

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the spokesperson for the deputation be thanked for attending and its subject matter noted.

Notification of four Deputations has been received. The spokesperson is entitled to speak for 5 minutes.

**(1) Deputation concerning Home to School Transport
Spokesperson Pippa Hodge**

Supported by:

Rob Arbery

Adrian Carver

Sam Bayley

Rachel McDonald

Amanda Stockford

Maxine Pallister

Debby Norris

Jane Kemp

Ward affected: All

Councillor Allcock, Chair of the Children, Young People & Skills Committee will reply.

**(2) Deputation concerning PRIDE PVP
Spokesperson Trevor Scoble**

Supported by:

Roger Ralfe

Teresa Scoble

Jamie Thomas

Ward affected: All

Councillor Robins, Chair of the Tourism, Equalities, Communities & Culture Committee will reply.

**(3) Deputation concerning Valley Gardens
Spokesperson Serena Burt**

Supported by:
John Healy
Roger Rolfe
Simon Thetford
Denise Taylor
David Sewell
Diana Palmer
Adrian Bristow
Julia Basnett
Andrew Peters
Gary Farmer
Daniel Nathan

Ward affected: All

Councillor Pissaridou, Chair of the Environment, Transport & Sustainability Committee will reply.

**(1) Deputation concerning Home to School Transport or Students with Special Educational Needs & Disabilities (SEND)
Spokesperson – Pippa Hodge**

Children as young as 4 or 5 years old, rely on this Service to take them safely to/from the setting named in their Education, Health & Care Plan (EHCP) in line with Statutory Duties* (Appendix 2). Numbers are rising year on year. The previous 4-year Contractor Framework expired in August 2019.

Several years of Contractor consistency created effective links between Schools/Colleges, Parent Carers (& their CYP) and the local Brighton Contractors (Community Transport take many of the children using wheelchairs, some with profound and multiple learning disabilities). Whilst not without glitches, the long-standing system centred around acquired SEND/Autism training & awareness, plus familiarity with pupils individually, which built trust and delivered a reliable service. Crucially:

Each child was recognised as an individual with discreet Core Support Needs, eg living between 2 parents' homes, or being a child who regularly went to Respite (their Care package), or specialist clubs, to enhance Life Skills. This essential community cohesion was recognised as a fundamental factor in 'Whole Child' Wellness and Development, upholding Equalities and City CYP Key Principles.

Drivers and Escorts, supported by back offices, used their common sense and route knowledge to minimise the stress for children, ensure that they arrived on time and ready to learn, and to enable working parents to meet their obligations, or get other young children to school.

When possible, Drivers and Escorts remained with their cohort of children, building up trust and assisting that difficult transition between home/school/home which many youngsters with SEND, especially those with Autism &/or Sensory Processing Difficulties, typically find overwhelming.

In March 2019, a Dynamic Purchasing System/DPS (a bid-down system) to reduce Overspend was proposed by Edge Public Solutions (employed as Advisors in January 2019). A DPS approach had been discussed at Policy, Resource & Growth Committee (11/10/18*). Meeting minutes (Conclusion 7.2) authorised a new framework, but not a DPS (since the simulated desktop exercise did not prove the anticipated savings to the Committee's satisfaction). Nevertheless, a DPS was approved, via Urgency Powers (March 2019) without passing back through PRG or CYP Committees. As a direct result of these changes the transport scheme is failing to safeguard our children (see para 1 in supporting info).

We Request A Full Cross-Party Scrutiny Group So This Never Happens Again

We ask Councillors from each Party to fulfil your Responsibilities and *personally conduct* a Beginning to End Scrutiny of events, in keeping with your stated civic duties as elected Councillors. We challenge the logic & validity of the Independent Review: this was again presented as a 'fait accompli'; 'Officers investigating Officers' cannot be 'independent' (every LA is facing Transport issues); Parent Carers do not want to speak with yet more Officers from another Authority when they struggle with their own; Officers will leave once their report is submitted, and there will be no accountability for changes or a safe framework legacy. You are our Councillors & Moral Guardians of Civic Services. Please, **put our City's Children above local Politics**. We must learn how this has gone so shockingly wrong. No more personal cost to our children's physical safety, mental wellbeing and education; or to families; no more 'wait and see if there are incidents'; no more financial cost of outsourcing to '3rd parties' from our City Budget. Councillors, we are beyond apologies, please Act.

