careful consideration.

Sustainability Implications:

- 7.8 None arising from this report.

Any Other Significant Implications:

- 7.9 Increasing a household's disposable income via reduced rents will improve their quality of life as they will be more able to heat their homes, provide adequate food and clothing, engage in social activities and cultural opportunities that Brighton & Hove is able to offer. However, there would be implications for the HRA Business Plan which will be reported to a future meeting.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

Council

22 October 2015

Agenda Item 49

Brighton & Hove City Council

Subject: Extract from the proceedings of the Neighbourhood's, Communities & Equalities Committee held on the 5 October 2015 – Prevent – New Statutory Duty

Date of Meeting: 22 October 2015

Report of: Head of Law and Monitoring Officer

Contact Officer: Name: Penny Jennings Tel: 01273 291065
e-mail: penny.jennings@brighton-hove.gov.uk

Wards Affected: All

Action Required of the Council:

To receive the item referred from the Neighbourhoods, Communities & Equalities Committee for information:

Recommendation:

That Council note the report.

BRIGHTON & HOVE CITY COUNCIL**NEIGHBOURHOODS, COMMUNITIES & EQUALITIES COMMITTEE****4.00pm 5 OCTOBER 2015****THE FRIEND'S MEETING HOUSE, SHIP STREET, BRIGHTON****MINUTES**

Present: Councillors Daniel (Chair), Moonan,(Deputy Chair),Simson (Opposition Spokesperson),Littman (Opposition Spokesperson), Bell, Gibson, Hill, Horan and Lewry.

PART ONE**23 PREVENT - NEW STATUTORY DUTY**

- 23.1 The Committee considered a report of the Director of Public Health detailing the new general statutory "Prevent Duty" for the local authority and other statutory partners

created by the Counter Terrorism and Security Act 2015 which had come into force on 1 July 2015. The report sought to identify implications for the council's work, risk management and actions needed to achieve compliance.

- 23.2 The report set out the strategy in the context of the Action Plan and the work of the Community Safety Partnership. The key priorities and actions required in order to achieve compliance were set out as were the priorities and performance indicators which were also reflected within the corporate plan.
- 23.3 The Chair, Councillor Daniel explained that notification had been received immediately prior to the meeting of proposed amendments/additional recommendations by the Green Group, seeking confirmation that the Members had had the opportunity to give them proper consideration. Councillor Horan sought confirmation that the work being undertaken would focus on all vulnerable groups, and would therefore have a broader focus than those currently highlighted in the media. The Chair was in agreement this was very important and it was confirmed that this was the approach used and that the Prevent Strategy addresses all forms of terrorism.
- 23.4 The following amendment was put by Councillor Littman on behalf of the Green Group and seconded by Councillor Gibson. It was proposed that four new recommendations, 2.5, 2.6, 2.7 and 2.8 be added and renumbered accordingly:
- 2.5 "The NCE is concerned to note the requirement to "create credible voices and community spokespeople." This shows a total lack of respect for existing community spokespeople; and the rights of communities to organise their own representation. The requirement to "sustain trust and confidence" in communities may be impossible to achieve, if we do not show trust and confidence in those communities ourselves. Imposing spokespeople on communities shows neither trust nor confidence.
- 2.6 The NCE is concerned to note the focus on acts of non-violent extremism; which would not be in themselves otherwise illegal. This risks the suppression of the right of freedom of speech.
- 2.7 The NCE is concerned to note that the "us and them" nature of this extension of the Prevent agenda may foster feelings of "otherness" among sections of our community. It is well recognised that a feeling of "otherness" acts to significantly increase the danger of radicalisation."
- 2.8 The NCE is concerned to note that, as it stands, overall, this policy runs a serious risk of being counterproductive; driving criticism underground; fostering mistrust and lack of confidence in local and national authorities; and potentially increasing the susceptibility of some sections of the community to the radicalisation, which it is intended to counteract."
- 23.5 The Prevent Coordinator, Nahida Shaikh explained that there it was intended to build on the cross cutting work carried out to date, utilising the strong community networks that already existed facilitating support to communities in having a voice. Ultimately, to have effective mechanisms in place around supporting young people, both these

were also identified needs by communities. The Prevent Coordinator suggested that it would be more appropriate to replace reference to “creating” by the word “supporting”, as more accurately reflecting what was intended as referred to in 3.14 (iii) in the report. The Prevent Coordinator also amplified on the work that had been undertaken to date, the consultation and inclusion which had been taken place and detailed how that would be carried forward in concert with communities.

