

Strategy, Finance & City Regeneration Committee

Date: **25 April 2024**

Time: **2.00pm**

Venue: **Council Chamber, Brighton Town Hall**

Members: **Councillors:** Sankey (Chair), Taylor (Deputy Chair), Shanks (Opposition Spokesperson), Cattell, McNair, Muten, Pumm, Robins, Rowkins and Williams

Contact: **Anthony Soyinka**
Head of Democratic Services
01273 291006
anthony.soyinka@brighton-hove.gov.uk

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.

Electronic agendas can also be accessed through our meetings app available through
ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper.

Date of Publication - Wednesday, 17 April 2024.

AGENDA

Part One

Page No.

126 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **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.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

127 MINUTES

7 - 18

To consider the minutes of the meeting held on 14 March 2024.

Contact Officer: Lisa Johnson

Tel: 01273 291228

128 CHAIR'S COMMUNICATIONS

129 CALL OVER

- (a) All agenda items will be read out at the meeting and Members

invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

130 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 19 April 2024;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 19 April 2024.

131 ITEMS REFERRED FROM FULL COUNCIL

132 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

133 DISMISSAL AND DISPUTES APPEALS PROCEDURE

19 - 36

Contact Officer: Tracy Lucas
Ward Affected: All Wards

134 DISPOSAL OF CONNAUGHT ANNEX

37 - 44

Contact Officer: Russell Hallowes-Smith
Ward Affected: Central Hove

Tel: 01273 293 025

PART TWO

135 PART TWO MINUTES

To consider the part two minutes of the meeting held on (insert date).

136 PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and

decisions thereon should remain exempt from disclosure to the press and public.

137 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the XX 2023 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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

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

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

Further information

For further details and general enquiries about this meeting contact Anthony Soyinka, (01273 291006, email anthony.soyinka@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Webcasting notice

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber 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.

Access notice

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer, and you are requested to inform Reception prior to going up to the Public Gallery. For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs. Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

Fire & emergency evacuation procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL
STRATEGY, FINANCE & CITY REGENERATION COMMITTEE

4.00pm 14 MARCH 2024

COUNCIL CHAMBER, HOVE TWON HALL

MINUTES

Present: Councillors Sankey (Chair), Taylor (Deputy Chair), Cattell, Davis (Substitute), Guilmant (Substitute), McNair, Nann (Substitute), Pumm, Robins and Williams.

PART ONE

108 PROCEDURAL BUSINESS

a) Declarations of substitutes

108.1 Councillor Nann substituted for Councillor Muten. Councillor Davis substituted for Councillor Shanks. Councillor Guilmant substituted for Councillor Rowkins.

b) Declarations of interests

108.2 Councillor Taylor stated that they a Governor of Longhill High School.

c) Exclusion of the press and public

108.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

108.4 **RESOLVED:** That the public are excluded from the meeting from items listed on Part 2 of the agenda.

109 MINUTES

109.1 **RESOLVED:** The minutes of the previous meeting held on 8 February 2024 were agreed.

110 CHAIR'S COMMUNICATIONS

110.1 The Chair addressed the committee and stated the following:

Good afternoon and welcome everyone to our March Strategy, Finance and City Regeneration Committee. Since we last met, we have received the Tory Government's Spring Statement. It contained nothing by way of new vision or ideas to get our

economy out of a Tory-created quagmire. Instead, the best bit was the Tories finally accepting Labour's plan to close the non-dom loophole. This was in our 2015 manifesto. Imagine all the funds we could have raised and invested in our precious public services, had the Tories swallowed their pride a little earlier.

Our country isn't demanding tax cuts. People want better public services and yes more money back in their pocket to survive a Tory Cost of Living Crisis, but that can only happen with a plan for growth, more and better jobs and high-quality public services that protect our quality of life. There's no point having 2p off your national insurance if when you call that life-saving ambulance for your elderly loved one, it doesn't arrive.

I'm pleased to say that following concerted lobbying by Brighton & Hove City Council and by the Labour-led LGA, the Government agreed to extend the Household Support Fund for a further 6 months, securing just over £2million for emergency food and fuel support, and free school meals in the school holidays. That this was a last-minute U-turn beggars' belief. The Tories are out of touch, but surely even they are aware that people in this country are now being tipped into destitution on a daily basis and need emergency support.

I commented in my chair's comms at our last Strategy meeting about the Government's attempt to use their financial events to attack equality, diversity and inclusion schemes run by us and other local authorities. It happened again last week.

But after the events of the last few days, I must revisit this theme. It is self-evidently ludicrous to suggest that the billions missing from our communities through local government finance is due to EDI. But this Government is now no longer, just attacking EDI in principle.

Something even darker has moved centre stage of our politics under this Government. Former Tory Prime Minister Liz Truss cosied up to Steve Bannon while he heaped praise on Tommy Robinson. Rishi Sunak failed to confront the Islamophobic comments of his former party chair, Lee Anderson. And earlier this week, it was revealed that the biggest donor to the Conservative Party is reported to have called for Diane Abbott, our first Black woman MP to be shot and to have said that looking at her makes him hate all Black women. Conservative ministers then fanned out across our TV screens to tell us this was not racism nor misogyny and that they would continue accepting this man's donations.

The utter moral failure to accept that violent anti-black racist misogyny should have no place whatsoever in our politics. Let alone bankrolling the Party of Government. What an utter disgrace. I want to acknowledge that Black and mixed heritage women across Brighton and Hove have been triggered, hurt and angered by these shocking and violent comments. As have so many.

My Administration utterly rejects the moral abyss our government now represents and the ugly place it is seeking to take our society. We certainly won't take lessons on equality, diversity and inclusion from a Party sponsored by race-hate. Instead, we are expanding our EDI work. This year we launch the third diverse talent programme, focussing on staff seeking to progress to senior grades. And on Monday I was pleased to address our Leadership Network on a new programme to implement the other positive action section of the Equality Act, meaning we actively and positively recruit those from under-represented groups in tiebreaker situations.

Moulsecoomb Hub & Housing Project

I am really excited that today we will be making a decision on whether to procure the new Moulsecoomb hub and housing project. The scheme which will provide over 200 affordable homes, alongside a new community Hub incorporating a Youth Centre, GP surgery, library, pharmacy, and café. High quality public realm will also be provided, including a skate park, and a 7-a-side 3G football pitch. It is one of the most ambitious and largest projects of its kind undertaken by Brighton and Hove City Council. It has received planning permission and today we will be voting on whether to go out to the market for a competitive procurement through a design and build route. This will make an important contribution to our work to accelerate the provision of new council and affordable housing in the city.