Supporting Information for Item 37 (1)

Para 1

There has been a tsunami of Reported Incidents about Safeguarding Issues; vulnerable pupils with no Escort; pupil-pupil assaults; assaults on Escorts/Drivers; vehicles failing basic safety standards (below the “Blue Book”); DBS Certificates not checked, Personal Handling or Training (eg Epilepsy) not in place; Safety Sheets/Risk Assessments not provided to Contractors; distressed pupils self-harming on journeys of up to 90 minutes; waiting 30 minutes or more to get off once at school; children late/disruptive to class, lost planning/teaching time; students losing *significant* learning time while they try to recover from overcrowded stressful journeys, day after day, week after week. Transport/Edge have received *daily* calls and emails from Schools, Parents, Contractors and the PaCC, who have a 6-week Record* of Complaints. Parents report being bullied into “take it or leave it” unsafe solutions amid their fear of losing jobs. Fragile family life/function is disrupted by the impact.

We are concerned that the 2016 Equalities Impact Assessment* was not updated, allegedly not necessary as Eligibility & Process are unchanged. Recruiting Edge operationally (already paid £96,356.68 in just 3 months to date) and devolving responsibility for Equalities and operational decisions from Contractors back to Transport/Edge (meaning no adjustments that incur ‘cost’ may be made without their agreement) is a wholesale change with grave consequences for our most vulnerable young citizens. This falls shamefully below our City’s stated Aspirations & Values*.

Appendix 1: *Documents & Chronology of Meetings/Responses Regarding Home to School Transport Provision for Students with SEND

Brighton & Hove Corporate Plan & City Vision & Values 2015-2019 - [Corporate Plan](#)

The city’s vision is the council’s vision “Brighton & Hove – the connected city. Creative, dynamic, inclusive and caring. A fantastic place to live, work and visit” (especially these Priorities: Increasing Equality; Active Citizenship; Children & Young People; Health & Wellbeing; Community Safety & Resilience)

Equalities & Impact Assessment 2016 (CS37 first written 2015, available on request)

Policy, Resources & Growth Committee (Item 64 11th October 2018 Pages 489 – 500)

[https://present.brighton-hove.gov.uk/Published/C00000912/M00008107/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000912/M00008107/$$ADocPackPublic.pdf)

7.2 Conclusion: approved a new framework and advised against a DPS approach

January 2019

Edge commence work in advisory capacity

March 2019

Urgency Powers applied by Executive Director Families Children & Learning, Pinaki Ghoshal, according to Part 6.2 Part A 7(2) of the council’s Constitution, consultation with Chair of Children, Young People & Services Committee, and consent given to procure the Dynamic Purchasing System

Parent Carer Consultation Groups (25/26th June 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/07/PaCCConnect-transport-minutes-June19.pdf>

Meetings held for all Parents and Carers to attend at Hill Park School and Downs View School.

Information regarding new system, core operating principles and Q&A

Attended by Richard Barker (Transport Manager) and Stuart Cooper (Edge Public Solutions)

Policy, Resources & Growth Committee (Item 16 11th July 2019 pages 255 – 260)

[https://present.brighton-hove.gov.uk/Published/C00000912/M00009322/\\$\\$ADocPackPublic.pdf](https://present.brighton-hove.gov.uk/Published/C00000912/M00009322/$$ADocPackPublic.pdf)

Use of Urgency Powers in Relation to Transport Services for Vulnerable Children and Adults

~~ 25th July Last Day of Summer Term ~~

PaCC Emergency Position Statement (3rd September 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/09/Home-to-School-Transport-PaCC-Emergency-Position-Statement-final-3.9.19-4.pdf>

~~ School Term Commences 6th September 2019 ~~

PaCC Document of Concerns on behalf of PaCC Families (11th September 2019)

<https://paccbrighton.org.uk/wp-content/uploads/2019/09/HTST-Short-and-Long-term-issues-Action-Plan.pdf>