- 23.6 Councillor Littman responded stating that on the basis of the further explanation given and details of the rationale for it, he was willing to remove paragraph 2.5 of the Green Group amendment, he did however wish for points 2.6 – 2.8 inclusive to remain in place as worded and for them to be re-numbered accordingly. Whilst accepting all that had been said, he was firmly of the view that it was very important for the approach adopted to be absolutely clear and unequivocal and was not counter-productive. Councillor Littman acknowledged the work carried out over the last three years or so as a result of the strong links across communities. He was anxious that the duty created, could undermine what had been achieved; there was a danger that it could do “more harm than good”.
- 23.7 Councillor Gibson concurred with the concerns expressed by Councillor Littman reiterating his support for the Green Group proposed amendments/additions which he hoped would be supported by the Committee.
- 23.8 Councillor Hill responded in respect of the proposed amendments stating that whilst supporting the proposed change of wording which would result in the removal of paragraph 2.5 she had concerns regarding the other suggested amendments and was unable to support them. Councillor Hill stated that in some instances non-violent action was illegal, incitement to racism for example, it was necessary to balance the need to support and the need to act. In Councillor Hill’s view 2.7 was an expression of opinion, she would be uncomfortable with expressing support for the policy whilst at the same time seeking additional assurances that it would work, that appeared contradictory.
- 23.9 Councillor Littman stated that whilst accepting in some instances non-violent action could be illegal, he firmly of the view that it was important not to act in a way which could result in alienation.
- 23.10 Councillor Simson concurred with all that had been said by Councillor Hill, considering that the existing policy and recommendations were not counter-productive and did not need to be added too.
- 23.11 The proposed Green Group amendments were then formally voted on excluding proposed paragraph 2.5 which it was agreed would be deleted. The amendments were lost on a vote of two for and eight against by the ten members present at the meeting.
- 23.12 The Chair then put the substantive recommendations set out in the report to the vote. All Members present were in agreement that the reference to “create credible voices” should be replaced by “support credible voices”. On a vote of eight to two by the ten members present at the meeting the recommendations set out below were agreed.

23.13 RESOLVED:

- (1) That the Committee notes the requirements of the Prevent Duty and the resource implications with respect to staff training and extending safeguarding and the Prevent Duty arrangements for out-of-school educational and childcare settings;
- (2) The Committee note that a “Prevent Action Plan” responding to risks and priorities setting out the work programme and performance framework will be taken to the Prevent Board in its October meeting;
- (3) The Committee notes the resource implications for Prevent projects; and
- (4) The Committee note the requirement for an overall communication plan; and

RESOLVED TO RECOMMEND:

- (5) That the report be referred to Full Council for noting and a copy is sent to all Committee Chairs

25 ITEMS REFERRED FOR COUNCIL

25.1 It was agreed that the following item would be forwarded to Full Council for information:

Item 23 – “Prevent: New Statutory Duty” – report of the Director of Public Health.

Subject:	Prevent: New Statutory Duty		
Date of Meeting:	5 of October 2015		
Report of:	Tom Scanlon, Director of Public Health		
Contact Officer:	Name:	Nahida Shaikh, Prevent Coordinator	Tel: 290584
	Email:	Nahida.Shaikh@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

NOT FOR PUBLICATION

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The new general '[Prevent Duty](#)', created by the Counter Terrorism and Security Act, 2015 commenced on 1st July 2015 for the local authority and other statutory partners¹. The purpose of this report is to identify its implications on our work, risk management and actions needed to achieve compliance.
- 1.2 The report relates to the Prevent Strategy, the Action Plan, and the work of the Community Safety Partnership. The priorities and performance indicators are reflected within the corporate plan.

2. RECOMMENDATIONS:

- 2.1 The NCE note the requirements of the Prevent Duty and the resource implications with respect to staff training and extending safeguarding and the Prevent Duty arrangements for out-of-school educational and childcare settings.
- 2.2 The NCE note that a 'Prevent Action Plan' responding to risks and priorities, setting out the work programme and performance framework will be taken to the Prevent Board in its October meeting.
- 2.3 The NCE note the resource implications for Prevent projects.
- 2.4 The NCE note the requirement for an overall communication plan.
- 2.5 The report is referred to the Full Council for noting and copy is sent to all committee chairs.