Organisational Redesign, Move to Cabinet System & Community Engagement Framework

Today we will also be discussing and voting on our proposed plan to move to a Cabinet system of governance at Brighton and Hove City Council. This paper is brought together with a paper of our organisational redesign and a new community engagement framework. Together these proposals are intended to create a more responsive, collaborative and effective Council. The last Labour Government introduced the leader and cabinet model of local government with the explicit intention of improving both public engagement and delivery against council objectives. As part of the planned move to a Cabinet system we will launch a consultation on the public engagement aspects of the new model, including a range of options from citizen assemblies to Cabinet Question Times. Our arrangements for Full Council will remain the same. A Cabinet system will mean we publish a forward plan of council decisions, it will bring our decision-making together and reduce siloed working.

Our organisational redesign is also designed to improve collaboration internally, reduce duplication and deliver savings for the next financial year. The major change in phase 1 is to reduce the number of directorates from 5 to 4 bringing health and adult social care together with housing to create Housing, Care and Wellbeing and today's paper addresses the necessary scheme of officer delegations. The next phase will focus on building a stronger corporate centre and empowering colleagues through the organisation to lead in a more strategic and collaborative way.

Social Value in Procurement

Package of documents to update our social value in procurements. This is all about delivering the betterment of the wellbeing of Brighton and Hove and our residents through our contracting, over and above the delivery of the contract. This means greater local employment and more support for charities.

School Capital Investment Programme/Local Transport Plan

Today we also consider our school capital investment programme with an important report about capital investments for the coming year. We also consider our Local Transport Capital Programme which includes important commitments to fix our roads and invest in the infrastructure we need for all who travel around our city.

111 CALL OVER

111.1 The Democratic Services officer invited the committee to state if they wished to discuss the reports listed on the agenda.

- Item 121: 'Annual Planned Maintenance Budget and Asset Management Fund Allocations 2024-25 for the Council's Operational Buildings' was not called for discussion.
- All other reports were called for consideration.

112 PUBLIC INVOLVEMENT

112.1 There was no public engagement.

113 MEMBER INVOLVEMENT

113.1 There was no Member involvement.

114 EDUCATION CAPITAL RESOURCES AND CAPITAL INVESTMENT PROGRAMME 2024-25

114.1 The Executive Director - Families Children & Learning introduced the report to the committee.

114.2 The committee considered the report of the Executive Director, Governance, People & Resources Officer.

114.1 Councillor Taylor asked questions and contributed to the debate.

Vote

114.4 A vote was taken, and by 9 (Councillors Cattell, Guilmant, McNair, Nann, Pumm, Robins, Sankey, Taylor and Williams) to 1 abstention (Councillor Davis) the committee agreed the recommendations.

RESOLVED:**That Children Families & Schools Committee**

- 2.1 That the level of available capital resources totalling £4.200m for investment relating to education buildings financed from capital grant be noted.
- 2.2 That Committee agree the allocation of funding as shown in Appendices 1 and 2 and recommend this to Strategy Finance & City Regeneration Committee on 14 March 2024 for inclusion within the Council's Capital Investment Programme 2024/25.
- 2.3 That Committee agree to recommend to Strategy Finance & City Regeneration Committee that they grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

That Strategy, Finance & City Regeneration Committee

- 2.1 That the level of available capital resources totalling £4.200m for investment relating to education buildings financed from capital grant be noted.
- 2.2 That Strategy Finance & City Regeneration Committee agree the allocation of funding as shown in Appendices 1 and 2 for inclusion within the Council's Capital Investment Programme 2024/25.
- 2.3 That Strategy Finance & City Regeneration Committee agree to grant delegated authority to the Assistant Director of Property & Design to procure the capital maintenance and basic need works and enter into contracts within these budgets, as required, in accordance with Contract Standing Orders in respect of the entire Education Capital Programme.

115 ORGANISATION REDESIGN - CHANGES TO DELEGATIONS

115.1 The Chief Executive introduced the report to the committee.

115.2 The committee considered the report of the Chief Executive.

115.1 Councillors Cattell, Davis, Taylor, McNair, Robins, Sankey, Williams and Dr Biswas Sasidharan asked questions and contributed to the debate.

Vote

115.4 A vote was taken, and by 9 (Councillors Cattell, Davis, Guilmant, Nann, Pumm, Robins, Sankey, Taylor and Williams) to 1 abstention (Councillor McNair) the committee agreed the recommendations.

RESOLVED:

- 2.1 That Committee notes the proposed officer re-organisation as set out in the report.
- 2.2 That Committee notes the outcome of the consultation process as set out in the report.
- 2.3 That Committee delegates responsibility to the Council's Monitoring Officer and Chief Executive to make the changes to the Scheme of Delegations to Officers considered necessary or incidental to implement the new directorate structure in accordance with the timeline set out in the report.
- 2.4 That Committee agrees that all the changes described at para 2.3 above and listed at 4.29 to 4.30 shall take effect from 1st April 2024, and for interim arrangements to be put in place as needed, pending the appointment of a Corporate Director (Housing, Care and Wellbeing).

116 SOCIAL VALUE IN PROCUREMENT

116.1 The Social Value & Sustainability Procurement Manager introduced the report to the committee.

116.2 The committee considered the report of the Executive Director, Governance, People & Resources officer.

116.1 Councillors Cattell, Davis, Robins, Williams and Dr Biswas Sasidharan asked questions and contributed to the debate.

Vote

116.4 A vote was taken, and the committee unanimously agreed the recommendations.

RESOLVED:

- 2.1 That Committee approves the new document suite “the Social Value Toolkit” for use in Council procurement activity going forward.
- 2.2 That Committee agrees for a Social Value community of practice to be created to support Council Officers and to ensure the document suite remains up to date.
- 2.3 That Committee delegates authority to approve updates of the Social Value Policy and Toolkit to the Head of Procurement in consultation with the Procurement lead members.
- 2.4 That Committee approves the creation of a Directorate KPI to monitor delivery of Social Value going forward.

117 PROPOSALS FOR NEW GOVERNANCE ARRANGEMENTS

117.1 The Assistant Director Legal & Democratic Services introduced the report to the committee.

117.2 The committee considered the report of the Executive Director Governance, People & Resources.

117.3 Councillors Taylor, McNair, Sankey, Robins, Davis, Guilmant and Dr Biswas Sasidharan asked questions and contributed to the debate.

Vote

117.4 A vote was taken, and by 8 (Councillors Nann, Guilmant, Pumm, Robins, Cattell, Williams, Taylor and Sankey) to 2 against (Councillors McNair and Davis) the committee agreed the recommendations.