Green Party Statement “Parents Need Reassurances This Will Not Happen Again” (17th September 2019)
<https://www.brightonhovegreens.org/2019/09/17/parents-need-assurances-this-will-not-happen-again-say-greens-on-home-to-school-transport-row/>

Official Response from Pinaki Ghoshal (11th October 2019) (may not reach other families)
<https://paccbrighton.org.uk/wp-content/uploads/2019/10/Briefing-on-school-transport-for-PaCC-network-111019.pdf>

Appendix 2

contact *For families
with disabled children*

Local authority duties in brief

All duties are set out the Home to school travel and transport for children of compulsory school age:
Statutory guidance for local authorities 2014 issued by the Department for Education

Local authorities are required to arrange free, suitable, home to school transport for children of compulsory school age who are ‘eligible’, to their nearest suitable qualifying school (section 508B of the Education Act 1996).

This law says a child with SEN, a disability or mobility problems that would prevent them walking to their nearest suitable school must get free transport help regardless of distance. An assessment must be made on the child's individual needs. This is set out in set out in Schedule 35 Education Act 1996.

Suitable school transport

The duty on the local authority is to make suitable 'travel arrangements' are defined in section 508B(4) Education Act 1996. The local authority has a duty to provide suitable transport that is "non-stressful". The courts have defined this as transport that enables a child "to reach school without undue stress, strain or difficulty such as would prevent him from benefiting from the education the school has to offer, [...] [and] to travel in safety and in reasonable comfort".

Statutory guidance recommends maximum journey times of 45 minutes for primary-aged children and 75 minutes for secondary.

Staff training

Some parents report that staff on school transport are caring and a full part of their child's education team. In other cases, drivers and escorts may be unaware of children's difficulties and poorly trained to handle their behaviour. Guidance is clear that all staff should have up-to-date training, including

- An awareness of different types of disability including "hidden" disabilities
- An awareness of what might be discrimination.
- Skills to communicate with children with different disabilities and to manage behaviour.

Local authorities must also ensure that the necessary safeguarding checks are carried out.

Other relevant legislation Local authorities must comply with the Equality Act 2010 and the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act 1998, when exercising their home to school transport functions. The Act also places a legal obligation on the local authorities to comply with the public sector equality duty. This means they must consider how their home to school transport decisions and policies affect people with protected characteristics, and must have due regard to the need to: ‘advance equality of opportunity for disabled learners’ the transport policy must not have a: ‘significant negative impact on the ability of disabled students to access education’.

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**(2) Deputation concerning PRIDE PVP
Spokesperson Trevor Scoble**

On the 19th April 2018 The Kingscliffe Society made a deputation to B&HCC about Health & Safety concerns over the Pride PVP annual event. We were directed to the Tourism Development & Culture Committee and thence to Safer Communities who were to produce a Review in the form of a questionnaire as a public condition. They issued their questionnaire on the day before they surveyed/walked the St James's PVP Area with us (TKS) together with the St James's LAT group. Therefore, none of our issues pointed out during the survey could be included in the B&HCC questionnaire. The results from the questionnaire formed more a Popularity Poll than the Review as promised (which was to cover all residents & business concerns) but were presented as a factual outcome dealing full with all the issues raised.

We have, therefore, continued to pursue our H&S concerns and requirements at Council meetings and by emails, but all to no avail.

In the Agreement the B&HCC made with the Pride organisation in 2014 various clauses were included to improve the management of this event, specifically;

- 3.15 *with the explicit intentions of creating a safer and welcoming event.*
- 3.16 *PVP format aimed at creating an event that achieves a better outcome/or attendees, businesses and local residents (our underlines)*
- 3.19 *Evaluation of the PVP by the Safety Advisory Group (including the councils emergency services) with regard to the event's objectives of delivering a safer and high-quality event was largely very positive. The evaluation process with local businesses and communities is ongoing at the time of report writing and any further information will be provided at meetings.*

We dispute whether these objectives have ever been fully achieved.

In regard to 3.15. As the PVP does not commence until 6 PM, many attendees arrive for the event already intoxicated or drug affected from the 'Party in the Park' where they have been indulging all afternoon.