3. CONTEXT/ BACKGROUND INFORMATION

Threat Level to the UK and Risks For the City

- 3.1 The threat level to the UK from international terrorism was raised to 'Severe' (meaning 'an attack is highly likely') on 29th August 2014 and remains such². The increased threat has been driven by developments in Syria and Iraq. Specific concerns related to those returning from fighting in Syria and Iraq and

¹ The Duty became effective for the FE/ HE sectors (Colleges and Universities) on Friday 18th September 2015 and specific statutory guidance has been published for these sectors.

² Threat levels are subject to change as new information becomes available. See up to date information: <https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/threat-levels.html>

the potential risk that a terrorist group will have asked them to conduct attacks or that they may engage in such acts on their own initiative.

3.2 The National '[Prevent Strategy](#)' addresses all forms of terrorism and some aspects of non-violent extremism. However, work is prioritised according to the threat they pose to our national security. Currently the government identifies that the most significant threat comes from terrorist organisations in Syria and Iraq and *Al-Qaida* associated groups. The Government identifies that right-wing extremists/ terrorist also pose a threat.

3.3 Threats are continually evolving. National reports suggest continued campaign by terrorist organisations to encourage travel to Syria or conflict zone, also seen in travel by a small number of young women nationally. Threats from lone actors (such as Lee Rigby murder in May 2013) are difficult to predict and disrupt. Internet has emerged as an important enabler and social media has been particularly influential in drawing vulnerable individuals into terrorist related activities. Some risks are less well defined, such as, the extent of fund-raising and its links with extremist activities in the city.

Prevent Duty

3.4 The Counter Terrorism and Security Act, 2015 has introduced new statutory Prevent Duty which requires specified authorities (including local authorities) to have due regard to the need to prevent people from being drawn into terrorism (please see the appended briefing).

Channel Duty: Information Sharing, Assessment and Support

3.5 The Counter Terrorism and Security Act, 2015 has also placed current 'Channel' arrangements to support people from being drawn into terrorism on a statutory footing. The Channel Duty on local authorities has commenced from 12th April 2015.

Prevent and Channel Duties: Summary of Key Issues

3.6 The Safe In The City Partnership (SITCP) and the Community Safety Team has led on the delivery of Prevent work since 2009 and this is reflected as a priority in the Community Safety Strategy and action plan.

3.7 The Prevent Duty has strengthened some existing provisions (or work already being carried out) and has also introduced some new requirements.

3.8 A Prevent Board (part of the SITCP) was set up in June 2015 to regularly assess threats, risks and vulnerabilities referenced in the Counter Terrorism Local Profile (created by Sussex Police) and through local engagement with partners and communities. The Prevent Board, led by the Chief Executive of the council, is the co-ordinating and oversight body, tasked with ensuring full compliance with these duties.

3.9 The 'Channel' programme provides a structure and process in the City to identify, assess and support individuals vulnerable to being drawn into terrorism. Our Channel arrangements are already in place and comply with the legal (statutory guidance) and best practice requirements. The Channel meetings are held monthly chaired by Prevent Coordinator (local authority required to chair and

support), with a good buy-in and co-operation from partners. The nature of threat and our responses to them are wide and varied.