RESOLVED:

That **Strategy, Finance & City Regeneration Committee** recommends that full Council:

- 2.1 Formally resolves to change its governance arrangements by ceasing to operate a committee system and instead operating a leader and cabinet executive system on 16 May 2024, during the annual Council meeting at which it is proposed the new Constitution shall be formally adopted;

- 2.2 Approves the Notice and Summary of Proposals set out in **Appendix 1** and instructs the Executive Director Governance, People & Resources to publish the Notice in accordance with Section 9KC of the Local Government Act 2000;
- 2.3 Notes the planned consultation and engagement as described at paragraphs 3.13-3.17 of the report and **Appendix 3**;
- 2.4 Notes that a new Constitution will be submitted to full Council on 16th May 2024 and, if adopted, will come into force on 16th May 2024.
- 2.5 That **Strategy, Finance & City Regeneration Committee** agrees the meetings timetable for the Municipal Year 2024/25 as set out at **Appendix 2 with dates and indicative times subject to full Council agreeing to adopt the new constitution at its annual meeting and subject to Council Procedure Rule 3.2 which sets out that the time and place of the meeting will be determined by the Chief Executive.**
- 2.6 Approves the recommendations of the Strategy, Finance & City Regeneration Committee as set out under recommendations 2.1-2.4 above.

118 COMMUNITY ENGAGEMENT FRAMEWORK

- 118.1 The AD Policy Communications & Leadership Officer introduced the report to the committee.
- 118.2 The committee considered the report of the Executive Director, Strategy, Governance & Resources.
- 118.1 Councillors Pumm, Sankey and Dr Biswas Sasidharan asked questions and contributed to the debate.

Vote

- 118.4 A vote was taken, and the committee unanimously agreed the recommendations.

RESOLVED:

- 2.1 That Committee notes the information in this report and its appendices.

119 PAY POLICY STATEMENT 2024/25

- 119.1 The Director Human Resources & Organisational Development introduced the report to the committee.
- 119.2 The committee considered the report of the Executive Director - Governance, People & Resources.
- 119.3 Councillor McNair and Dr Biswas Sasidharan asked questions and contributed to the debate.

Vote

119.4 A vote was taken, and the committee unanimously agreed the recommendations.

RESOLVED:

Strategy Finance & City Regeneration Committee:

2.1 That Committee recommends to full Council the adoption of the pay policy statement for 2024/25 attached at Appendix 1.

Full Council:

2.2 That full Council formally approves the recommendation of Strategy Finance & City Regeneration Committee that it adopts the pay policy statement for 2024/25 attached at Appendix 1.

120 LOCAL TRANSPORT PLAN 2024-25 CAPITAL PROGRAMME

120.1 The Executive Director Economy Environment & Culture introduced the report to the committee.

120.2 The committee considered the report of the Executive Director Economy, Environment & Culture.

120.3 Councillors Davis, Taylor, McNair, Nann and Sankey asked questions and contributed to the debate.

Vote

120.4 A vote was taken, and by 9 (Councillors Cattell, Davis, Guilmant, McNair, Nann, Pumm, Robins, Sankey, Taylor and Williams) to 1 abstention (Councillor McNair) the committee agreed the recommendations.

RESOLVED:

2.1 This Committee agrees the 2024/25 Local Transport Plan Capital budget allocation of £4.538m, as set out in Table 1 of this report.

2.2 This Committee notes the council's wider 2024/2025 Capital Transport Programme with a value of £23.10m, as set out in section 3.23 – 3.24 and detailed in Appendix 1.

121 ANNUAL PLANNED MAINTENANCE BUDGET AND ASSET MANAGEMENT FUND ALLOCATIONS 2024-25 FOR THE COUNCIL'S OPERATIONAL BUILDINGS

121.1 The report was not called for discussion; the officer recommendation was therefore taken as having been agreed unanimously.

RESOLVED:

2.1 Approves the annual programme of planned maintenance works for the Planned Maintenance Budget as detailed in Appendices 1 and 2, at a total estimated cost of £4,004,740.

- 2.2 Approves the Asset Management Fund allocation for 2024-25 totalling £1,000,000, as detailed in Appendix 3 of this report.
- 2.3 Agrees to delegate authority to the Executive Director Economy, Environment & Culture and Assistant Director Property & Design to take all necessary steps to procure the Planned Maintenance Budget works and Asset Management Fund improvement works and award contracts within these budgets.

122 MOULSECOOMB HUB AND HOUSING PROJECT

- 122.1 The Executive Director - Economy Environment & Culture introduced the report to the committee.
- 122.2 The committee considered the report of the Executive Director Housing, Neighbourhoods & Communities and Executive Director Economy, Environment and Culture.
- 122.3 Councillors Cattell, Taylor and Williams asked questions and contributed to the debate.

Vote
- 122.4 A vote was taken, and the committee unanimously agreed the recommendations.

RESOLVED:

That Housing and New Homes Committee

Recommends to Strategy, Finance & City Regeneration Committee to:

- 2.1 Agree to begin a procurement exercise for the redevelopment of this site, including early market engagement.
- 2.2 Delegate authority to the Executive Director of Environment, Economy & Culture and the Executive Director Housing, Neighbourhoods & Communities to procure the contractors and then once a budget has been agreed at a subsequent committee meeting, to then enter into relevant contracts.
- 2.3 Note that the demolition of some of the existing buildings is due to commence in March 2024.

That Strategy, Finance & City Regeneration Committee:

- 2.1 Agree to begin a procurement exercise for the redevelopment of this site, including early market engagement.
- 2.2 Delegate authority to the Executive Director of Environment, Economy & Culture and the Executive Director Housing, Neighbourhoods & Communities to procure the contractors and then once a budget has been agreed at a subsequent committee meeting, to then enter into relevant contracts.

2.3 Note that the demolition of some of the existing buildings is due to commence in March 2024.

123 MOULSECOOMB HUB AND HOUSING PROJECT (EXEMPT CATEGORY 3)

123.1 The Executive Director - Economy Environment & Culture introduced the report to the committee.

123.2 The committee considered the report of the Executive Director Housing, Neighbourhoods & Communities and Executive Director Economy, Environment and Culture.

123.3 Councillors Cattell, Taylor and Williams asked questions and contributed to the debate.

Vote

123.4 A vote was taken, and the committee unanimously agreed the recommendations.

123.5 The Committee agreed that the items listed in Part Two of the agenda and decisions therein should remain exempt from disclosure to the press and public.

RESOLVED:

That Housing and New Homes Committee

Recommends to Strategy, Finance & City Regeneration Committee to:

- 2.1 Agree to begin a procurement exercise for the redevelopment of this site, including early market engagement.
- 2.2 Delegate authority to the Executive Director of Environment, Economy & Culture and the Executive Director Housing, Neighbourhoods & Communities to procure the contractors and then once a budget has been agreed at a subsequent committee meeting, to then enter into relevant contracts.
- 2.3 Note that the demolition of some of the existing buildings is due to commence in March 2024.