In regard to 3.16. As the PVP has an overwhelming emphasis on over-loud music (up to 120 DPC inside homes) and the on-street alcohol consumption promoted by the demands of St James's abundant licensed premises. The wishes of residents & unlicensed traders are therefore given very low priority.

In regard to 3.19 During the last 2 years in St James St. Pride has estimated an attendance@ between 35,000 & 42,000 revellers in its narrow adjacent side streets, filled to overflowing with somewhat intoxicated revellers contained behind un-climbable barriers. With no public address system, emergency lighting, and escape signage and no pre-issued escape plan for residents or revellers to follow. The 2-meter-high non-climb barricades are erected from midday on the Friday until late night on the Sunday and for the last 2 years of PVP event and no pre or post PVP meetings have been organized so no relevant information is exchanged and acted upon.

It is recognised that the PVP is raising funds, one aspect of which is a social fund to reduce the effect it has on the wider community, but it is raised by imposing unreasonable distress and conditions on many local residents and non-licensed traders who are bearing the brunt of the true cost.

Any emergency is a tragedy waiting to happen.

With respect, we would ask the Council to withdraw the Pride PVP agreement and employ a Company that will comply with the Council's Requirements & those of Health and Safety.

Supporting Information for Item 37 (2)

Which residents' concerns could reasonably be expected to be covered by a Review?

1. Concern, above all else, with the distress/displacement caused to residents (LGBT & Non-LGBT alike).
2. That there would be a continuity of officer/s contact with affected residents and groups.

Larissa Reed & Jo Player (the dedicated officers) seemed to take turns with what few contacts there were.

3. Prior to the Pride weekend residents would be issued with instructions/maps on how to safely exit the area in the event of an emergency.
4. On the Saturday morning of the Party officers would check with stewards, manning any unclimbable barriers, their instructions in the event of an emergency or sudden crush of revellers inside the area.
5. On the night of the Party (Saturday) once it was in full swing (say 10 pm) officers would be appointed to:
6. Check on sound levels in the noisiest streets containing Pubs or outside sound systems (decibel levels)
7. In these noisiest streets they would knock on doors to establish:
 - A. If residents were enduring the noise and B. The sound levels reached inside these private homes.
8. It would seek to establish how frequently homes appeared to be vacated in high noise areas.
9. Check whether public toilets were overflowing and whether/where there was evidence of street urination.
10. On the 2nd day of the Party at say 5 pm before the next round of loud music at 6 pm, check on homes that were non-responders on the 1st night to check whether residents had returned.
11. Establish any expenses returning residents had been put to in order to provide a safe place of refuge.
12. Repeat the checks on temporary toilets and street urination.

There was only one pre-Pride public meeting (in May 2018) which was poorly advertised and therefore poorly attended by members of the public. It was attended by Larissa Reed and raised many issues, including severely affected residents being paid expenses to leave the area for the duration of the Pride Weekend.

The next contact with the council was in October nearly 2 months after the Pride weekend in a meeting held by Jo Player. It was to present the contents of her/the Councils questionnaire into the PVP. Jo Player established that she did not attend Pride and Larissa Reed had also been away on holiday. The number and names of Council officers who had attended was not known at that time.

The Kingscliffe Society, and as far as we know, no other groups were invited to any internal meetings with the Council about the PVP.

**(3) Deputation concerning Valley Gardens
Spokesperson Serena Burt**

I'm here today to briefly talk you through an alternative plan for Valley Gardens phase 3. This has been drawn up by leading architects, engineers and design professionals from our city - on behalf of us all.

The plan is based on the best elements of the Council's own original design options. We don't consider it definitive and so further input is invited and welcomed. Our current version removes most of the transport disbenefits from the current council scheme, provides a much better **cost** benefit ratio with significantly closer alignment to Transport for the South East's stated strategy. It would achieve a more positive outcome on almost every measure than the current official one - identified as offering 'low value for money' by the Local Enterprise Partnership Coast 2 Capital.