- 3.10 Channel arrangements sit alongside and are integrated with the wider safeguarding arrangements, as necessary. New work is needed to extend those arrangements to include adults and Safeguarding Adults Board.
- 3.11 With additional resources from the Home Office in the current financial year, dedicated Prevent Coordinator has been appointed. Projects that respond to identified strategic needs and engage with young people, women and institutions are in various stages of planning and delivery.
- 3.12 **To achieve compliance, action on the following key priorities is required.**
- a clear partnership structure to assess threats and risks, develop and implement an action plan proportionate to identified risks and flexible to respond to emerging risks,
 - skilled and confident workforce capable of recognising, referring and supporting individuals and communities,
 - a 'due diligence' process to manage events and speakers and prevent use of public resources for extremist purposes,
 - promotion of the Prevent Duty through existing policies, commissions, contracts, and a communication plan
 - safeguarding children from risk of radicalisation in out-of-school educational and childcare settings
 - effective dialogue with communities to create resilience
 - effective monitoring of outcomes, impact of work and compliance with the Duty
- 3.13 **Some Required Actions** (please also refer to the appended table):
- i. Incorporate Prevent training within the core learning for Children and Adult Safeguarding as well as corporate learning. Prioritise training of trainers across partners/ teams to increase capacity. Recruitment of a part time community engagement (and training) officer will help increase capacity.
 - ii. Standard clause referencing Prevent (and Equality) Duties to be added into new commissions and contracts and at the point of review/ renewal. Monitoring and enforcing these across our commissioned and contracted services may be a challenge.
 - iii. Integrate Prevent Duty into existing policies (safeguarding, ICT), new work will be needed to extend these to safeguarding adults arrangements.
 - iv. A corporate 'Due Diligence' process covering the council's engagements, partnership working, and a 'No Platform' policy for the city (meaning that our funding, venues, resources etc. will not provide platform for extremist activities/ messages).
 - v. Effective dialogue with communities, developing community capacity and resilience by creating credible voices and community spokespeople.
 - vi. Strategic engagement and communication with vulnerable people and communities so they understand 'Prevent' programme, refer individuals for support and report other concerns.

- vii. Identify a lead, scope the extent of work required in mapping out-of-school educational and childcare settings³, assess feasibility, and develop options.
- viii. An overall communication plan to enable us to achieve our strategic objectives and outcomes.

3.14 Some Considerations with Regard to Extremist Speakers' Policy

- i. We need to develop and communicate a clear and shared understanding amongst partners and communities to define issues, risks from extremist speakers/events, and plans to manage those risks.
- ii. Communications and scrutiny will be crucial in balancing this element of the Duty against the rights to freedom of speech, provisions of Equalities Act, 2010, provision of safe spaces to debate/ discuss, and sustain trust and confidence particularly amongst the Black & Minority Ethnic (BME) communities.
- iii. As the understanding and use of extremist speakers is embedded within local authority and partners owned and managed venues, we need to be cognisant of and manage the risk of extremist speakers and events being displaced onto private and other community venues within the city. Adopting a two-pronged approach and providing leadership to create city wide headline messages around 'no platform policy' and supporting 'credible voices' or community spokespeople will be useful management strategies which will also empower communities.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS - NA

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 National consultations had taken place on the Prevent Duty from December 2014 to January 2015.
- 5.2 We have facilitated a community member to attend the National ACPO (Association of Chief Police Officers) 'Prevent Challenge Panel' that enables community members from across the UK to raise issues regarding Prevent delivery, issues are fed to the Home Office and ministers. The community member has also reported back from the Prevent Challenge Panel meeting to communities at the 'One Voice' meeting.
- 5.3 Need for projects that will increase the capacity of communities to understand and address online safety and radicalisation as well as engage young people were identified by the communities.

6. CONCLUSION

- 6.1 The actions outlined here will help achieve compliance with new statutory Prevent and Channel duties, improve our responses to reduce risks and harm caused to individuals and communities and increase resilience to extremism and terrorism.

³ There is also a tension between local authority powers (such as the right to see a home schooled child), legal provision (these settings are not currently regulated under the education law), and the Duty requirements, which will need to be considered and managed.

- 6.2 The BHCC and partnership resources will need to be harnessed to effectively deliver Prevent projects and action plan to address identified and emerging risks in a proportionate manner in partnership with communities.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Existing provisions such as 'best value duties' (Local Government Act) can be used to monitor and enforce actions to comply with the Prevent Duty. The monetary assistance from the Home Office is subject to future risk assessment and lack of progress will have financial implications. A full understanding of resource requirements will develop through the year.

Finance Officer Consulted: Nigel Manvell

Date: 9/7/2015

Legal Implications:

- 7.2 Recommended actions will help comply with the Prevent Duty, which also has links with other responsibilities under the Equality Act (section 149) and safeguarding.
- 7.3 The Prevent Duty will be monitored by the Home Office and within existing inspection frameworks (Ofsted, HMIC). Existing legal provisions such as the Education Act 1996 can also be used to direct action to bring about compliance. Non-compliance will therefore have legal implications.