That Strategy, Finance & City Regeneration Committee:

- 2.1 Agree to begin a procurement exercise for the redevelopment of this site, including early market engagement.
- 2.2 Delegate authority to the Executive Director of Environment, Economy & Culture and the Executive Director Housing, Neighbourhoods & Communities to procure the contractors and then once a budget has been agreed at a subsequent committee meeting, to then enter into relevant contracts.
- 2.3 Note that the demolition of some of the existing buildings is due to commence in March 2024.

124 ITEMS REFERRED FOR FULL COUNCIL

124.1 There were none.

The meeting concluded at 6.32pm

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Strategy Finance and City Re-generation Committee

Agenda Item 133

Subject: Dismissal and Disputes Appeals Procedures

Date of meeting: 25 April 2024

Report of: Abraham Ghebre-Ghiorghis

Contact Officer: Name: Alison McManamon
Tel: 07982 238281
Email: Alison.Mcmanamon@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 On 25th January 2024, Strategy, Finance and City Regeneration (SFCR) Committee gave delegated authority to officers to make the changes necessary to cease involvement of members in employment matters for all staff (except some issues related specifically to Chief Officers). This decision followed the publication of a [KC report](#) into serious allegations of behaviour and activities within the Council's waste service. The KC report outlined concerns about the effectiveness of the council's policies to address poor behaviour, and as a result included a recommendation to remove member Personnel Appeal Panels.
- 1.2 Notice has been given for the termination of Personnel Appeal Panels on 2nd August 2024, and this report provides the detail of changes to the council's dismissal and dispute procedures to implement a new dismissal appeal process that is both robust and fair, and in line with best practice and [ACAS guidance](#) (Appendix 1).

2. Recommendations

- 2.1 That Committee notes ongoing work that continues to improve the employment offer to staff at the council.
- 2.2 That Committee agrees to the proposed changes to the dismissal appeal process outlined in paragraph 3.10 below.
- 2.3 That Committee agrees to the proposed changes to the dispute procedure outlined in paragraph 3.11 below.
- 2.4 That Committee delegates authority to make the changes to individual policies to the Director of Human Resources and Organisational Development, to ensure the appeal procedure in all dismissal and dispute procedures are in line with the changes proposed in 3.10 - 3.11 below.

3. Context and background information

- 3.1 As one of the largest employers in Brighton & Hove, we know our hard-working staff are at the heart of everything the council delivers. In keeping with our People Promise to staff our ambition is to have an exemplar framework for all employment matters that enables our excellent staff to do the best for the city we serve. This policy framework includes how we support, motivate and reward staff as well as a suite of best practice employment policies that ensures the most effective processes to resolve any issues that may arise.
- 3.2 In October 2024, SFCR Committee approved the Council's people strategy and a programme of work to ensure that the council can attract the best talent to serve the city, and further develop our offer for staff as an employer of choice that values the contribution and excellent service performed by staff across the Council.
- 3.3 Since October, significant work has been undertaken to continue the delivery of the People Strategy, including:
- Refreshing and updating policies for fixed term and temporary workers to increase employment stability for non-permanent staff.
 - Refreshing our approach to industrial relations, building on the ambition to work in partnership with our Trade Unions, and to involve colleagues in discussions about the strategic direction of the council.
 - Implementation of the 24/25 budget proposals, with full consultation and consideration of ideas from TU's and staff and by managing change processes to maximise redeployment.
 - Refreshing our Fair and Inclusive Action plan and implementing new approaches to taking positive action in recruitment to further drive forward our aspiration to be a council that fully reflects the communities we serve.
 - Launching our new diverse future leaders programme, supporting colleagues from minoritised backgrounds to progress into more senior positions.
 - Acting on the 2023 staff survey results and implementing an organisational redesign to improve collaboration and teamwork across the council.
 - Reviewing our ways of working to support colleagues in working together face to face, and ensuring work arrangements best serve the needs of our customers.
 - Re-launching our wellbeing offer, working in partnership with stakeholders to launch several initiatives, including workplace health champions.
 - Revising our exit interview questionnaire to gather information about what it is like to work at the council and putting in place plans to act on the information gathered.
 - Continuing to support the development of our staff forums, and using the insight provided to tackle issues of discrimination, and to continue our work to become a fair and inclusive employer.
 - A review of our Bullying and Harassment policy, and a decision to implement an anonymous reporting tool to support those employees who

currently may feel unable to report issues of bullying, harassment or discrimination.

- 3.4 In addition to the above, work has been underway to ensure our dispute and dismissal appeal procedures are effective and support the provision of robust policies that operate in line with best practice and ACAS guidelines. The changes proposed to our dismissal procedures will ensure behaviours and other disciplinary matters can be effectively addressed and that we maintain the highest standards as a fair and inclusive employer, with compassion, kindness, dignity, and respect shown to and between all staff.
- 3.5 Currently all dismissal and dispute appeals are heard by elected members at a Personnel Appeal Panel (a sub-committee of SRCR Committee). Personnel Appeal Panels are made up of 3 elected members and have been in place since the formation of Brighton & Hove City Council in 1998. The panels hear all appeals against dismissal, and the second stage of collective disputes registered by any recognised Trade Union. A recent review of appeal panels in other local authorities demonstrated that many have removed members from involvement in formal employment procedures.
- 3.6 The removal of elected members from decision making in the disciplinary and dispute procedure provides for greater clarity of roles between members and officers of the council. It is the role of members to set the strategic direction and policy framework for the council, and this will include ensuring the right policy framework is in place to manage employment issues. Any changes to the main employment procedures are approved by the SFCR Committee.
- 3.7 The Head of Paid service is a statutory role and is responsible for ensuring the council's functions are properly coordinated. This includes ensuring the right staff are in place, how staff are organised, led, managed, and developed. The involvement of members in disciplinary and dispute processes (aside from specific statutory responsibilities related to some chief officers) blurs the clarity of responsibilities derived from respective roles.
- 3.8 Following the recommendation of committee on 25th January 2024, consultation has taken place with the recognised Trade Unions (see section 4 below), and the following changes are now proposed for committee approval.
- 3.9 It is proposed that changes, in line with the process outlined in 3.10 are made to consider any dismissal (whether in relation to conduct, capability, ill-health, redundancy or some other substantial reason) and that appropriate changes in line with para 3.11 are made to consider stage 2 dispute hearings. Changes in line with the wording below will be made to the:
 - Disciplinary Procedure
 - Attendance Management Policy and Procedure
 - Capability Procedure
 - Policy for Handling Redundancy
 - Disputes Procedure

Dismissal Appeals

3.10 Appeals against dismissals will be heard in accordance with the format attached at appendix 2, and by a hearing appeal manager who:

- will be a Corporate Director or Assistant Director,
- was not involved in the original dismissal decision,
- is senior to the manager who made the dismissal decision,
- is supported and advised at the hearing by a senior member of the HR team,
- is provided with appropriate legal advice,
- is from a different council directorate to the dismissing manager, and
- has been appropriately trained to hear such cases.

