

BRIGHTON & HOVE CITY COUNCIL MEETING

4.30PM 13 DECEMBER 2012

COUNCIL CHAMBER, BRIGHTON TOWN HALL

AGENDA



**Brighton & Hove
City Council**

Council Meeting

Title:	Council
Date:	13 December 2012
Time:	4.30pm
Venue	Council Chamber, Brighton Town Hall
Members:	All Councillors You are summoned to attend a meeting of the BRIGHTON & HOVE CITY COUNCIL to transact the under-mentioned business.
	Prayers will be conducted in the Council Chamber at 4.20pm by Sayed Tariq Jung of the Brighton & Hove Muslim Forum
Contact:	Mark Wall Head of Democratic Services 01273 291006 mark.wall@brighton-hove.gov.uk



The Town Hall has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However use of the lift is restricted for health and safety reasons please refer to the Access Notice in the agenda.



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

AGENDA

51. DECLARATIONS OF INTEREST

- (a) Disclosable of pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

52. MINUTES

1 - 52

To approve as a correct record the minutes of the last Council meeting held on the 25th October 2012 (copy attached).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

53. MAYOR'S COMMUNICATIONS.

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

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

55. TO RECEIVE PETITIONS AND E-PETITIONS.

Petitions will be presented to the Mayor at the meeting.

56. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 6th December 2012 will be circulated separately as part of an addendum at the meeting.

COUNCIL

57. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 6th December 2012 will be circulated separately as part of an addendum at the meeting.

58. PETITIONS FOR COUNCIL DEBATE

53 - 54

Petitions to be debated at Council. Report of the Monitoring Officer (copy attached):

(a) **Seven Dials Improvement Project.** Lead petitioner Mr. D. Evans.

59. WRITTEN QUESTIONS FROM COUNCILLORS.

55 - 56

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

6.30 - 7.15PM REFRESHMENT BREAK

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

60. ORAL QUESTIONS FROM COUNCILLORS

57 - 58

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

61. REPORTS OF COMMITTEES.

(a) Call over (items 62-64 and 66-68) will be read out at the meeting and Members invited to reserve the items for consideration.

(b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.

(c) Oral questions from Councillors on the Committee reports which have not been reserved for discussion.

62. COUNCIL TAX DISCOUNTS AND EXEMPTIONS REFORM

59 - 110

Extract from the proceedings of the Policy & Resources Committee meeting held on the 29th November 2012, together with a report of the Director of Finance (copies attached).

Contact Officer: *Nigel Manvell*

Tel: 29-3104

Ward Affected: *All Wards*

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63. COUNCIL TAX SUPPORT SYSTEM - FINAL SCHEME 111 - 216

Extract from the proceedings of the Policy & Resources Committee meeting held on the 29th November 2012, together with a report of the Director of Finance (copies attached).

Contact Officer: John Francis *Tel:* 29-1913
Ward Affected: All Wards

64. STATEMENT OF GAMBLING POLICY PURSUANT TO THE GAMBLING ACT 2005 217 - 244

Extract from the proceedings of the Licensing Committee (Licensing Functions 2003 Act) meeting held on the 22nd November 2012, together with a report of the Head of Planning and Public Protection (copies attached).

Contact Officer: Tim Nichols *Tel:* 29-2163
Ward Affected: All Wards

65. NOTICES OF MOTION. 245 - 256

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

- (a) **Impact of parking charges on the local economy.** Proposed by Councillor Cox.
- (b) **Rugby World Cup Bid.** Proposed by Councillor G. Theobald.
- (c) **Support properly funded Early Years Education and Childcare.** Proposed by Councillor Gilbey.
- (d) **Council Tax Benefit Support.** Proposed by Councillor Phillips.
- (e) **Free Childcare for disadvantaged Two-Year Olds.** Proposed by Councillor Shanks.
- (f) **Support Extra Funding for the Local Discretionary Social Fund.** Proposed by Councillor Fitch.

ITEMS REFERRED TO COUNCIL FOR INFORMATION

66. TWO YEAR OLD FREE EARLY LEARNING ENTITLEMENT 257 - 270

Extract from the proceedings of the Children & Young People Committee meeting held on the 12th November 2012, together with a report of the Interim Director of Children's Services (copies attached).

Contact Officer: Vicky Jenkins *Tel:* 29-6110
Ward Affected: All Wards

Part Two

67. MINUTES - EXEMPT CATEGORY 3

271 - 272

To approve as a correct record the part two minutes of the last Council meeting held on the 25th October 2012 (circulated to Members only).

Contact Officer: Mark Wall
Ward Affected: All Wards

Tel: 29-1006

68. PART TWO PROCEEDINGS

To consider whether the items listed in Part Two of the agenda and the decisions thereon should remain exempt from disclosure to the press and public.

69. CLOSE OF MEETING

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

Note:

1. *The Mayor will put the motion to the vote and if it is carried will then:-*

(a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*

(b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.

(c) *Following completion of the outstanding items, the Mayor will then close the meeting.*

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*

COUNCIL

3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

Once all the remaining items have been dealt with the Mayor will close the meeting.

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

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

WEBCASTING NOTICE

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

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

For further details and general enquiries about this meeting contact Mark Wall, (01273 291006, email mark.wall@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

ACCESS NOTICE

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

COUNCIL

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

We apologise for any inconvenience caused.

Date of Publication - Wednesday, 5 December 2012



Penny Thompson
Chief Executive

King's House
Grand Avenue
Hove
BN3 2LS

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 25 OCTOBER 2012****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

PART ONE**25. DECLARATIONS OF INTEREST**

- 25.1 Prior to the consideration of the items on the agenda the Mayor welcomed Councillor Wilson as the newly elected Member for East Brighton Ward to the Council and wished her well in her role.
- 25.2 The Mayor then asked if there were any declarations of interest and noted that there were no declarations of interest in matters appearing on the agenda.

26. MINUTES

- 26.1 The minutes of the last ordinary meeting held on the 19th July 2012 were approved and signed by the Mayor as a correct record of the proceedings.
- 26.2 The minutes of the special meeting held on the 24th July 2012 were approved and signed by the Mayor as a correct record of the proceedings.

27. MAYOR'S COMMUNICATIONS.

- 27.1 The Mayor stated that he wished to welcome Hannah Ward-Penny as the Youth Mayor and her Deputy, Azdean Boulaich to the meeting. He was looking forward to working with them and to attending various events over the coming months.

- 27.2 The Mayor stated that he was pleased to announce that the Our Choice Team in Children's Services had won the Most Unique Engagement Method Award at the recent CVSF Sector Awards for 2012. The award was for partnership work with Adventure Unlimited, engaging children in care and other vulnerable young people in fun sporting/confidence building skills as well as giving them a chance to have their voice heard. It was a young person led participation project and he invited Tina Owens, Senior Youth Worker to come forward to receive the award.
- 27.3 The Mayor stated that he was also pleased to announce that the Hove Street Sweeping team were joint winners of the Hove Business Partnership – Hove Heroes Award. This was an award from the local business people to those people who they believed had contributed significantly to the area, economy and community. He then invited Mike Moon, Head of Operations to accept the award on behalf of the team.
- 27.4 The Mayor noted that City Clean had also been awarded a 4 Star Clean Britain Award and invited Councillor West to come forward to receive it on their behalf.
- 27.5 The Mayor stated the he was very pleased to announce that Brighton & Hove has been recognised by the European Commission as an excellent and outstanding City in the field of Urban Transport by awarding the council the Runner- Up Civitas 'City of The Year' prize. He noted that the winning city was one of the council's ARCHIMEDES partners San Sebastian. He stated that it was a great honour for the City, not only as it set Brighton & Hove in the top echelon of the 70 plus European Cities involved in CIVITAS, but also reflected the sheer dedication of Transport Officers and Politicians from the current and previous administration who had worked in local, national and international partnerships to deliver a range of innovative and interesting projects including Electric Vehicle Charging Points, Road Safety and Cycle Infrastructure Improvements, enhancements to Journey On and Talking Bus Stops and better targeted Journey Planning to name but a few. He then invited Councillor Davey to come forward to receive the award.

28. TO RECEIVE PETITIONS AND E-PETITIONS.

- 28.1 The Mayor invited the submission of petitions from councillors and members of the public. He reminded the Council that petitions would be referred to the appropriate decision-making body without debate and the person presenting the petition would be invited to attend the meeting to which the petition was referred.
- 28.2 Ms. Paynter presented an e-petition signed by 85 residents concerning the provision of public toilets in the city;
- 28.3 Ms. Shepherd presented an e-petition signed by 151 residents concerning inadequate coach parking facilities in the city;
- 28.4 Mr. Love presented an e-petition signed by 110 residents concerning Norton Road Car Parking Charges;
- 28.5 Councillor Wilson presented a petition signed by 18 residents concerning road safety at a junction in Crossbush Road;

- 28.6 Councillor Simson presented a petition signed by 328 residents concerning the reinstatement of the No. 52 bus service;
- 28.7 Councillor Fitch presented a petition signed by 31 residents concerning the protection of Toad's Hole Valley from development; and
- 28.8 Ms. Simson presented a petition signed by over 140 residents concerning the need for a crossing outside St. Joseph's School.

29. WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

- 29.1 The Mayor reported that seven written questions had been received from members of the public and invited Ms. Shepherd to come forward and address the council.
- 29.2 Ms. Shepherd asked the following question;

"Given that this council states that it wants to provide cost effective services for all of Brighton and Hove residents and to be an attractive destination of choice for tourists and businesses I would like to know whose short-sighted decision it was to cancel in 2011 the creation of a much needed extension to the existing coach park in Madeira Drive which at the same time would have produced much needed revenue and when will this decision be reversed.

The recent parking survey and City Plan are ominously silent on coach parking facilities. Why? Whatever the pro's and cons are for committing over £14,000,000 towards the construction towards the i360 tower, an investment in coach parking of £200,000, one seventieth, over 40 additional places would have been provided creating the opportunity of increasing the gross annual income from parking, a basic requirement for a premier league city and resort such as ours with clear economic, strategic and ecological advantages, the coach park would have been in profit in under a year.

What other business schemes currently under consideration can demonstrate that? "

- 29.3 Councillor Davey replied;

"The administration is fully aware of the important role of tourism and visitors in the city's economy and that coaches bring day trippers here on a regular basis to enjoy what the city has to offer. As you know the current coach parking site in Madeira Drive is in high demand and in the summer particularly though some drivers choose not to pay but to use Roedean Road.

Previous Conservative and Labour administrations have also recognized this over the last ten years or so, they have tried and have not been able to address the needs of coach drivers. A single site, the former gas works above the Marina, was identified in 2004 as a possible site but I understand it proved too expensive to develop. Planning permission was granted for a temporary coach park at the Black Rock site in 2011 but the cost exceeded the budget that was made available.

No decision has been reversed as you suggest other than planning consent, no public decision was made to implement a coach park at Black Rock. Sufficient funds were

never identified, the £100,000 which I understood was set aside to build that park was barely half of what was required and no funds were identified for running it and I certainly didn't see a business plan.

You ask also, what happened to this money. The £100,000 which was a seaside town grant was spent by the Conservative and Labour opposition groups at budget council in February 2012 to help fund their Council Tax freeze.

The City Parking Review is very much focused on provision for residents but it's certainly an opportunity for you to put forward your reviews and I hope very much that you have done that or if you haven't you will do so very soon.

Officers are developing a seafront strategy and transport access for people and vehicles needs to be part of that and I'll be asking transport officers to input into that seafront strategy on this topic particularly and as you know there's also the City Plan which mentions coach parking."

29.4 Ms. Shepherd asked the following supplementary question;

"What mechanism is in place to measure the demand for coach parking in the city? The recent local transport plan makes no reference to the problem of coach parking, so what precise steps are being taken to address this?"

29.5 Councillor Davey replied;

"I will ask officers to look into that and get a response back to you."

29.6 The Mayor thanked Ms. Shepherd for attending the meeting and putting her questions and invited Mr. Green to come forward and address the council.

29.7 Mr. Green asked the following question;

"As Deputy Leader of the Council and apparent spokesperson for the Green administration - notwithstanding anyone's right to Freedom of Information - what protocols do you have in place to protect the confidentiality of individual cases that you and your colleagues deal with and, indeed, any sensitive business that you have been elected to manage and guard wisely?"

29.8 Councillor Mac Cafferty replied;

"Information that Councillors have access to is obviously restricted by law, there are categories of confidential and exempt information that are set out in that legislation. Including information relating to any individual and information relating to the financial or business affairs of any particular person. There are some exemptions to that as you might expect, including information on a need to know basis and a protocol that is set out in the Council's Constitution that all 54 Councillors sign up to as well. We are also bound by a code of conduct which specifically addresses our responsibilities in relation to how we handle confidential information.

We're prohibited under that code from disclosing information which we ought to be aware of, is of a confidential nature. Any complaints in relation to the breach of that code can be investigated and indeed they can be brought to the new Audit and Standards Committee.

Our employees must comply with the data protection and freedom of information act. When they're processing and disclosing information, it's also a condition of their employment that they must not inappropriately publish or otherwise divulge confidential information. That responsibility continues, thankfully, even after the individual has left their employment. Those rules are set out in the Council's employee code of conduct as well. I imagine you may have a specific supplementary and I'll do my best to answer that as best as I can."

29.9 Mr. Green asked the following supplementary question;

"As a follower of a number of blogs and social media sites, how do you expect me and the people of Brighton and Hove to believe that this administration and in particularly yourself, are capable and trustworthy to exercise the necessary and proper confidentiality, following a complete lack of discretion in passing and publishing sensitive and in-accurate information concerning Councillor Summers and the Green Party Group to activists in the social media who, like you, have made it their personal crusade to publicly discredit her?"

29.10 Councillor Mac Cafferty replied;

"I can't speak for others but I have not tweeted on the sad subject of what has happened to Councillor Summers and I take very seriously any comments that have been produced in the public domain about Councillor Summers. I'm more than happy to have a discussion with you about the very serious subject of what has happened to Councillor Summers."

29.11 The Mayor thanked Mr. Green for attending the meeting and putting his questions and invited Ms. Joseph to come forward and address the council.

29.12 Ms. Joseph asked the following question;

"Seventeen months into your term as the first Green administration, to what extent do you feel you have tackled, or begun to tackle, the priorities identified in your manifesto in a way that has included, engaged and benefited all the different people groups that comprise this city?"

29.13 Councillor Mac Cafferty replied;

"We obviously take very seriously how we engage the population of the city and we hope to that end that the way that we've been consulting over our budget has been quite a good start. We've included the opposition parties, for example, in how we relate to the budget and we've been actively including the opinions of the city's residents for example in some of the budget work we've done as well.

Specifics, underneath what we've done since we became the administration; we've signed up to a thing called the Open Government License which sees content on the Council's website made available for re-use. We're working with 'My Society' to adapt better workflow for Freedom of Information Requests.

We're publishing increasing amounts of data including map data for Council services and assets. We're re-writing the economic strategy with the Local Economic Partnership which brings together the lead businesses in the city. We're writing a City Prospectus so that we can attract inward investment.

We're bidding for Government through the City Deal and a few weeks ago we launched the Eco Technology Show all of which demonstrates our commitment to involving and working with businesses in the city. Also, only a few weeks ago, we thrashed out the final finances for the i360 which will be on the sea front and we only did that with the co-operation of the Local Enterprise Partnership as well.

We financially supported a local supported employer, 'Able and Willing', which you may have heard of, it's formally known as Castleham Industries. They employ 20 staff, 90% of whom have a disability, with the investment and the involvement of the Council and the way that we spoke to them, they've been able to buy new equipment and continue supporting people with disabilities in to work.

We've also been investing in 'Riding the Wave', with some support for small businesses. We're examining, currently, what way we can offer more apprenticeships and training opportunities to young people through partnership working with the Council and City College who we obviously relish working with. We have the establishment of a One Stop Shop for young people in the city centre where they can go for advice from a variety of agencies, that's on Queen's Road.

We introduced an Eco Tourism Strategy for the city showing how Brighton and Hove can make best use of its sustainable assets and attractions. All Councillor Officers now get £7.19 as their wage because we have set up a living wage at commission. That was set up by the Chamber of Commerce and in conjunction with the Hotels Association and, indeed, the Albion.

We're also promoting the Sussex Credit Union because we realise that times are tough. We've met with various landowners, developers, housing co-ops and other partners to kick start developments that have otherwise become stuck. We've agreed a Tenant Scrutiny Panel so that our tenants can keep an eye on what's happening with their Tenants' Tenancy Agreements. We're working with partners including Brighton Housing Trust on an ethical lettings agency. We've brought more than 100 homes back into use because we've sat down with housing providers and private owners of empty properties.

We've supported Brighton Women's Centre. We've introduced a carer's card which supports carers and people who have a disability, mental health problem or long term illness. That enables them to discounts that are supported across the city. We're bringing in a Safe in the City delivery unit, we've set up Cumulative Impact Area to deal with Licensing, I could go on but I realise that there's probably a supplementary that you would like to ask as well."

29.14 Ms. Joseph asked the following supplementary question;

“Before I give the Supplementary question, I want to make a point of saying I am not coming from a biased position where I connect with people’s hearts, I connect with people’s emotions and I see people for who they are not what label they come from. As someone who’s been actively involved in the community at grassroots level and invested so much over the first of the last 15 years I’d like to know when this Administration is going to come clean on it’s equality drive and what we know is equality and admit that, to date, it has done little to assist encourage the significant representation of Christians in this city who invest untold amounts of time, energy and resources providing services that the Council for various reasons, probably very good reasons, have been unable to do so.

We’ve seen this Administration consistently and unashamedly promote resources countless to LGBT which I have no problem with but when it’s a bias I have a huge problem with it. I want to know whether or not this Administration has the will to deal with Christian groups on an even playing field and if so, how you intend to demonstrate it?”

29.15 Councillor Mac Cafferty replied;

“The inclusion of all faiths in Brighton and Hove’s life and the inclusion of all faiths and non, in the way the city is run is of an incredible importance. To that end, there are indeed Christians in our Group and Christians in our Party and the Chief Executive of the Green Party is an active Christian, for example. To that end we fully acknowledge their role in what way we understand our own politics.

In terms of what way we engage, I know, for example myself and my colleague in my Ward Councillor Ollie Sykes, talk all the time to faith leaders and that’s of all the Abrahamic faiths, that’s Jews, Muslims as well as Christians and we take very seriously their opinion and what they have to say, not least because of the very important role that you’ve identified in your supplementary question to me which is the very important role that they play and I want to carry on with that and I would hope that all of my colleagues in this Administration would take very seriously the important role that all faiths play in our city and that we carry on doing that in the future and I’m more that happy for us to have a conversation outside of these four walls to carry on how we do that best.”