Lawyer Consulted: Elisabeth Culvert

Date: 9/7/2015

Equalities Implications:

- 7.4 We intend to incorporate Equalities and Prevent duties together in the existing policies, commissions and contracts. A separate equality impact assessment has not been carried out.

Sustainability Implications:

- 7.5 Actions to achieve compliance are also expected to mainstream Prevent work and increase consistency in our responses.

Crime & Disorder Implications:

- 7.5 Supporting individuals at an early stage and diverting them from risk and illegality is likely to have positive impact on reduction of crime and anti-social behaviour and increase trust and confidence.

Appendices:

1. Information about the new statutory duties created by the Counter Terrorism and Security Act, 2015.
2. Table of actions required to achieve compliance with Prevent Duty

The Counter Terrorism And Security Act, 2015 New Statutory Duties

The Counter Terrorism and Security Bill was introduced in the Parliament on 26th November 2014 and received Royal Assent on 12th February 2015. The provisions of the new Act are wide ranging, covering security aspects to better reduce risks from those who may be suspected of terrorism-related activities. The new legislation strengthens the application of CONTEST, the government's counter-terrorism strategy. 'Prevent' with its three main objectives is one of the four strands of CONTEST strategy.

- I. Section 26 (1) of the Act creates a new 'Prevent Duty' for 'specified authorities', which 'must in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism'. Unitary authorities are included in the list of specified authorities, as are county and district local authorities, schools, colleges, universities, police, probation, prisons, young offenders' institutions and the health sector (schedule 6 lists specified authority and the Secretary of the State has the power to amend list and include further partners).
- II. The Statutory 'Prevent Duty' has come into effect on 1st July 2015 and is confirmed by a statutory instrument. Prevent Duty and the CTS Act refer to the 'Prevent Strategy'.
- III. Prevent is one of the four strands of CONTEST, the Government's Counter Terrorism Strategy. The 'Prevent' Strategy is to reduce the threat to the UK from terrorism and aims 'to stop people becoming terrorists or supporting terrorism'. Prevent Strategy (2011) has three objectives:
 1. respond to the **ideological challenge** of terrorism and the threat faced from those who promote it;
 2. **prevent people from being drawn into terrorism** and ensure that they are given appropriate advice and support ; and
 3. work with **sectors and institutions** where there are risks of radicalisation which we need to address.
- IV. Prevent addresses all forms of terrorism (extreme right wing, and Al-Qaida inspired and associated terrorism etc.) but prioritises these according to the threat they pose to our national security (currently highest threat comes from *Al-Qaida* associated and terrorist organisations in Syria and Iraq). The Prevent strategy also focuses on some aspects of non-violent extremism that create an environment conducive to terrorism and can popularise views which terrorist exploit.
- V. Placing the Prevent programme on a statutory footing was one of the recommendations from the Prime Minister's Extremism Task Force set up following the murder of Fusilier Lee Rigby in May 2013.
- VI. The current 'Channel' arrangements or support for people vulnerable to being drawn into terrorism is placed on a statutory footing. Section 36 (1) requires that 'each local authority must ensure that a panel of persons is in place for its area, with the function of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism'. The Local Authority is responsible for chairing the local (Channel) panel. Broader functions of the Panel are also defined and include the preparation of action plans to reduce the vulnerability of the individual being drawn

into terrorism and that with the consent of that individual, that arrangements are made to receive support (which include provision by an approved independent provider who can address the potential radicalisation).

- VII. [The Channel Statutory Duty has come into effect on Sunday 12th April 2015](#). A new Statutory '[Channel Guidance](#)' is published in April 2015 (replacing the previous guidance issued in October 2012).
- VIII. Under the Act, the Secretary of State has the power to issue general guidance elaborating on how the 'Prevent Duty' is to be implemented. The guidance is statutory in nature and Section 29 (2) of the Act states, '[specified authority must have regard to any such guidance in implementing the Prevent duty](#)'.
- IX. The Act requires full participation of all specified authorities and partners in work to prevent vulnerable individuals being drawn into terrorism. It is also expected that Community Safety Partnerships, will be identified as the co-ordinating and oversight bodies, tasked with ensuring full compliance and participation from within their local authority area. There will be a requirement to incorporate Prevent duties into existing policies and procedures including children and adult safeguarding arrangements.
- X. The '[Prevent Duty Guidance](#)' sets out that the work will be 'risk based and proportionate', that we will fully understand the risk in our localities and institutions and where risks are identified, that we will develop a clear plan of action to reduce those risks. We will be expected to 'provide effective leadership, work in partnership particularly with those sectors and institutions where there are risks of radicalisation, and provide appropriate capabilities to staff to recognise vulnerable individuals, challenge and support appropriately.