Stage 2 Dispute Hearings

3.11 Stage 2 dispute hearings will be heard in accordance with the format attached at appendix 3, and by a hearing appeal manager who:

- will be a Corporate Director or Assistant Director,
- was not involved in the stage one dispute,
- is the same level or senior to the manager who made the stage one decision,
- is supported and advised at the hearing by a senior member of the HR team,
- is provided with appropriate legal advice,
- is from a different council directorate to the stage one manager, and
- has been appropriately trained to hear such cases.

4. Consultation and consideration of alternative options

4.1 Since the publication of the KC report in October 2023, consultation has taken place with our recognised Trade Unions both in meetings with HR, and with members at Joint Staff Consultation Forum. They have consistently requested the retention of member appeal panels as it is felt that there is a level of independence in retaining the panels, and that it will be a detriment to employees for these panels to be removed. These discussions have been constructive and useful, and several changes have been made to the proposals in response to Trade Union comments, including:

- It is agreed that appeals will only be heard by Assistant Directors or Corporate Directors (previously proposed to include Heads of Service).
- It is agreed that appeals will only be heard by a leader from outside the area where the original dispute or dismissal occurred.
- It is agreed that all hearing managers will be appropriately trained, and decisions will have oversight from legal services as needed.
- It is agreed that a review will be carried out by August 2025 to consider how the processes are functioning, and any changes that may be required.

- 4.2 Research was carried out into appeals processes in place at other local authorities. Whilst some local authorities continue to use members for appeals, the majority in the survey of our neighbouring authorities and other unitary and London local authorities shows the majority (60%) have ceased the practice of member appeal panels.
- 4.3 For those not using members there are different models operating, with many councils' using a similar model to the one being proposed in this report ensuring that the final stage of dismissal and dispute decisions are made by senior leaders, who have been fully trained to manage appeals fairly, robustly and in line with the expectations laid out in employment law.
- 4.4 Consideration has been given to the involvement of an independent person (i.e. someone not employed by the council). Having carefully analysed the potential for this option, it is felt that senior leaders employed outside the relevant service, will have the appropriate objectivity to hear cases, along with an understanding of the council's policies, procedures and expectations around performance and behaviours. The provision of HR and employment law advice will ensure that appropriate consideration is taken of legal matters, as well as ensuring the consistent and fair application of policies and procedures across the council. The council will also seek to use mediation where possible to resolve employment situations, and if necessary independent mediation will be sought.
- 4.5 With regard to disputes, it is open to the council to seek independent support, such as from ACAS or other independent mediation, as necessary.
- 4.6 The ACAS Code of Conduct states that an appeal should be dealt with impartially and, wherever possible, by a manager who has not previously been involved in the case. It is therefore felt that the proposed arrangements are in line with best practice and statutory guidance.
- 4.7 In addition, managers who currently hear appeals in various procedures are able to do so independently, and with an objective assessment of the evidence presented, with decisions not being upheld where it is felt an alternative decision is required.

5. Conclusion

- 5.1 Following the decision to cease operating personnel appeal panels it is necessary to replace the appeals process in relevant procedures and process before 2 August 2024.
- 5.2 It is considered that the proposals set out in this report are an appropriate alternative to personnel appeal panels.
- 5.3 A review of arrangements will take place by August 2025.

6. Financial implications

- 6.1 There are no financial implications arising from the recommendations of this report. All proposed changes to procedures will be met from existing budgets.

Name of finance officer consulted: James Hengeveld

Date consulted: 16/04/2024

7. Legal implications

- 7.1 The report sets out how appeals against dismissal will be heard. Specific legal advice in relation to each case will be available as required.

- 7.2 There must be full compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures (the Code). The Code provides practical guidance to employers, employees and their representatives and sets out principles for handling disciplinary and grievance situations in the workplace, including the appeal process. Failure to adhere to the Code will not make the Council or any of its officers liable to proceedings, however employment tribunals will take the Code into account when considering relevant cases. Tribunals currently are able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code.

- 7.3 The council as a public authority is under a legal duty to ensure compliance with the Public Sector Equality Duty in its adoption of and adherence to the proposed dismissal appeal process:

As part of the Public Sector Equality Duty under the Equality Act 2010, the council must seek to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

- 7.4 To ensure consistency and adherence to the Equality Act 2010 consideration of seeking legal advice before matters are referred to the hearing appeal hearing manager should be obtained.

Name of lawyer consulted: Carol Haynes Date consulted: 16/04/24

8. Equalities implications

- 8.1 An Equalities Impact Assessment will be carried out on the current procedures before 2nd August 24. The information from the EIA will be used to inform how employees and managers are supported throughout any employment processes.

- 8.2 Arrangements are in place to ensure that adjustments are made to support employees with disabilities with meeting arrangements and different approaches are used as needed to remove barriers.

Supporting Documentation

1. Appendices

- 1.1 ACAS Guide on Appeals
- 1.2 Format of an appeal hearing
- 1.3 Format of a disputes Stage 2 hearing

Appealing a disciplinary or grievance

1 . What an appeal is

An appeal is used to review whether a decision that's been made should be overturned or changed.

Your employer should offer you the right of appeal. This is so you can raise an appeal if you feel:

- your [disciplinary outcome](#) is too severe
- your [grievance outcome](#) is wrong
- any part of your disciplinary or grievance procedure was wrong or unfair
- you've been [dismissed for an unfair reason](#)
- you have new evidence to show

If you appeal, your employer needs to look at your case again to see if:

- the procedure was followed in a fair way
- the outcome was fair

They should:

- hear your appeal
- carry out another [investigation](#), if necessary
- see if a different outcome is appropriate
- provide the final outcome in writing as soon as possible

The right of appeal and the law

The [Acas Code of Practice on disciplinary and grievance](#) says that employees should be given the right to appeal a disciplinary or grievance outcome.

If an employer does not give the opportunity to appeal, this could be counted against them if the case goes to employment tribunal.

Your organisation should have a policy or guidelines you can follow for appeals. If not, you should follow [the Acas Code](#) and this guide.

You can also speak with your trade union, if you have one, to get advice and support.