29.16 The Mayor thanked Ms. Joseph for attending the meeting and putting her questions and invited Mr. Bell to come forward and address the council.

29.17 Mr. Bell asked the following question;

“As you have announced an underspend in this year’s council budget can you please inform us as to why for the sake of £60,000 the 52 bus service has been cut so that the elderly in Woodingdean can no longer get to the hospital, working council tax payers can no longer commute to the station and children going to BHASVIC, Cardinal Newman and Blatchington Mill schools are now put in danger by having to wait in the dark to catch three buses instead of the direct route they use to have on the original 52 bus route.”

29.18 Councillor Davey replied;

“I very much wish you were right on the difference between the £110,000 per annum that this Council is paying the Big Lemon to run the shortened 52 service and the price of the extended route which we received was only £60,000. The reality is it isn't and it was much higher than that and much more like double that. Of course the contract was for 4 years so the overall commitment over that period was substantially greater than £400,000. The Council is not able to afford that sum of money in the current economic climate, we should only have to listen to the news every single day to comprehend the situation that the extra cuts imposed on this Local Authority and other Local Authorities throughout the Country are getting worse week on week.

The revised 52 route is timetabled to synchronise with the Council's subsidised 47 route at the Marina and neighbouring continuous journeys to the hospital and to the city centre. There are also many other services running along the coast road to connect to and from Woodingdean into the city centre itself.”

29.19 Mr. Bell asked the following supplementary question;

“Is this an attack on the lives of us living in Woodingdean because this is devastating the lives of the elderly, the school children and those trying to go to work. I'm interested to know what value the Green Administration will put on a life because lives are in danger waiting in these dark streets, travelling down these roads, having to cross main road going to school and having at least a 10 minute walk to get into school now.”

29.20 Councillor Davey replied;

“This Council puts a great deal of value on road safety and one of the things we are doing is introducing 20 mile per hour speed limits across the city to make the streets safer than they are at the moment. Many children across the city are having to walk to school, many children do not have buses direct to their school and I wish they did but the reality is that has never been the case and it isn't the case at the moment. If you have specific concerns please submit them to the road safety team and I'm sure they'll have a look at them.”

29.21 The Mayor thanked Mr. Bell for attending the meeting and putting his questions and invited Mr. Tilley to come forward and address the council.

29.22 Mr. Tilley asked the following question;

“It is requested that the Brighton and Hove public are allowed to take photos (silent, non flash) and video recordings on mobile devices during public Council meetings.”

29.23 Councillor J. Kitcat replied;

“I personally would very much support that and I have put that case in the last review of the constitution but I could not find cross party support for that position. The current position is that the constitution requires the agreement of the Chair at each meeting whether that can be allowed. I would hope that there would be a default in favour in the

future and I hope that other Members would support it the next time we review our constitution.”

29.24 The Mayor thanked Mr. Tilley for attending the meeting and putting r his question and invited Ms. Simson to come forward and address the council.

29.25 Ms. Simson asked the following question;

“St Josephs Primary School in Hollingdean is situated on a busy main bus route and every day parents, carers and their children take their lives in their hands when trying to cross outside the school. The school has contacted the Council on many occasions asking for a crossing to be situated outside the school and only last week was told the earliest this could happen was 2015. For the safety of everyone at the school are you prepared to do to make it safe to cross either with a proper crossing or at very least a school crossing patrol?”

29.26 Councillor Davey replied;

“Council officers carried out an assessment last year and didn’t find that it particularly merited the installation of a formal crossing. I’m told that this month, they’ve looked at it again and at the possibility of a school crossing officer and other access improvements for pedestrians in the area. I think the message is work with the School Travel Team to improve things in the area.”

29.27 Ms. Simson asked the following supplementary question;

“We did have someone come last week following this campaign to look again about what can be done but we haven’t had any answers and our parents want to be reassured that this matter will be taken seriously and dealt with as soon as possible and we just want to know how soon there will be a satisfactory outcome for our children?”

29.28 Councillor Davey replied;

“I’ve got a long response which I won’t read but I will get to you in writing but the School Travel Officers will be in touch see what can be done as soon as possible.”

29.29 The Mayor thanked Ms. Simson for attending the meeting and putting her questions and invited Mr. Pamely to come forward and address the council.

29.30 Mr. Pamely asked the following question,

“The curtailment of the 52 bus route and the changes to its timetable has seriously jeopardised our safety. Please give in detail your analysis of the risks factors and the dangers posed when allowing the changes to the running of the 52 bus. What considerations were there about linking with other bus service times (as these are not working), the locations for changing buses for children as young as 11 years of age in extended journey times, the geographical nature of Ovingdean, (its hills and exposed unlit downland road), and, the demographic make-up of the Ovingdean area?”

29.31 Councillor Davey replied,

“The budget savings as a result of Central Government cuts form quite difficult decisions across a whole range of Council services. This is the same for all Local Authorities many of whom have drastically cut funding for supported bus routes or in some cases are in the process of stopping them altogether.

It’s also worth remembering that the very minimal reduction in this Council’s budget was supported by all political parties in this room at Budget Council in February of this year. The shortened 52 service timetable has been synchronised to link up with the 47 at the Marina to allow passengers to change there for its service to the hospital and the city centre and there are also links along the seafront.

Public Transport and the Children and Young People teams are providing detailed information to parents concerning school journeys and information, as always, has also been provided to schools. With regard to risk, the services connect at the Marina so there’s a perfectly straight forward change there. With regards to Health and Safety, there is an operator’s Code of Conduct which sets out what is expected of the operators and I’ll get that provided in the written response. Also there’s going to be a review of School Transport taking place over these next few months so you can input any specific safety concerns into that.”

29.32 Mr. Pamey asked the following supplementary question,

“Don’t you think that by continuing what you have currently running is in fact failing to protect the citizens of Ovingdean and Woodingdean?”

29.33 Councillor Davey replied,

“No I don’t, this Council is providing £110,000 a year to fund a bus service from Woodingdean/Ovingdean down to the Marina.”

29.34 The Mayor thanked Mr. Pamey for attending the meeting and putting his questions and noted that this concluded the public questions for the meeting.

30. DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

30.1 The Mayor reported that seven deputations had been received from members of the public.

30.2 Councillor G. Theobald noted that two of the deputations referred to the No. 52 Bus Service and that Item 46 on the agenda also related to the subject matter, and asked if the two deputations could be brought forward and taken with the report listed as Item 46.

30.3 The Mayor noted the request and stated that he was happy to take Items 30 (f) and (g) being the deputations together with Item 46, Supported Bus Routes and invited Mr. Wedd as the spokesperson for the sixth deputation to come forward and address the council.

- 30.4 Mr. Wedd thanked the Mayor and noted that copies of the deputation had been circulated and therefore he wished to say the following:

“Please re-instate the 52 bus service to its original route and timings from the city centre to Woodingdean and Ovingdean. You know the background, you made the decision and we know that money is tight at present and we know that savings have to be found but only Ovingdean in bearing the brunt of those savings, all other bus services were saved.

Lost passengers, lost revenue, more car journeys. The brief in your papers from me showed some of those negatively affected. Residents, parent, school and college students, primary school children, nurses, volunteers, City Council workers and patients for the RSCH.

The new times don't suit; when the choices miss the bus or miss school, my daughter misses the bus and I don't go on the bus either with her. That's missed tickets, missed revenue. Before this was introduced there was little or no visible consultation, certainly not on the 52 that I got on everyday. Since implementation, very little justification. Over the last 6 weeks I've asked Councillor Davey and his officers 21 questions about the tendering process. I've had barely an acknowledgement and yet no reply I'm sure the Councillors will share my regret at what appears to be reticence on behalf of Councillors whose decision it was.

Nine other routes have been saved in part or in whole, I congratulate the Council for saving those, can you not save just the last one? We've been given lots of explanations about why the buses have to be re-timed. The Big Lemon says it's to meet the 47 at the Marina. Not so, Mr Johnson told me that cross ticketing was always part of the tender, there was never a link. If that's the case then why the City Council compel the Big Lemon 52 service to meet and only to meet, the 47 Compass?

Which organisation is telling the complete truth? Mr Johnson has also blamed the print run of the bus times publication for holding on to the new, inconvenient times and as we know bus times is published by the red buses which I think is a competitor to Big Lemon and Compass. It's a bit like getting BA to sell the seats on Virgin Airplanes.

My brief to you Councillor shows that the morning timings are useless for all practical purposes for passengers trying to get to work or school. It isn't just a change at the Marina that's not a minor inconvenience, it's often windy, it's often wet, the sheltering is awful you have to walk and the bus times that you are going to catch are not on the internet and they're not on the real time displays.

Do we wait for 55 minutes or only 5? And those two changes together plus times and the changes are a positive disincentive to passengers, like me, committed to bus travel. Customers have a choice, most have cars or alternatives to the bus, they don't have to get the car, fight the traffic and parking fees but many are because the 52 no longer works for them. Think of the journey out of the city centre, there's only one place where the coast way bus combines with the 52 and that's Roedean School right on the A259 in the wind, I don't know if there's a bus shelter there, can't remember but it's bleak, horrid, exposed and it's the only place where the 2 buses cross.