Additionally, amongst other requirements, we will be expected to:

- establish responsible booking policies to ensure that publicly funded venues and resources do not provide a platform for extremists (for example, IT equipment available to the general public)
- safeguarding requirements for children attending educational and childcare settings, other than schools, including those who are home schooled

- XI. The Home Office will monitor the implementation of the Prevent Duty in priority areas. Prevent Duty will also be monitored within existing inspection framework for partners (for e.g. HMIC, Ofsted inspections). The Prevent Oversight Board, chaired by the Minister for Immigration and Security may recommend further action to support implementation of the Prevent Duty in future.
- XII. The Secretary of State will have the power to issue directions to a specified authority in case of failure to discharge the 'Prevent Duty' effectively. In addition, the Secretary of State may use existing provisions; for example, under the Local Government Act 1999 to appoint inspectors to assess under section 10 or invoke section 15 to direct tasks and action plans to deliver Prevent duty in relation to 'best value' duties. Likewise, if the Local Authority fails to implement the duty, the Secretary of State can intervene under section 497A of the Education Act 1996 to direct action.

Nahida Shaikh, Prevent Coordinator, Partnership Community Safety Team, Tel: 01273 (290584), E: Nahida.Shaikh@brighton-hove.gcsx.gov.uk

Actions to achieve compliance with the Prevent Duty.

	Prevent Duty requirement	Options	Future Action
Strategic Commitment and Effective Leadership			
Risk based approach	Regular and dynamic risk & threat assessment, develop and deliver action plan proportionate to risks and flexible to respond to emerging risks, advice and support vulnerable institutions. Mechanism to capture and respond to local intelligence in meaningful way.	Achieved through Prevent Board, Prevent Operational and Coordination Group	Action Plan to be approved at the Board on 8/10/2015 Identify other mechanisms with partners
Skilled workforce Improved capabilities	Training and capabilities for staff from BHCC, contracted & commissioned services and across Partners Raise awareness, skills and confidence Disseminate best practice	Channel e-learning package (25 mins) / WRAP training (2 hours) mandatory for all staff – tiered and staggered to key staff different packages including 'Far Right Aware',	Incorporate training in corporate and core learning for children and adult safeguarding Training trainers to increase capacity service level agreements
Productive Partnerships			
Due Diligence, Extremist Speakers/ events guidance	A corporate 'Due Diligence' process covering Council's engagements, partnership working, and a no platform (events and speaker management) policy for the city.	Events and Speakers management Policy and procedures	To be developed, agreed, communicated, implemented, monitored and learning to be acted upon
Safeguarding	new requirements to map and ensure safeguarding and Prevent Duty requirements for children attending educational and childcare settings, other than schools, including those who are home schooled		Identify lead, scope activity, assess feasibility and develop options
Prevention & Resilience			
Community Capacity building	Effective dialogue with communities, developing community capacity and resilience by creating credible voices and community spokespeople		
Community	Monitoring community tensions and	Achieved through partnership working	

Tension	responding to prevent escalation, reassure communities, preserve safety and cohesion	with police and others	
Communication and Promotion			
Duty to be incorporated into policies	Incorporating Prevent Duty in existing policies (safeguarding, ICT), commissioning and contracts	start with new commissions and contracts or those to be reviewed / renewed	
Communication plan	tiered approach, generic messages, websites, to include role of members		To be developed along with an 'on demand' media strategy
	strategic engagement and communication with vulnerable people and communities so they understand Prevent, refer individuals for support and report concerns		
Outcomes			
Monitoring performance	compliance with duty, impact of work, outcomes; performance and progress		

Council	Agenda Item 50 (a)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION
CONSERVATIVE GROUP
PLANNING REFORM

“This Council recognises that the ongoing problems in providing an efficient and effective planning service risk damaging relations with residents, businesses and potential investors in the city. This Council therefore, requests that the Policy & Resources Committee establishes a fundamental review of how the service is provided, looking at all potential options for its future management.”