2. How to appeal

Your organisation's disciplinary and grievance policy should tell you how to appeal. If not, you should raise your appeal in writing to your employer.

Write in a letter or email:

- why you think your outcome was wrong or unfair – for example, if you felt the person investigating your case did not get enough evidence
- what you would like to happen next – for example, you could ask if your employer can carry out another investigation or look at the new evidence you have found

You should do this as soon as possible or within the time period that your organisation might have set in their policy. Acas recommends 5 working days from receiving your outcome as an appropriate amount of time.

Use our:

- [grievance appeal letter template](#)
- [disciplinary appeal letter template](#)

Who carries out the appeal process

The person who carries out your appeal and any further investigation should:

- not have been previously involved in your case
- be more senior than anyone who carried out any part of your case previously

This might not always be possible, especially in small organisations. However, your employer should try and make the process as fair as they can. If possible, they could also bring in an external person to carry out the appeal.

3. Preparing for a hearing

After you have raised the appeal, your employer or the person carrying out the appeal process should invite you to a 'hearing'. This is a meeting where your employer hears all the evidence to make a final decision.

They should do this as soon as possible and tell you in writing:

- the date, time and place of the hearing
- about your right to be accompanied

Employers can use the [Acas templates for disciplinary appeal letters](#).

The right to be accompanied

By law, an employee or worker can bring a 'companion' (relevant person) with them to both disciplinary and grievance appeal hearings. This is called 'the right to be accompanied'.

Having a companion can be helpful as it means they can:

- give you support
- be a neutral person to observe
- speak for you if you need them to

You should tell your employer as soon as possible who you want to be your companion so they can make the arrangements in good time.

Who you can bring with you

You must choose your companion from one of the following:

- someone you work with
- a trade union representative who's certified or trained in acting as a companion
- an official employed by a trade union

Under discrimination law, employers must make [reasonable adjustments](#) for disabled employees. This might mean allowing someone else to attend, for example a support worker or someone with knowledge of the disability and its effects.

Employers can, but do not have to, allow companions who do not fall within the above categories. For example, some employment contracts might allow for someone from a professional support body, partner, spouse or legal representative.

What you can do in the hearing

The appeal hearing is the chance for you to state your case and ask your employer to look at a different outcome.

It could help for you to:

- explain why you think the outcome is wrong or unfair
- say where you felt the procedure was unfair
- ask questions about the parts of the procedure you felt were unfair
- present new evidence, if you have it
- listen to your employer's point of view
- refer to your organisation policy or the [Acas Code of Practice on disciplinary and grievance procedures](#)
- ask how your organisation has dealt with any similar cases before

What employers should do in the hearing

In an appeal hearing, the person carrying out the appeal process should:

- introduce everyone, explaining why they are there if necessary
- explain the purpose of the hearing, how it will be conducted and what powers the person hearing the appeal has
- ask you why you are appealing
- look at new evidence, if there is any
- summarise the points after discussing them, and end the hearing

They will then need to consider if:

- the original outcome was fair
- they need to change the original outcome, if it's clear it was not right
- a new investigation is needed to find out more before making a final decision

Carrying out extra investigation steps

After hearing your appeal, your employer or the person they have assigned might decide they need to carry out further investigation steps.

This would be in cases where they need to:

- find or look at new evidence you've raised
- re-check the evidence they found

- talk to the same people again
- find and talk to new witnesses

If so, they would need to follow the steps in the [investigation stage](#).

The person carrying out the appeal investigation should then write up a confidential report. Your employer should show you this report.

If the extra investigation steps find new or more serious information about you, your employer should not increase the original disciplinary outcome, unless your disciplinary policy allows this.

Instead, your employer should start a new disciplinary procedure to investigate these new findings.

4. Getting the outcome

Your employer should tell you the appeal outcome as soon as possible in writing, including:

- the reason for their decision
- whether this is the final decision

Delays in getting an appeal outcome

If you are worried your appeal outcome is taking longer than you expected, you should tell your employer. If you have a trade union representative, you could also ask them to help follow it up.

[Find out how to raise a problem at work](#)

If you disagree with an appeal outcome

If you are not happy with the new outcome, you could:

- check your organisation's appeals policy for any next steps
- [contact the Acas helpline](#) to talk through your options
- find out how to [raise a problem at work](#)

5. Appealing a dismissal

Appealing a dismissal means asking your employer to overturn or change the decision to dismiss you. It should be handled in the same way as any other appeal.

If your appeal is not successful

If your appeal against the dismissal is not successful, the dismissal remains in place and takes effect from the original date you were dismissed.

If your appeal is successful

If your appeal against the dismissal is successful, you will usually be automatically reinstated in your job.

If you're reinstated, the original decision to dismiss you is overturned. This means the dismissal is considered to have never happened. This is known as a 'vanishing dismissal'.

If this happens, you would be reinstated in your job retrospectively. This means your employer will usually have to treat you as having been employed the entire time. They should:

- check you are paid for any wages lost since the original dismissal date
- confirm your length of service has no breaks in it

Being reinstated can have an effect on the legal claims available to you. For example, it is unlikely that making a claim to an employment tribunal for unfair dismissal would be successful.

If you do not want your job back

Before appealing a dismissal, you should consider if you would like your job back. This is because if the appeal is successful this will usually happen automatically.

If you do not want your job back, you should:

- check if your employment contract gives other options after an appeal – for example, it might say that your employer needs you to agree to the appeal outcome before making any changes
- consider a different way for questioning your employer's handling of your dismissal – for example, [raising a grievance](#)

If you've already raised an appeal and decide you do not want to be reinstated, it is possible to withdraw it. You must do this before the appeal decision is made.

In this situation you should make it very clear that you're withdrawing your appeal. It's a good idea to put this in writing to your employer.

Get more advice and support

If you need more advice on appealing a dismissal, you can:

- speak to a trade union representative, if you have one
- [contact the Acas helpline](#)
- [get legal advice](#)

Format of an Appeal Hearing

The Appeal Manager will introduce those present to the employee and explain why they are there.

They should explain the purpose of the appeal hearing, how it will be conducted and what powers the appeal hearing has.

The appellant (or his/her representative or companion) to state their case and may call witnesses.

Management may ask questions of the appellant (or their representative or companion) or witnesses to seek clarification of the appellant's case.

The Appeal Hearing Manager, or HR Advisor, may ask questions of the appellant (or his/her representative/companion) or witnesses to seek clarification of the appellant's case.

Management will state their case in the presence of the appellant and their representative or companion and may call witnesses.

The appellant (or their representative or companion) may ask questions of management or their witnesses to seek clarification of management's case.