Think about the walk up Greenways, for a young and fit and healthy pedestrian like me it's easy but for the infirm or the elderly; yet another obstacle to bus transport and school children have to change. You see 150 odd children from Cardinal Newman, 39 odd from BHASVIC. Their journey time has doubled. What about the impact of Kent having multiple bus companies running services in Brighton?

What about the tourists? Think about London buses, New York cabs. Ticket prices up 25% when you buy from the driver and just in closing, can I ask you to consider all the other places in the County of Sussex which are better served than Ovingdean. All we want is a service as good as Steyning, all those well known Brighton Council Tax payers in Tunbridge Wells, Lewes, Uckfield and Ringmer. Ringmer has twice as many buses as Ovingdean and they don't pay taxes to you. What do we want please Councillors? Reversion to our old bus times, school buses back, a direct city centre just like Ringmer and Steyning and you can afford it. It is not as much as you say Councillor Davey."

30.5 Councillor Davey replied;

"I can't remember how many questions you submitted, but you asked for them to be treated as an FOI (Freedom of Interest request) and they are being treated as such and a response will be coming accordingly. Brighton and Hove Buses did not withdraw the 52 at weekdays and 57 Sunday services Woodingdean/Ovingdean direct to the city centre, the contracts for these Council supported services came to an end and the new tenders were awarded as you know to the Big Lemon and Compass Travel respectively.

Under European Legislation we have to go out to competitive tender for the services and each company bids for those tenders. We have to accept the best bid based on quality and price, as bus companies will use their vehicles on commercial and supported services in the most efficient way possible, we cannot stipulate a particular vehicle levy for our supported buses without insisting our services were operated using branded buses which would raise the cost substantially and we are not allowed to direct an award to a particular dominant operator and I'm sure other Councillors would not wish us to show preference like that even if we were able to.

As you point out there is an improving service from and to destinations in the widest Sussex area which is very good news for this city as more people are choosing to travel here by bus. All of these services are operated commercially by either Brighton and Hove Buses or other bus companies with no financial support, certainly from this Local Authority. If the number of passengers on the number 52 route were sufficient a commercial service could possibly be operated but reports from the operators unfortunately show that, in their view, this is not the case. With regards to cost, the extra contract cost of maintaining a falling 52 service over 4 years was considerably more than £100,000 per annum which the Council was unable to afford.

However the Council has ensured that there is a good link from the 52 to the hospital and into the city centre. With regards to timetables, the Council has arranged the Brighton and Hove Bus Company to provide and maintain all timetables for the bus services it funds regardless of operator. This ensures that the bus information is provided to the same uniform high standard across the city and the number of other bus operators using commercial routes within the city also choose to pay to have their

service included within the Brighton and Hove Buses timetable frames in Brighton and Hove Buses format.

The Big Lemon's Buses on the route through Ovingdean are clearly marked with the route number and destination, in your written deputation, and I'm not sure you mentioned it in your verbal one, you also mentioned the Lewes Road and the money being used to pay for the improvements is from a one off Government Funded grant specifically for that purpose and would not be transferable to support an existing bus service elsewhere."

30.6 The Mayor then invited Miss. Tsapparelli as the spokesperson for the seventh deputation to come forward and address the council.

30.7 Miss Tsapparelli thanked the Mayor and stated,

"I've been catching the 52; the only school bus that services Woodingdean and Ovingdean for over 3 years. I left the house at 8:35am every morning and caught the bus all the way to school and also in the afternoons, a journey taking me around 50 minutes. The double decker bus was usually full with students from Cardinal Newman School and Sixth Form, BHASVIC and Blatchington Mill. Two weeks after the new school year began I was given a letter informing me that my bus would be cancelled in less than a week and I would have to find alternative means of getting to school. I currently catch 2 buses to school, the first of which being the 52 to the Marina and in order to catch this bus I leave at 7:25am 10 minutes earlier.

As we approach winter and it becomes increasingly dark in the mornings and late afternoons, I'm waiting at bus stops in the dark often alone. After catching the 52 for 25 minutes, I wait in the Marina for my next bus the 7 which despite being due every 7 minutes sometimes takes nearly 20 often in the cold and the rain. I get off the bus at Montefiore Road at approximately 8:30 but frequently later, school starts at 8:40am this is a 0.6 mile walk that takes 10 minutes if I rush, the journey entails walking along and crossing the busy Old Shoreham Road, in order to avoid being late for school and getting detention I do not have time to walk to a crossing and must wait for a gap in the traffic and run across the road.

I also have to walk across a field with no path and is muddy but as the mornings become colder, will become icy and more hazardous. In the afternoons I make the same journey in reverse arriving in the Marina at 3:35pm and wait until 4:10pm sometimes alone and, again, am concerned about the safety implications of this. I am currently 14 but my younger sister, aged 12, must also make this journey and I cannot always accompany her. My youngest sister is 10 and will be a pupil at Cardinal Newman School when she is aged 11, how am I expected to get to school in time without endangering my life?"

30.8 Councillor Shanks replied;

"The history of bus services is a long complicated one to fit in here, but we all wish that we did not have the situation of privatised bus services etc. We are really sorry about the lateness of the announcement of this and we have apologised to schools and to parents because people need to know what's happening in advance so I do apologise

for that. We are looking at school transport across the city because it's obviously very important to us to make sure that children are able to get to school on time, we don't have a legal obligation to make sure that there's a bus that goes to your home but we do have a responsibility to make sure there are school places and we need to look very closely at the safety issues so we are having a review of this and I've asked officers to look at this across both school transport and public transport to make sure that those two are working well together. So I'm sorry about your journey but it is something that we are concerned about and we are happy to hear individual stories to see if we can help with that."

- 30.9 The Mayor thanked both Mr. Wedd and Miss. Tsapparelli for attending the meeting and presenting their deputations and invited Councillor J. Kitcat as Chair of the Policy & Resources Committee to introduce Item 46, Supported Bus Routes.
- 30.10 Councillor Kitcat stated that the item had been referred from the Policy & Resources Committee to the Council for information and concerned the previous request from the council for the committee to review the concerns raised by residents in regard to the decisions taken on supported bus routes. He stated that whilst the committee understood the concerns raised and noted that action had been taken to enable further routes to be supported and maintained. However, the No.52 service could not be fully funded and the shortened route was the one that had been tendered for and was being operated. The council was in a difficult financial position and unless further funding could be identified he could not see how the service could be supported any further.
- 30.11 Councillor Simson stated that the areas of Ovingdean and Woodingdean were the only ones in the city which were adversely affected by the decisions taken at the Policy & Resources Committee and she believed that something should be done to reinstate the full route. She also noted that the current service did not match up with other service providers' timetables and meant that children were finding it difficult to get across the city to school, commuters could not get to the station, it was difficult to get to the hospital and elderly people could not travel easily on the buses. She believed that people were being put at risk and that something had to be done to reinstate the full service and therefore suggested that another review be undertaken and an assessment made of how the service could be provided.
- 30.12 Councillor Mitchell stated that the proposed cuts to the bus routes had been put forward by the Administration and had not been supported by the Opposition Groups. When the matter was considered at the Policy & Resources Committee, additional resources were found to enable the reinstatement of a number of services and the Administration were urged to find the remainder in order to maintain the No. 52 service, but failed to do so. She noted that the budget setting process for 2013/14 was beginning and suggested that this issue should be revisited and funding identified to enable the reinstatement of the full service for the No.52 bus route.
- 30.13 Councillor Mears stated that there was a need to consider the safety of the children using the bus service and that she felt there was an accident waiting to happen, given the risks that had been highlighted by the deputations. She stated that residents felt that they were not being listened to by the council and they could not understand why the necessary resources could not be found to support this bus route. She suggested that there was a need to review the various projects that the Administration wished to

support and to either delay some or put them on hold so that resources could be found to support the No. 52 service. She also noted that there had been a lack of consultation with Cardinal Newman school over the impact of the changes to the service for their children.

- 30.14 Councillor G. Theobald stated that the No.52 was the last major route that remained unsupported, resources had been found for other services that had been due to be cut and he questioned why it was nothing was being done to reinstate the No.52 service. He noted that it was the residents of Ovingdean, Rottingdean and Woodingdean that had been left to suffer and queried why the required level of funding could not be found from the overall council budget of £800m. He asked that the matter be reconsidered and the necessary funding found to enable the full route for the No. 52 service to be reinstated.
- 30.15 Councillor West stated that whilst the Council's overall budget was around £800m, the current economic climate and budgetary pressures from the Government meant that it was a very difficult process to manage the budget. The supported bus routes had been put out to tender and following the procurement exercise savings achieved that enabled other routes to be supported. The No. 52 route had not proved viable and a tender had been awarded for the shorter route which did enable passengers to change at the Marina and get into and around the city. He also noted that the opposition groups had not come forward with any alternative ways of funding the full service and suggested that they should do so.
- 30.16 Councillor Peltzer Dunn questioned the value placed on a child's education and noted the extended travelling time caused by the decision to change the bus services and suggested that further consideration needed to be given to supporting the one area of the city that had been left unfairly affected by the whole process.
- 30.17 Councillor Cox referred to the deputations and suggested that there was a need to listen to the residents and find a way to support them rather than leave them to their own ends. He therefore sought reassurance that the matter would be looked at again.
- 30.18 Councillor Kitcat noted the comments and stated that it was a result of Government cuts to various subsidies that meant that difficult decisions had to be taken. He believed the procurement process had enabled some routes to be maintained and this proved its worth. It had not been possible to identify any further resources for the No.52 bus route and the proposed cuts to the routes had been agreed at the previous Budget Council meeting. He noted that a review was being undertaken in regard to school transport and hopefully it would lead to alternative provision but as things stood he did not see how any funding could be made available for the bus route.
- 30.19 The Mayor noted that the deputations would be referred to the Policy & Resources Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation. He also stated that the report on supported bus routes had been referred to the council for information and therefore moved that it be noted.
- 30.20 **RESOLVED:** That the report be noted.