Proposed by: Councillor C. Theobald Seconded by: Councillor Wealls

Supported by: Councillors Simson, Peltzer Dunn, Brown, A. Norman, K. Norman, Taylor, Cobb, C. Theobald, Mears, Lewry, Bell, Nemeth, Janio, Barnett, Bennett, Miller and Wares.

Supporting information:

The Development Management Update sent to all councillors on 22nd July this year by the Planning and Building Control Applications Manager outlined some emergency measures being introduced which severely restrict the service to be provided to its customers – Brighton & Hove’s residents and businesses from both within and outside the city. These included scrapping both face to face appointments and giving residents and businesses pre-application advice. We believe that these measures, whilst clearly well-intentioned, are symptomatic of some fundamental problems within the planning service. These problems have been apparent for the last few years and can only be addressed properly by carrying out a fundamental review of the service. The review should learn from other councils that operate alternative service delivery models for their planning function. A key part of the Council’s review should include the advice of Planning Minister, Brandon Lewis MP, who recently told the Communities and Local Government Select Committee that councils could do “a lot more” to cut costs and increase efficiency in planning. He said: “Both economically and in terms of dealing with good planning, I think local authorities can go a lot further with shared management and the shared delivery of planning [departments], and potentially using the private sector as well.” Mr Lewis also said there was “work to do” to get every council to view planning as an “absolutely vital part of the local authority” which drives economic growth and increases income.

Council	Agenda Item 50 (b)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION

CONSERVATIVE GROUP

CHRISTMAS PARKING AND ROADWORKS SUSPENSION

“This Council resolves to:

1. Request that officers bring a report to the appropriate Committee which, if agreed, would introduce free parking at Norton Road, London Road, Regency Square, High Street and Trafalgar Street car parks on Small Business Saturday (5th December) and the 3 Sundays before Christmas (6th, 13th and 20th December).
2. Request that the Acting Chief Executive seeks the suspension of all non-urgent roadworks in the city centre during December.”

Proposed by: Councillor Janio Seconded by: Councillor Miller

Supported by: Councillors Simson, Peltzer Dunn, Brown, A. Norman, K. Norman, Taylor, Cobb, C. Theobald, Mears, Lewry, Bell, Nemeth, G. Theobald, Barnett, Bennett, Wealls and Wares.

Supporting information:

Council	Agenda Item 50 (c)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION

LABOUR AND CO-OPERATIVE GROUP

FUTURE COUNCIL FUNDING

“This council notes the announcement by the Chancellor on 5th October that the revenue grant for Brighton and Hove will be withdrawn altogether, and that in 2020 the council will be able to retain all of the business rates paid within the city.

This council notes the projected budget gap of £102 million by 2019, calculated from the projected fall in revenue grant and increase in service pressures, putting the continued delivery of essential services at risk.

This council requests the Acting Chief Executive to write to the Chancellor and Secretary of State for Communities and Local Government in support of the representations being made by the Local Government Association, asking for clarity on the proposals and to bring forward the business rate changes before the removal of revenue grant funding.”

Proposed by: Councillor Morgan Seconded by: Councillor Yates

Supported by: Councillors Mitchell, Hamilton, Bewick, Chapman, Moonan, Daniel, Penn, Allen, Marsh, Meadows, Robins, Atkinson, Horan, Gilbey, Barford, Morris, Barradell, Inkipin-Leissner, Hill, O’Quinn and Cattell.

Supporting information:

http://www.local.gov.uk/web/quest/media-releases/-/journal_content/56/10180/7516083/NEWS

Council	Agenda Item 50 (d)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION

LABOUR AND CO-OPERATIVE GROUP

INDIVIDUAL ELECTORAL REGISTRATION

“This Council notes the worrying fact that the numbers of people registering to vote in the city was reduced by 7% after Individual Electoral Registration (IER) was first introduced. This Council appreciates the work officers undertook prior to the general election in helping to bring voter numbers back up to pre IER levels.

This council is, though, deeply concerned that the government propose to end the transition period of registering voters to full IER in December.

This Council therefore calls upon the acting Chief Executive Officer to write to the Government to express concern about the withdrawing of the transition phase of IER and to express concern that the premise that next year’s boundary review will be held on could be seriously flawed. We also want to encourage officers and members to continue to do all they can to ensure that Brighton and Hove residents are not disenfranchised.”