The Appeal Hearing Manager or HR Advisor may ask questions of management or their witnesses to seek clarification of the management case.

Management to summarise their case.

The appellant (or their representative or companion) to summarise their case.

Management and appellant (and their representative or companion) and any witnesses to withdraw.

The Appeal Manager and HR Advisor will deliberate in private, recalling management or the appellant (and their representative or companion) to clarify any points of uncertainty on evidence already given.

If recall is necessary both parties are to return, notwithstanding only one is concerned with the point giving rise to the doubt.

The Appeal Manager will seek legal advice as necessary.

Having given due and careful consideration of all the evidence presented, the Appeal Manager will make a decision on whether the appeal should be upheld or rejected and then reconvene the appeal hearing to advise the employee orally of the decision.

The employee should be informed that he/she will receive confirmation of the decision in writing within the prescribed time scales.

A copy of the letter will be placed on the employee's personal file

Format for a Stage Two Dispute Hearing

1. Introduction

- 1.1 The stage 2 hearing manager will make introductions and outline the process to be followed to ensure that everyone present understands what is going to happen.
- 1.2 The stage 2 hearing manager will be advised by a member of HR.

2. Presentation of the Trade Union's case

- 2.1 The Trade Union presents their case, referring to any relevant documents and calling any witnesses as appropriate.
- 2.2 The stage one hearing manager and their HR advisor may question the employee or any of the witnesses on their evidence.
- 2.3 The stage 2 hearing manager may also question any person present.
- 2.4 Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

3. Presentation of the employer's case

- 3.1 The stage one hearing manager will present their case highlighting key points, referring to any relevant documents and calling any witnesses as appropriate.
- 3.2 The Trade Union may question the manager or any witnesses on their evidence.
- 3.3 The stage 2 hearing manager or the HR Advisor may also question any person present.
- 3.4 Each witness will join the hearing to give evidence and leave after doing so, although they may be recalled at any time if necessary.

4. Summing up

- 4.1 The Trade Union summarises the main points of their case.
- 4.2 The stage one hearing manager summarises the main points of their case.
- 4.3 At this stage no new evidence may be introduced.
- 4.4 The hearing is then adjourned and both parties leave the meeting.

5. The decision

- 5.1 The hearing manager will consider whether, on the balance of probability, the trade union's case was proven in full, in part or not at all.
- 5.2 The hearing manager should take into account any mitigating circumstances and if further clarification or information is required in order to reach a decision, all parties will be recalled and/or the hearing adjourned until the information is provided.
- 5.3 The hearing manager may seek advice from legal and will be advised by their HR Advisor.
- 5.4 Once the hearing manager has reached a decision, all parties will be recalled to the hearing and the stage 2 hearing manager will notify both parties of this. Should this not be possible the decision will be confirmed in writing within 7 days of the hearing.

Brighton & Hove City Council

Strategy, Finance & City Regeneration Committee

Agenda Item 134

Subject: Disposal of Connaught Annex

Date of meeting: 25 April 2024

Report of: Corporate Director of City Services

Contact Officer: Name: Russell Smith
Tel: 01273 291 461
Email: Russell.E.Smith@brighton-hove.gov.uk

Ward(s) affected: Central Hove

For general release

1. Purpose of the report and policy context

- 1.1 To seek approval for the disposal of this detached building which is known as the Connaught Day Centre (the Connaught Annex). The property was previously occupied by West Hove Primary School but is now surplus to requirements.
- 1.2 It is proposed that this building is sold to the Jeanne Saunders Centre (Penny Gobby House) Charity (“the Charity”) specialising in nursery care and early education for children with Special Educational Needs and Disability (SEND). Their existing accommodation is approaching obsolescence and their relocation, disposing of their current premises, would enable them to better meet the needs and aspirations of their service users.
- 1.3 The Council is the sole trustee of the Jeanne Saunders Centre (Penny Gobby House) Charity and has set up a separate Sub-Committee comprised of members not involved in the Strategy, Finance and Regeneration Committee to manage the Charity’s best interests.
- 1.4 The disposal of the Connaught Annex will generate a net capital receipt that will be used to support the council’s corporate capital strategy.

2. Recommendations

- 2.1 That Committee agrees to the disposal of the freehold of the Connaught Annex to the Charity and that delegated powers be given to the Corporate Director City Services in consultation with the Assistant Director Legal and Democratic Services to negotiate and approve the terms for the disposal of the property and its subsequent occupation by the Council’s SEND service and to take all necessary steps to complete the transactions.

3. Context and background information

- 3.1 The Connaught Road site in Hove is owned by the Brighton Metropolitan College (the MET) who granted a lease to the council on a peppercorn rent which expires in 2041. The site was historically occupied by West Hove Primary School however more recently has been occupied by the Pupil Referral Unit (PRU).
- 3.2 To the rear of the Connaught Road site is a detached building known as the Connaught Day Centre (the Connaught Annex) the freehold of which is owned by the Council and is the subject of this report. It is two storeys and is configured as a series of cellular teaching spaces extending from a central communal area. There is some recreational space externally, and it shares a pedestrian/ vehicular access rights with the main site.
- 3.3 The Connaught Annex is situated behind the Connaught Road site, to the west, with a supermarket neighboring it to the east and terraced housing to the north. It occupies a relatively secluded position, lacking visibility from the main roads, which diminishes its appeal beyond educational services. This isolated location poses a challenge in terms of attracting interest or investment from other sectors.
- 3.4 The building has most recently been occupied by Hive, an offshoot of the Hill Park School on a temporary short-term basis. Thereafter, to be surplus to requirements.
- 3.5 Through exploratory discussions, it has been proposed that the Charity acquires the Connaught Annex, relocating to it from their current building named Penny Gobby House at 31 Palmeira Avenue, Hove ("Penny Gobby House").
- 3.6 Penny Gobby House currently needs capital investment due its age, configuration and current condition. However, site limitations such as accessibility make it harder for the Charity to justify spending when seeking alternative accommodation would be a more effective use of charitable funds.
- 3.7 The Council's Urgency Sub Strategy, Finance & City Regeneration Committee (acting on behalf of the Charity) approved on 18th September 2023, the following:
 - i. [the] disposal of 31 Palmeira Avenue, Hove currently occupied by the Jeanne Saunders Centre ('Penny Gobby House') Charity,
 - ii. take all steps necessary to progress and complete the disposal of 31 Palmeira Avenue, Hove on behalf of the Charity,
 - iii. Agreed the purchase of the Annex at Connaught Road by the Charity.

- 3.8 A joint valuation has been commissioned and an independent surveyor has determined a Market Value of £800,000 for the Connaught Annex which is the proposed purchase price to be transferred.