30.21 The Mayor then invited Mr. Cummings as the spokesperson for the first deputation as listed in the addendum that had been circulated to come forward and address the council.

30.22 Mr. Cummings thanked the Mayor and stated that:

“We are here on behalf of the Roedean Residents Association to ask the council to rectify the current situation without further delay. Brighton and Hove prospers enormously from the tourist industry and the tourists who come here and many thousands arrive by coach, dozens of coaches each week. However B & H City Council only provide 42 coach parking spaces in the city to manage the ever growing demand over recent years so officials have been quietly directing coaches to park along totally unsuitable roads adjacent to and actually within residential neighbourhoods such as Roedean Road, The Cliff, Roedean Crescent and Roedean Way being major examples.

As well as being a visual eyesore the continual mass of unofficial coach parking in this and other areas is dangerous to the road users and pedestrians alike; neither Roedean Road nor Roedean Way have pavements. Of course with no facilities provided for the drivers they are forced to resort to urinating and even defecating behind their vehicles which is an all too regular sight for local residents. Furthermore the volume of coach parking encourages lorries to park here (there is no HGV provision either) and as a result the whole area resembles a motorway service station without the services and not the beautiful residential neighbourhood that it actually is and deserves to remain.

Surely coach travel should be regarded as “green” and with the Green party doing everything they can to discourage the use of cars proper provision for coaches and their drivers is essential. The current provision could lead to questions on health and safety since the drivers spend many hours with no suitable rest area, food or toilets. We understand there is reluctance on the part of some companies to go to Brighton with these non-existent facilities but if these were in place they would send many more thus increasing business for the city in many different ways.

It cannot be stressed too highly the dangers this unauthorised parking creates. There is no pavement down Roedean Road, only a narrow pedestrian way marked with a white line over which most cars travelling towards the A259 are forced to drive. Any pedestrian takes his life in his hands using this way when coaches are parked. Also crossing the road is fraught with danger since there is no visibility, the bus service is disrupted because the drivers heading to Brighton rightly consider at certain times it too dangerous to drive on the wrong side of the road. Getting on and off the bus is a major problem with no visibility of oncoming traffic. There has been a serious accident recently entirely attributable to one of the car drivers being forced on to the wrong side of the road and it is only a matter of time before there is another possibly fatal accident. The council should be aware that it will carry huge responsibility for any accident related to coach parking other than in officially designated areas.

We urge the council to stop stone-walling this problem as they have been doing for years and act immediately to provide a 21st. century coach parking provision on a suitable site for our city.”

30.23 Councillor Davey replied,

“Clearly you are aware of the history, there’s a very long history to this and it’s been a problem which previous administrations have failed to deal with, it feels a bit like park and ride really where the city has never been able to find a suitable site for a coach park. The coach park in Madeira Drive is in high demand in the summer but is less used in the winter and as you know drivers sometimes prefer to park for free at Roedean Road. This year has seen a 10% increase in the use of Madeira Drive by coaches and that built on a 10% increase in the previous year which reversed previous decreases in 2009.

So at the moment it is at least the highest it’s ever been. Unfortunately there are insufficient funds to establish a permanent coach park as originally conceived on the Black Rock site as was mentioned a little while ago and so I’ve asked officers to review the position and take into account what options there may be for parking in the city, whether there is a financially viable use at Black Rock and I think this needs to feed in to part of the comprehensive Seafront Strategy and look at all those competing uses for this land.

But all of this has to live within the constraints of space and money, both of which are very severe but I will be asking Transport Officers to look to feed this in to the Seafront Strategy and see what solutions we can possibly come up with.”

30.24 The Mayor thanked Mr. Cummings for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Transport Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

30.25 The Mayor then invited Mr. Campbell as the spokesperson for the second deputation to come forward and address the council.

30.26 Mr. Campbell thanked the Mayor and outlined a number of grievances that he had with the council and certain councillors.

30.27 Councillor West replied to the effect that given the nature of the allegations he felt it was better to not seek to reply but suggest that they were raised and dealt with through the proper process.

30.28 The Mayor thanked Mr. Campbell for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the appropriate Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

30.29 The Mayor then invited Councillor Summers as the spokesperson for the third deputation to come forward and address the council.

30.30 Councillor Summers thanked the Mayor and stated that:

“There is an urgent need to give consideration to the impact of the new home care contracts introduced by the Council. These new contracts were designed to ensure that people receiving home care received more choice and control as the previous system was not suitable for the more flexible services that are required, which is why the council changed the way providers are paid.

Councillor Jarrett has stated that the council is not responsible for the way independent providers pay their staff and has no power to control them, but is keen to work with them to provide a minimum live-able wage of £7.19 per hour. This figure being less than a shop assistant can earn in this city. This shows how little Councillor Jarrett, and all those who support this figure, value both the care workers and those they serve across this city despite statements to the contrary. He also states that he is looking into ways to support the home care industry locally in terms of both recruiting and retaining home care workers, and trying to address the issue of rising fuel costs. Work is being undertaken to look at initiatives that can be implemented to help providers (not staff) with these costs.

The council is charging its clients a maximum of £21.50 per hour to run its in-house services, yet expects that outside agencies will provide the same high level of service for just £14.50 per hour. How does that work? However, nothing done properly is done cheaply and that is a trap the Green council has fallen into when changing the way providers are paid. The council no longer pays enhancements for weekends/anti-social hours and expects lone agency workers to visit service users up to 10pm, yet council workers visit in pairs. It no longer pays fuel allowance nor does it even make provision for it or for wasted time travelling between calls (which increases working hours) or depreciation of vehicles, nor does it pay enhancements to providers to ensure continuity of care. All this apparently gives service users more choice, control and flexibility - how?

You have all seen the effects that the new contracts have had on one small local agency within this city in the 3 months since the contracts have begun, and the costs that those care workers who remain are expected to swallow in order to continue working. 8 workers with between 4 and 7 years' experience have left and more may follow. This agency previously had an excellent staff retention record, and was rated in the care quality commissions report as a well-performing caring agency. The staff who have left have been replaced mainly by students who work in their spare time to fund their studies, and by the time they are experienced they will have left to pursue their dreams and so the cycle will continue.

At the last Adult Care & Health Committee meeting Councillor Jarrett confirmed that across the city, in the 3 months since the contracts began, 153 care workers have been recruited and 60 have left. How long the remaining 93 will stay remains to be seen. However, it was curious to note that the number of home care staff across the city has not, according to Councillor Jarrett, diminished. This then begs the question whether or not it has, in fact, been increased in order to meet the demands of an increasing number of people receiving home care! Much of this information, and more, has been presented at the last 2 Adult Care & Health Committee meetings and is also supported, as you can see, by both Unison and Michelle Mitchell of Age UK.

This deputation requests that the council reconsiders the position it has placed care workers in, and seeks to address the imbalance caused with a report to the next Adult Care & Health Committee meeting.”

30.31 Councillor Jarrett replied,

“I will say first of all that we do value care workers and that one of the first intentions of this re-tendering process was to raise the minimum wage that care workers were paid and that has been achieved but unfortunately not everybody benefited and there were some circumstances in one or two of the contracts which meant one or two people lost out.

The new contractual arrangements consolidated the rates at which providers are paid from nearly 30 different rates to 3 rates the existing system was just too complicated to handle, it was very difficult for a number of people to understand The hourly standard of special care rate found plus a 15 minute call enhanced rate

These rates were increased by 10.7% and 11.8% from the rates prior to the contract so we did increase the base rates. However there were no enhanced rates paid to provide us for evening and weekend work in the contract. Providers continue to receive enhanced rates for bank holidays. The contract with the providers, does not specify the rates of pay for staff and each provider agency, however as part of the procurement process all providers were asked to confirm that they would be paying staff at least the local living wage.

Providers confirmed that currently pay rates for experienced workers now vary from £6.55 for a standard hour week day to £8.65 and for new care workers from £6.30 to £7.60. The standard weekend rate care paid is from £7.65 to £9.75 for experienced care workers and from £7 to £8.76 for new care workers. The highest reported hourly rate was £9.98.

The new providers awarded contracts in the city are offering higher pay rates ranging from £7.50 to £11. Some providers make their own arrangements as to how they divide up the money that we give to them and they do pay enhancements for evenings, 46% of providers and for weekends 90% of providers do pay an enhanced weekend rate.

Providers have responded in a variety of ways in relation to new rates the Council pays and the rates that staff are paid. The hourly rate the staff are paid will vary between provider and within each provider it will vary depending upon their hours of work, number of hours paid and experience of workers.