Proposed by: Councillor Barradell Seconded by: Councillor Robins

Supported by: Councillors Mitchell, Hamilton, Bewick, Chapman, Moonan, Daniel, Penn, Allen, Marsh, Meadows, Robins, Atkinson, Horan, Gilbey, Barford, Morris, Barradell, Inkipin-Leissner, Hill, O’Quinn and Cattell.

Supporting information:

As we have no general or local election next year, many people in this city may not be motivated to register, given the transient nature of the city’s housing and the large number of students living in our city. We are deeply concerned that this will mean that the true number of people eligible to vote in Brighton and Hove will not be used to democratically look at where new parliamentary boundaries are drawn in the Electoral Boundary Review, due to start next Spring. This means that Brighton and Hove residents will probably be under-represented at the next general election.

Various information is available on line if you are not familiar with Individual Electoral Registration and the work of the Boundary Commission.

<https://www.gov.uk/government/collections/individual-electoral-registration>

<https://www.gov.uk/government/news/completing-the-move-to-individual-electoral-registration>

<http://boundarycommissionforengland.independent.gov.uk/general-information-what-we-do-and-how-we-do-it/>

Council	Agenda Item 50 (e)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP

DIVEST FOR PARIS

This Council notes:

- The upcoming Conference of the Parties to the United Nations Framework Convention on Climate Change, otherwise known as “Paris 2015”, starting on November 30th.

This Council requests:

- 1) The Acting Chief Executive write to the Leader of East Sussex County Council requesting a position statement on the potential impact of stranded fossil fuel assets on the ESPF deficit, suggesting divestment as a way forward; and
- 2) That the Council’s representative on the ESCC Pensions Board maintain a strong position against fossil fuel investment on the Pensions Board and that s/he report to Council annually on progress.

Proposed by: Councillor Greenbaum Seconded by: Councillor Sykes

Supported by: Councillors Deane, Druitt, Gibson, Knight, Littman, Mac Cafferty, Page, Phillips, and West

Supporting Information:

The largest global coalition of climate change scientists, the Intergovernmental Panel on Climate Change (IPCC), has warned that, *“continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems”*;

- The recent study in *Nature* that showed that preventing catastrophic climate change requires us to leave 80% of known fossil fuel reserves in the ground while the fossil fuel industry continues to spend exploring new reserves;
- The support shown by residents of Brighton & Hove, through initiatives such as the Brighton Climate Action Network, to take decisive action against climate change;
- The significant investments held by the East Sussex Pensions Fund (ESPF)- of which BHCC is a major member- in fossil-fuel energy companies, with £300m+ invested in fossil-fuel companies’ shares and bonds.

Council	Agenda Item 50 (f)
22 October 2015	Brighton & Hove City Council

NOTICE OF MOTION

GREEN GROUP

SYRIAN REFUGEE CRISIS

This council notes:

- the ongoing and worsening Syrian refugee crisis, consisting of innocent people forced to flee their homes through the threat of war;
- Recent actions by our City to help these refugees; our status as a City of Sanctuary; and the recent offers by many local residents to take concrete action to welcome the Syrian refugees.
- The Government's welcome plans to expand the existing Syrian Vulnerable Persons Relocation (VPR) scheme, resettling 20,000 Syrians in the next 5 years with one year's government funding for councils.

This Council resolves to:

- Call on national government for a further increase in the number of refugees the UK is prepared to take, with proportionate and increased funding to facilitate this;
- Review the practical support that can be offered locally by bringing together the private sector, voluntary and community sector and residents in partnership;
- Call on appropriate partners, including Sanctuary-on-Sea, to establish and co-ordinate a framework of support for refugees including: accommodation, education, employment, legal advice, health care and social support;
- Request that a report is brought to the Policy & Resources Committee detailing how, with partners, adequate resources can be collectively allocated to help refugees as necessary; and
- Request the Acting Chief Executive to write to ministers for further financial and practical help so that the city can accommodate refugees for longer than one year where necessary.

Proposed by: Councillor Littman Seconded by: Councillor Mac Cafferty

Supported by: Councillors Deane, Druitt, Gibson, Greenbaum, Knight, Page, Phillips, Sykes and West