Our core proposition achieves the following:

- The creation of city-wide routes to the centre for cyclists and pedestrians complete with better access to attractive new green spaces increasing biodiversity.
- The creation of a dedicated two-way bus and taxi lane to link North Street to a contiguous public transport corridor at Marlborough Place and retaining the city centre's natural transport hub complete with the three iconic "deco" bus shelters.
- The creation of a 'mixed use' pedestrianised seafront gateway to explore the east of the city Instead of separating Kempdown from the centre with the current proposed scheme.
- The creation of a dedicated cycle hub at Pool Valley with a crossing to the seafront, safely clear of pedestrians at the front of the Pier as well as public transport and general traffic.
- Moving cycle lane away from the Steine gardens perimeter makes access better for the public realm and essential for use as event space.
- The creation of a remodelled roundabout to ensure the safest and most environmentally friendly free movement of general traffic - and removing the need to redevelop the junction at Duke's Mound.

Residents, businesses and public sector professionals across all sectors of the local economy have already offered valuable input. We genuinely believe that something close to this plan is one that the entire city can get behind.

We therefore respectfully ask Full Council to note our proposal and ask the ETS Committee to give full and proper consideration to this plan.

Key

- Footway - resin bound gravel
- Footway- modular paving
- Bi-directional, segregated cycle track
- Proposed parking bays - block paving
- Side road entry treatment / central median - block paving
- Tarmac carriageway
- Tarmac with buff finish
- Crossing
- Soft landscaping
- Proposed tree
- Existing tree
- New Kiosk

N.T.S

Scale bar

10m 20m 30m

**Valley Gardens Forum
New Phase 3 Proposal
10 October 2019**



Our headline amendments are as follows:

We propose maintaining the public transport route between Pavilion and war memorial which will be fed by a dedicated bus lane travelling south from VG Phase 2. We retain the city's only central bus hub which maintains easy transfer from one route to another. This should improve bus journey options and travel times and therefore increase adoption of shared and public transport over private vehicles.

We are concerned that, due to lack of connectivity, the proposed pedestrianised area in front of the Pavilion currently has no destination other than itself. The position of the cycle route to the north narrows the pavement here, countering the desire to walk through to VG phase 2. We believe that a much improved and stronger pedestrian crossing can be achieved through the Pavilion gardens themselves. This new path would cross from the North Gate on Church Street to a new gateway and a revived Palace Place. Such a route is optimally positioned to converge with pedestrian flow from North Street on to the corner of Castle Square, crossing into Steine Gardens.

We propose more substantial pedestrian crossings, with clearly defined diagonal crossing paths, to allow a free flow of pedestrians bridging West of Steine with East and into the gardens themselves. A new feature archway could be used as a townscape device to further celebrate the access to the East. To our mind this is a significant gesture which is aligned with strategic city-wide ambitions to connect the Kemp Town communities with enhancements to Madeira Drive, Blackrock and the Marina.

We have suggested an altered cycle path to connect VG phase 2 to the seafront. By prioritising an altered pedestrian route through the Pavilion gardens, this new cycle route will use less populated parts. The most significant pedestrian crossing of the cycle route is at the bottom of Castle Square, where pedestrians will also have clear crossing priority with the bus. Smaller crossings of the route will be necessary to access bus stops.

To accommodate the proposed cycle route we have suggested moving the current listed bus stops, rebuilding these to the east and extending the pavement in front of them to accommodate a greater number of bus passengers.

By retaining the north south bus connection in front of the Pavilion, the National Express can be relocated to the public space north of the Royal Albion hotel, to use this route. In turn, Pool Valley is revitalised as a public space with the opportunity to create the city's bike hub - with facilities for hire, maintenance, education and storage - which links to the seafront away from the roundabout and importantly avoiding head on conflict with the concentration of pedestrians around the pier frontage.

We propose a roundabout in front of the pier to ease the flow of cars out from Pavilion Parade, in the interest of improved air quality and visitor experience. The roundabout is shown in an altered location to previous iterations, so that a wider pedestrian crossing can be accommodated flowing from Steine Gardens to the pier frontage.

Accommodating the requirement for delivery access to the pier is also a key consideration here. The avoidance of cycle crossings and clear allocation of delivery bays is important to maintaining the safe flow of deliveries, as life blood to the pier operation.