In relation to uniforms, which was a previous question asked, 85% of providers do have a uniform and all these are provided free of charge. That was a question that was raised by Councillor Barnett I believe. The review of the Contract Implementation confirms that since the implementation overall providers have recruited 150 new additional staff and 60 care staff have left. We have had a net increase in the number of staff who are employed. The level of experience of staff who have left cannot be confirmed, we could surmise that somebody leaving would have had some experience but we can't say exactly how much experience they had.

The actual recruitment and potential data reaching the individual provider varied and this would vary depending upon the specific contract given to each provider. Loss of staff is regretted but it is a sector which does traditionally have high turnover and the overall

capacity which is the thing that should concern us in the city has not been diminished so we have the capacity to deliver the care and that's the critical thing.

The actual number of people receiving home care has increased slightly as has the number of hours of care but we're still undertaking a full analysis of that information. Quality of service remains good and broadly at the same levels as before contract implementation we do monitor quality of care by a number of routes. Care providers are in the main, continuing to provide the standard of care required. The difficulties that we have experienced in the past for instance over the summer of 2011 have not occurred this year in summer 2012 so it is a positive indication that this contract is working well.

We provide a comprehensive free training development program to independent sector care providers, this program has continued and we have a commitment to a skilled and a competent workforce.

This is a new contract, it's been tendered, and we cannot alter the conditions of that contract early on in the contract without applying to all the providers. This is an £11,000,000 contract we cannot simply go chopping and changing conditions without proper data to work on. We are undertaking a full review as is usual in these cases, there will be a six month review and after the six months review a report will come back to the appropriate committee which will be in January."

30.32 The Mayor thanked Councillor Summers for speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Adult Care & Health Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

30.33 The Mayor then invited Mr. Carlisle as the spokesperson for the fourth deputation to come forward and address the council.

30.34 Mr. Carlisle thanked the Mayor and noted that copies of the deputation had been circulated and therefore he wished to say the following:

"I'm here today to talk to you regarding the impact of the decision to close 2 residential homes for adults with learning disabilities in Hove, the manner in which that decision was arrived at and some of the figures being quoted.

I'd like to thank Council Leader Mr Kitcat for his response to my original letter which you've all received. It's my understanding that the current gross expenditure for running both 228 New Church Road and 267 Old Shoreham Road is combined total of £964,760. This figure comes from a unit cost analysis performed in March of this year.

Given that Mr Kitcat claims that current estimated savings to be made by closing both these services are around £600,000 more, this would mean that the Council would then be allocating the budget of only £364,760 to provide a frankly bare minimum service for those affected. The difference is roughly two thirds, I fail to see how these complex and vulnerable people can have their needs met to an acceptable standard given the enormous cut in the budgets proposed. The people who this affects will suffer significant risk to their personal safety as a direct result of this decision. I cannot see how a service of comparable, safety and dignity can be offered given the reductions proposed.

Remember these are people whose disability were deemed so severe by managers employed by this Council that they were not consulted on this proposal that directly affects them due to the heightened anxiety and the resultant likelihood of both challenging and self injurious behaviours that this consultation will cause them. Imagine then if you will, the state of heightened anxiety and distressing behaviours that are likely to occur if they are forced to move from homes that minimise all these risks as far as possible, into new bigger and much less homely and more institutional environments.

This, Councillors, is going backwards and is certainly not valuing people and it goes against everything the Government says about independent living, rights, choice and people's control over their own lives. I'd like to illustrate this point with detailed knowledge of one particular person affected by this decision. I'm going to tell you about the last time she moved house, from somewhere she wasn't particularly happy, to the place she has become the most settled, anyone who knows her, has ever seen her.

It took her years to settle into her current home, in the first few years, after she moved, her anxiety was heightened to such an extent that it produced in her extreme self injurious in which she would spend hours every day repeatedly banging her head against the wall of her bedroom leaving her with a large open wound in the middle of her forehead that has become a permanent scar today.

It is only because the excellent trained staff team and the accumulated familiarity over the last 9 years that has enable her to reduce these distressing daily incidents to virtually nothing. So the decision taken by the sub-committee to close her home will in all likelihood condemn her to repeat those negative behaviours over and over again for who knows how long. That is not right, it is not fair. I ask you what choice or control is she being given over her own life? And that's just one person that's affected; please think about all the others who will be affected in their own way by this decision.

I'd also like to raise the issue about how the decision was taken at committee and how, on any other day, would have been different. It's my understanding the Councillor Powell who normally sits on this committee but was on leave at the time of the vote would have voted to keep the services open meaning that the vote would have been 6-4 in favour of keeping them open in their current format however Councillor Powell's substitute on the committee on that day, I believe it was Councillor Shanks, voted in the other direction to close the service meaning the vote was tied at 5-5 giving the chair, Councillor Jarrett, the casting vote and we all know the way that went.

Now I'm not fully up to speed on whether or not this goes against the Council's constitution or whether or not it is in fact legal or even if Councillor Jarrett and his Green Party cohort have acted over and above their agreed constitutional powers but I do believe that it is plating politics with the lives of our cities vulnerable and voiceless people.

On top of this I would like to draw Council's attention to the way in which the consultation was amended with only nine days to go before the vote after the official consultation period was over. I fully understand that Councillors only require five days to read and digest information prior to a vote, my contention is that parents, carers, advocates, staff, members of the public and let's not forget the people with a learning

disability affected, did not get opportunity to review or comment on the amended document.

Finally, and perhaps more shockingly, I've recently been made aware of an off the record meeting that's taken place in which objections to the proposed closures have been made by a relative of one of those affected to Councillors who have intimated that if the closure remove did not take place now then it will be more likely that those affected will be moved over to private sector, against the wishes of the relatives and carers, sooner rather than later. The relative threatened to withdraw their objection as they wanted the relative to remain in in-house service provision as long as possible.

Obviously I do not want to name names in an open forum but if anyone wishes to speak to me regarding this I'd be more than happy to do so and I can provide notes.

I was also stunned to learn that similar Councillors voting on this did not actually visit the homes they voted to close. Councillors I urge you to conduct a full review of this decision, exploit all other options that would be less damaging to our cities most vulnerable people."

30.35 Councillor Jarrett replied,

"That doesn't match up very much with what I had but I will attempt to respond to the points you've introduced as well as the sum of your original responses. As far as the finances go, there is not a reduction in the amount of money that is going to be spent on the care for the individuals. We are still going to be providing at least the same standard of care with the same number of staff at the same level of training, that was always the intention, you may have a different interpretation of the numbers to what the officers have prepared, I can ask them to look at your figures and we can perhaps see where that discrepancy arises but there is no reduction in the amount of money that is going to be spent on the people but we will be spending less on the properties and that is where the major saving comes and also perhaps in the total number of managers that are required that is where the statement arises.

So my intention at the beginning of this process was that if we could possibly save money on having less premises rather than any reduction in the frontline care that was a preferable approach to take. I would have to disagree with you that this is moving to an institutional setting, we're talking about moving to, perhaps in the case of Windlesham Road, somewhere which will accommodate 4 or at the most 5 of the residents. We already have a number of units across the city which have 4 or 5 residents, I have visited them and I think they're perfectly nice places and I was impressed by the quality of care and the facilities that I saw there.

I have visited one of these location prior to the arranged visit that was made for members of the committee, I went on a fact finding visit relatively early on in my time as the lead member, so I have visited the New Church Road address. I was unable to visit the Old Shoreham Road address on that occasion because there were some problems at that address which made it inadvisable for me to visit.

Other members of the committee were not able to go on the arranged visit because they had prearranged engagements elsewhere that was a, if you wish to come arrangement,

for some members of the committee. In terms of the voting at committee I am advised in all cases by Democratic Services and by Legal staff who are present at all times in the committee, I was not advised that anything I was doing was incorrect or unsound and my understanding of the process of substitutes is that a substitute acts upon their own free will and votes as they see fit and that that is the process we have. They are the substitute not mandated.

You are quite correct that there could have been a different decision at that committee had there been different people in that committee, that is always the case with any committee. If there are different people there, a different decision might be arranged, that does not make the decision of that committee unsound, if that is the case; every decision this Council has made in the last 30 years in unsound.

The original consultation process led to some options which were presented to the June committee meeting. Following some discussions at the June committee meeting it was considered that some additional consultation should be attempted or at least analysed as to the risk of whether the consultation would do more harm than good and some decisions were arrived at on a case by case basis bearing in mind the condition and the likely responses of the particular people involved and I had to take the advice of officers that they would do this to the best of their ability and that they would properly assess the risks that might be involved.

But the change in the options which came to the September committee do not invalidate the consultation that took place, all the Members were fully aware of the responses to the consultation, the responses to consultation were there in the papers that were considered by the committee in September, so I believe that the committee Members that took the decisions were fully informed as to the wishes of the people who had been involved and the primary wish that was brought to our attention by a number of family members was the wish for this to remain a council run in-house service and that was a thing that was uppermost in my mind; to maintain a high quality in-house Council service and to make it future proof in to the foreseeable future at a time when our income will be severely decreased and there will be increase in pressure on our expenditure due to increased demand upon our services. So always in my mind, was the wish to maintain this as a quality in-house service.

I had a meeting with an immediate relative of one of the people in the Old Shoreham Road accommodation. She was concerned about the whole situation, she wanted to know what would happen, I explained as best I could, what would happen in terms of the process, how the move would be handled, and I explained my wish to keep this as an in-house service and I said that the reason that I was prepared to go ahead with this was that I was concerned that at some future time, the financial circumstances might force another successive administration to consider out sourcing the service.