4. Analysis and consideration of options

- 4.1 After thorough consideration of various options, taking into account their respective economic, social, and environmental impacts on the city, it is apparent that selling the building to the Charity emerges as the most suitable choice.

A breakdown of the options is set out below:

Retention of Connaught Annex:

- 4.2 An alternative is for the council to retain control over the site. While this option offers the potential for utilising the space as valuable temporary educational accommodation in the future, it also entails significant responsibilities for the council. Additionally, although leasing the space commercially is a possibility (subject to Secretary of State consent), market demand may be limited, resulting in prolonged marketing efforts and intermittent occupation. The scope for usage outside of educational services will be constrained by the established use class, location and shared access with the main Connaught site. This scenario could become financially burdensome for the council over the medium to long term, presenting a significant challenge. Therefore, while retaining control over the site offers some advantages, it also comes with notable drawbacks and potential financial risks.

Market Disposal:

- 4.3 Selling the Connaught Annex on the open market presents a viable avenue, notwithstanding the array of challenges it entails. Its physical constraints such as its proximity to the main school, prominence and potential lack of planning permissions might dampen its attractiveness to potential buyers. It is probable that only educational institutions would express genuine interest in the property. However, this market segment is limited, potentially leading to an extended marketing effort to pinpoint a suitable buyer. Yet, there's no assurance of securing such a buyer despite concerted efforts.

Sell to the Charity:

- 4.4 Selling the property to the Charity offers immediate advantages. The Charity is acquainted with the location and has proposals to utilise the proceeds from selling their current property to transfer, protect and enhance the Charity's objects. Choosing this option provides immediate benefits, sidestepping protracted marketing efforts and related uncertainties. The intention is that the SEND service will be relocated to this building, ensuring minimal disruption to educational services which guarantees that children allocated places for September 2024 will continue to receive the necessary provisions. It is expected that works that will enable the building to be suitable will be required prior to formal occupation. This option to sell the premises to the Charity would secure a buyer that will continue to maintain the building in the long term and support the local community. However, the

specific terms (eg maintenance and overhead costs) by which the Council's SEND service will occupy the Connaught Annex after completion of the disposal will need to be agreed under delegated authority by the Council with the Charity.

- 4.5 Opting to sell the property to the Charity emerges as not only the more pragmatic choice but it also aligns with the council's Special Educational Needs and Disability (SEND) Strategy for 2021-2026. This decision would not only offer immediate advantages but also contribute to the overarching goals of supporting educational initiatives and fostering community welfare.

5. Community engagement and consultation

- 5.1 Community engagement or consultation is not required for a commercial disposal of a vacant property.

6. Conclusion

- 6.1 If this transfer moves forward, the council would be able to relocate a SEND facility to more suitable accommodation meeting a commitment to its overriding SEND strategy. This relocation would not only enhance the quality of services provided but also generate a net capital receipt support the council's corporate capital strategy.

7. Financial implications

- 7.1 The disposal of Connaught Annex will yield a net capital receipt, which will support the council's corporate capital investment strategy. Any costs associated with the disposal of the set will be netted off from the final receipt.
- 7.2 The proposed sale price has been established through an independent joint valuation at a Market Value of £800,000. This valuation represents the best consideration for the property, reflecting a fair market value agreed upon by both parties.

Name of finance officer consulted: Rob Allen
Date consulted (12/04/2024)

8. Legal implications

- 8.1 The Council has power to dispose of non-housing land under section 123 Local Government Act 1972 which requires the council to obtain the best consideration reasonably obtainable. In proceeding with the disposal the Corporate Director City Services in consultation with the Assistant Director Legal and Democratic Services will need to be satisfied that the disposal meets the requirements of section 123 Local Government Act 1972.
- 8.2 A disposal of education land requires Secretary of State consent under section 77 of the School Standards and Framework Act 1998 ("SSFA 1998")

so prior to the disposal the Council will need to ensure that this is in place, if necessary.

- 8.3 Given that Brighton & Hove City Council serves as both the seller and the sole trustee of the Penny Gobby House Charity (the acquiring entity), it's been imperative to put in place protocols to prevent any perceived departure from market norms and manage the potential conflict of interest.
- 8.4 To execute this, the Council will continue to engage Orbis for legal counsel and contract preparation for the disposal of the Connaught Annex. Moreover, the Council as sole trustee to the Charity will engage external solicitors to both deal with the disposal of the Charity's own property at Penny Gobby House / Palmeira Avenue and the acquisition of the Connaught Annex. These external solicitors will be selected through a formal tendering process. This approach fosters transparency and fairness in the transaction, mitigating any concerns regarding undue influence or bias.

Name of lawyer consulted: Siobhan Fry
Date consulted (16/04/24):

9. Equalities implications

- 9.1 The council's commitment to children and young people with Special Educational Needs is outlined in the Brighton & Hove Special Educational Needs and Disability (SEND) Strategy 2021-2026. The overarching goal is to enrich the outcomes and opportunities of young individuals across the city, empowering them to achieve their full potential and lead fulfilling lives.
- 9.2 The Penny Gobby House Charity operates as an exceptional specialist nursery catering to young children with SEND, offering a unique split-curriculum approach. This model allows children to access both mainstream education and specialized support provided by the Charity.
- 9.3 Early identification and support of needs in nursery settings significantly increase the likelihood of children transitioning to mainstream schools rather than opting for a special school path. Through timely interventions, tailored provisions can be implemented to facilitate mainstream school placements. For those requiring specialized support, Education Health and Care Plans (EHCPs) can be established to ensure their needs are met through specialized education pathways.
- 9.4 The building, Penny Gobby House faces challenges in providing adequate disability access which poses difficulties in meeting legislative requirements regarding disability equality. Transitioning to the Connaught Annex would address these accessibility issues and facilitate compliance with disability equality regulations.



10. Sustainability implications

- 10.1 The building, Penny Gobby House has long faced difficulties concerning its suitability for young children with mobility needs. Originally a converted residential building spanning four floors, its absence of a lift and numerous stairs present considerable obstacles.
- 10.2 The Annex at Connaught Road emerges as a promising alternative, providing ample space for the expansion and improvement of services, thus accommodating larger groups of young people in need. Additionally, the layout of the Annex lends itself to meeting legislative requirements, allowing for the creation of an environment tailored to the specific needs of the children.
- 10.3 This combination of accessibility and functionality benefits provides a sustainable method to significantly enhance the quality of care and support provided to these vulnerable individuals in the longer term.

Supporting Documentation

1. Appendices

- 1) The Connaught Annex, Hove – Title Plan

 BHCC Freehold
 Leased from City College on 30 year lease at PC expiring 2041



Connaught Road Annex

Scale: 1:750 @A4