This is something that has happened in other Councils so I don't think that should be seen as a threat it was never intended as a threat, it was simply my analysis of the facts of the situation and I maintain that that is still my analysis of the facts of the situation that if the service is more expensive than it needs to be then there is a greater risk of it being outsourced by some previous administration of some other party or combination of parties over which I will have no control and that is still my position. There was never any intention to be a threat."

- 30.36 The Mayor thanked Mr. Carlisle for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Adult Care & Health Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.
- 30.37 The Mayor then invited Ms. Townsend as the spokesperson for the fifth deputation to come forward and address the council.
- 30.38 Ms. Townsend thanked the Mayor and stated that:

“At the beginning of April this year the cost of parking on and around the London Road went up not only significantly, but, as it turns out, also prohibitively. This has had an absolutely disastrous effect on the local businesses, with some retailers experiencing as much as a 30% decrease in trade.

Every shop and outlet in the London Road area has the same story to tell. Overnight there was a dramatic drop in trade with customers, after expressing their disbelief, disgust and anger at the cost of the parking, then saying that they would not be returning. Time and again potential customers have been seen to park, look at the cost of parking on the meters, then just get in their cars and drive off.

Passing trade, always an important asset to retailers has as good as disappeared. Customers are now often seen to hop out of their cars to buy just a single item whilst the driver of the car drives around the block once or twice until the shopper returns to the drop off point; this is an unsatisfactory mode of shopping for both customer, trader and the environment.

Local traders will testify that nothing, not the redevelopment of the Open Market nor the recession has had such a devastating effect on their trade as this recent increase in parking charges. The £1 charge for the first hour in the London Road car park has had no positive effect in alleviating the problem. On the contrary, the exorbitant rates for subsequent hours including the higher charges for weekend parking, has only contributed to the loss of trade. Traders have had to make staff redundant.

This situation is economically unsound. People are losing their jobs. Shop owners who have been trading in the area for many years are now losing their livelihoods. Customers are losing their preferred area of shopping and let's be honest, the London Road has long been a life-line for people on low incomes. Once the Open Market re-opens it will struggle to survive if it sits alone in a desolate, economic wasteland. This will turn into a lost opportunity. The traders of the open market have struggled for years for this rejuvenation, to bring it in line with modern, vibrant markets where local produce can be sold, alongside more colourful products, to local people. And what about the Mary Portas Funding? What is the point of investing this money if you can't even get the basics right and when it appears that the council is not committed to one of her fundamental recommendations - cheap easy parking. Get the cars parked up as quickly as possible and get the shoppers into the shops. Will this represent another lost opportunity? None of us want to see the Open Market become

the 'Green' white elephant of Brighton, but unless something is done fast this is how it will be known.

This deputation is being made to demand that the parking charges be reviewed with the utmost urgency and returned long term to less than £1 an hour, a level commensurate with an economically depressed area, in a bid to encourage the return of shoppers and trade.

For the month of December, in the run-up to Christmas, we would like to see the well-advertised suspension of all parking charges, both on street and in the car park, in an attempt to boost trade and re-coup the serious losses that have been forced upon this retail area since April. For the sake of the London Road you must act now."

30.39 Councillor Davey replied,

"The traffic situation around London Road is complex, as I'm sure you are aware, there's some of the worst traffic congestion in the city and as a consequence has some of the worst air pollution. Viaduct Road, for example, has featured as one of the worst areas for air quality since monitoring began and as recently as 2010, just but a few yards from St Bartholomew's Primary School the Oxford Road/London Road junction was the worst in the city at almost double the limit set by the European Union.

This was a deteriorating situation that could not be ignored particularly as the city faces the prospect of millions of pounds in fines from January 2013 for failing to comply with EU air quality regulations. Traffic congestion and air pollution not only impact upon local people's health but also upon their decision as to whether to shop in London Road or not. While some may complain about the on street parking charges others complain about the impact of traffic and choose to shop elsewhere.

London Road has some of the best public transport links in the city with the hundreds of buses carrying thousands of people going to and through the area each day. It is also closer to Brighton Station and to London Road Station. Many people also walk through the area on their way to the city centre. There is a foot fall that many that will be the envy of many shopping streets and in reality there are only a limited number of on-street parking spaces available in the area and much of what there is, is for residents or dedicated for those with disabilities and these are reasonably well used.

There has been a steady fall in on-street car parking usage in the area for a number of years and the number of street spaces has also been reduced. In contrast the London Road car park has increased particularly following recent refurbishments. Even in the last year, usage has been 15% over expectations and the £1 for one hour during the week offer has proven extremely popular counting for 30% of week day transactions.

The Council continues to promote the use of the car park and it has even put stickers on pay and display posts encouraging people to use it because it is very cheap. We continue to promote more sustainable transport choices and it's encouraging to see that during the same period bus patronage in the city has increased by over 5% with an 8% rise in September alone.

The Portas review may have mentioned parking but there are also 27 other recommendations including making high streets accessible, attractive, safe and encouraging local businesses. There are a number of developments which will have a positive impact upon the area including the Open Market and The Level, both of which will be complete next year and help to encourage more people in to the area.

Whilst I can see that lower on-street parking charges may seem attractive in reality they would lead to increased congestion, further degradation in air quality and less reliable public transport and so not a way forward for a key city centre area. Most people who travel to London Road either walk, cycle or go by bus whilst the car park remains an option for those who choose to drive. The Council is investing in London Road area and will continue to do so and as a recent Argus report showed, after years of deterioration there are many reasons to be optimistic about the future of the area.”

30.40 The Mayor thanked Ms. Townsend for attending the meeting and speaking on behalf of the deputation. He explained that the points had been noted and the deputation would be referred to the Transport Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

30.41 The Mayor noted that the deputations had been presented and therefore the item was concluded.

Note:

30.42 The Mayor then adjourned the meeting for a refreshment break at 7.00pm for a period of 45 minutes.

30.43 The Mayor reconvened the meeting at 7.45pm and noted that it was the last council meeting for the Strategic Director; People who was leaving join the London Borough of Bromley. He thanked the Strategic Director for his service and wished him well for the future on behalf of the council.

Note: In having regard to the time, the Mayor then took item 34, Reports of the Committees, in order to determine how much business remained to be considered by the council and thereby have an indication as to how much longer the meeting was likely to run. The actual resolution is listed under Item 34 to maintain chronological order for ease of reference.

31. PETITIONS FOR COUNCIL DEBATE

31.1 The Mayor stated that the council's petition scheme provided that where a petition secured 1,250 or more signatures it could be debated at a Council meeting. He had been notified of two such petitions which had sufficient signatures to warrant a debate and therefore would call each of the lead petitioners in turn to present their petitions before opening the matter up for debate.

31.2 The Mayor also noted that there was an error in the report concerning the first petition relating to Toad's Hole Valley, in so much as it should recommend that the petition was referred to the Policy & Resources Committee for consideration rather than the

Economic Development & Culture Committee. He further noted that it was for the Council to debate the prayer of the petition and the recommendation to refer it to the Policy & Resources Committee. The Council was not being asked to make a decision on the City Plan and the outcome of the debate did not fetter the Council's discretion in any way. Should the recommendation to refer the petition to the Policy & Resources Committee be agreed, it would then be taken at the January Committee meeting alongside representations received as part of the consultation process for the City Plan. A report of on which was due to be considered by the committee at that time before being presented to the Full Council on the 31st January 2013.

(a) Toad Hole Valley Petition

- 31.3 The Mayor then called on Councillor Brown to present the petition on Toad's Hole Valley.
- 31.4 Councillor Brown thanked the Mayor and stated that the petition sought to secure the future of Toad's Hole Valley and to prevent any development of the area, it read "We the undersigned oppose the proposed redesignation of Toad's Hole Valley for housing and mixed use development." It had been signed by 1,384 residents to date and the figure was likely to increase as further support was sought.
- 31.5 Councillor J. Kitcat stated that the land in question did not belong to the council and therefore it would be difficult to prevent any future development of the area bearing in mind the Government's intention to enable planning applications to be made more easily. The intention to include the area in the Local Development Plan was to enable the council to gain some control over its future, albeit that it would not prevent any planning applications from being submitted. He therefore wished to move an amendment to the report's recommendations so that the petition was noted and the widespread support for making the best use of the site was noted. He referred to the letters of support from the City Sustainability Partnership, Brighton & Hove Economic Partnership and the Coast 2 Capital Local Economic Partnership that had been circulated to all Members.
- 31.6 Councillor Mac Cafferty formally seconded the amendment and stated that Toads Hole Valley had not been included in the National Park as it had not been regarded as being an area of historical significance or having any special interest. The Government's National Planning Framework meant that it could be an area that was identified as being suitable for development and discussions had been held with the owners to see how they could work with the council in regard to its future. It was therefore appropriate to consider its potential as part of the City Plan debate that would be held in January.
- 31.7 Councillor Fitch expressed his concern over the potential development of an area that was welcomed by residents for being a green space and its public use. He had a set of additional signatures to the petition presented by Councillor Brown which he wished to present and noted that further signatures would be sought as this was a matter that affected a number of people and they did not want to see any development of any kind of the urban fringe. He was concerned that the matter was being debated prior to the consideration of the City Plan and without having the necessary information available to Members.

- 31.8 Councillor Brown stated that she could not support the amendment and that the petition sought to protect the last green space that existed along the urban fringe. There was an abundance of wildlife and protected species in the area and the residents believed that the current proposals provided for an over-development of the area that should be protected. She hoped that a resolution would be found that maintained the area in its current state.
- 31.9 Councillor Bennett stated that the issue had raised residents concerns more than any other and there was a need to understand these concerns and work with the residents to ensure that the area was safeguarded for the future. The current proposals had raised concern over the likelihood of increased congestion, parking, loss of green space, and a greater population density without the much needed recreational space.
- 31.10 Councillor Mitchell stated that she was concerned the issue was pre-empting the City Plan debate and did not want to pre-judge the outcome of that debate in the absence of supporting papers. She noted that in 2009 the Labour and Green Groups had supported the protection of the area as a green space and felt that the aims of the petition should be debated as part of the overall City Plan debate.
- 31.11 Councillor West stated that there was a need to recognise that the council faced housing targets and that there was a need to look at all areas of the city. The proposals put forward were in recognition of that and with a view to protecting the urban fringe, however if things were left as they were, then the area was open to future development proposals that may have a greater affect on the site.
- 31.12 Councillor Littman noted that it was an area of private land and that it would be the owners who determined its future and therefore the council had sought to work with them to enable some control over how development proposals were taken forward.
- 31.13 Councillor J. Kitcat stated that there was a need to note that Government policy had changed and the council was required to meet its housing targets and planning restrictions had been eased to enable developers to bring forward proposals for sites. The matter would need to be debated in January and he drew attention to the fact that the city had less than 5% Grade A employment space which was desperately needed.
- 31.14 The Mayor noted that an amendment had been moved and out it to the vote which was lost. He therefore put the recommendation that the petition be referred to the January Policy & Resources Committee to the vote which was carried.
- 31.15 **RESOLVED:** That the petition be referred to the Policy & Resources Committee for consideration.

(b) West Pier Traders Petition

- 31.16 The Mayor stated that under the Council's petition scheme, if a petition contained 1,250 or more signatures, it could be debated by the Full Council and such a request had been made in respect of a petition concerning the West Pier Market.
- 31.17 The Mayor invited Mr. Fijalkowski to present his petition.

31.18 Mr. Fijalkowski thanked the Mayor and stated that a total of 7,840 people had signed the paper petition which read as follows:

“The development of the i-360 tower on the site of the West Pier means that the West Pier Market, which has run on the site since 1996, will no longer be able to operate in its current location. We, the undersigned, call on the council to find a solution for the traders to continue to trade on Brighton seafront whilst the construction of the i-360 is underway and to find a permanent solution to siting the market as part of the redevelopment of the area once building of the i-360 has been completed.”

31.19 Mr. Fijalkowski stated that officers had been discussing matters with the traders and it was hoped that a solution would be found. The traders understood that the current agreement was with the West Pier Trust and therefore the decision to give notice to the traders as a result of the i-360 development lay with the Trust. However, it was hoped that the council would be able to assist and the petition was simply trying to highlight the situation and express the anxiety of the market traders about their future prospects. He hoped that the market would be able to remain an integral part of the seafront area and noted that it had proved to be a starting point for local businesses in the city.

31.20 Councillor Bowden thanked Mr. Fijalkowski for attending the meeting and stated that the council was fully aware of the situation and sympathised with the traders' position. However, it was looking to find a short-term location to help during the construction phase and would look at how the market could be accommodated in the future as part of the review of the seafront strategy. He was not yet in a position to take forward any options for a long-term solution but was willing to work with the traders to see if their needs could be met.

31.21 Councillor Theobald stated that the Conservative Group fully supported the petition and hoped that a viable solution could be found.

31.22 Councillor Mitchell stated that the Labour & Co-operative Group also fully supported the petition and hoped that an update to the position could be provided at the Economic Development & Culture Committee meeting in November.

31.23 The Mayor noted the comments and thanked Ms. Fijalkowski for attending the meeting and presenting the petition. He then put the recommendation to refer the petition to the Economic Development & Culture Committee for consideration to the vote which was carried.

31.24 **RESOLVED:** That the petition be referred to the Economic Development & Culture Committee for consideration.

32. WRITTEN QUESTIONS FROM COUNCILLORS.

32.1 The Mayor reminded the Council that written questions from Members and the replies from the appropriate councillor were now taken as read by reference to the list included in the addendum, which had been circulated as detailed below:

(a) Councillor A. Norman

- 32.2 “What is the cost of the Budget consultation work currently being carried out for the Council by the New Economics Foundation?”

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

- 32.3 “The Budget Update and Budget Progress 2013/14 report to Policy & Resources Committee on 12 July 2012 set out a wide range of Community Engagement and Consultation to help inform the setting of the 2013/14 budget. The overall budget for consultation approved by the committee was £15,000 to £20,000 including provision for a public consultation event.

Subsequently, the New Economics Foundation (NEF) were engaged to facilitate an independently run public consultation event at the Jubilee Library on 26 September 2012. The results and full report from the consultation event will be reported to members. The cost of the engagement with NEF is £4,000 plus a maximum of £200 for expenses.”

(b) Councillor A. Norman

- 32.4 “The latest Audit Commission Annual Governance Report for Brighton & Hove City Council once again identifies serious weaknesses in the operation of the Council’s Human Resources Payroll System which creates a ‘risk of misstatement and fraud’. Can the Leader of the Council please tell us what steps are being taken to address these serious shortcomings and does he agree that the length of time it has taken to sort out these problems is simply unacceptable?”

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

- 32.5 “The problems that have arisen from the previous administration’s procurement of the HR IT system are concerning, and have needed some work to fix. The Audit Commission Annual Governance Report for Brighton & Hove City Council covers the period 1 April 2011 to 31 March 2012. The control issues relate to the outcome of work by both the Audit Commission and Internal Audit. During the year, the Audit Committee was made aware of the control issues and progress to address, including resource constraints and issues with the iTrent HR System. These issues have been taken very seriously and action has been taken to ensure that the recommendations made by both Internal Audit and the Audit Commission have been implemented. It should be noted that audits tests and further ones carried out by HR have not found any evidence of fraud.

Internal Audit is working closely with HR Management to implement actions and improve controls. A further Internal Audit review will be carried out in January 2013 to provide assurance. Only one medium priority internal audit recommendation now remains outstanding, expected to be implemented by the end of October 2012. This relates to the testing of all exception reports.

A number of control issues arose due to the complexity of the payroll operation. This is being addressed including the recent successful transition from weekly to monthly payrolls. To further reassure the Council, the Annual Governance Report informed the Audit & Standards Committee at its meeting in September 2012, that the District Auditor had carried out substantive testing of the payroll and concluded that there was no material impact on the council's accounts or any evidence of fraud and that she was able to provide the council with an unqualified opinion on its 2011/12 financial statements.

The most recent external audit checks continue to confirm very good progress is being made. I would like to take this opportunity to thank the staff from HR and the Programme Management Office who have worked so hard on delivering these improvements.”

(c) Councillor K. Norman

- 32.6 “Section 269 of the Public Health Act gives local authorities powers to control the use of movable dwellings and to license the use of land as a site for such a dwelling. If the land in question is to be used for more than 28 days in total in any calendar year, planning permission must be obtained. Furthermore, a site which is used for more than 42 days consecutively or 60 days in total in any consecutive 12 months must have a site licence. Can Cllr. West please confirm whether planning permission has ever been sought, or a site licence obtained, for the ‘tolerated’ traveller site at 19 Acres, given that it has been occupied for well over 28 days on 3 separate occasions in the last 18 months?”

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

- 32.7 “Government guidance states that it is good practice to allow some toleration for short periods in locations where the encampment does not have significant adverse impact on the settled community and/or where health and welfare needs might make immediate eviction unreasonable. Travellers on unauthorised encampments are considered to be trespassers, so no licence or planning permission application is necessary. There have been two occasions over the past 18 months when 19 acres have been occupied by an unauthorised traveller encampment for more than 28 days. On both occasions, after a short period of toleration in accordance with the government guidance, legal action was successfully taken to remove the travellers from the unauthorised encampment. To have applied for licences and planning permission would have been counterproductive and may have risked the possibility of an interest in land being created. “

(d) Councillor C. Theobald

- 32.8 “Nationally, £200 million of taxpayers’ money is lost due to fraud and error in the council tax benefit system. Localisation of council tax support will give councils a greater incentive to clamp down on fraud and error as they will get to keep all the savings made. Can the Administration’s Finance Spokesperson give an estimate of how much is currently lost through fraud and error in Brighton & Hove and what steps are being taken to cut down on that from next year?”

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

- 32.9 “In excess of £25m was paid out in Council Tax Benefit in 2011/12. Of this £83,508 was identified as overpaid due to local authority error or administrative delay and a further £59,949 as fraudulent overpayments. It is normal practice to recoup these overpayments by collecting them as unpaid council tax. The localisation of council tax and the associated reduction in government funding of over £2.5m for the replacement scheme for Council Tax Benefit will place additional pressures on the council.

The council has a zero tolerance policy to fraud. The Head of Audit and Business Risk is paying particular attention to minimising the risk of fraud in the Local Council Tax Support System and is working closely with the Revenues & Benefits service to devise a rigorous fraud prevention and detection programme to ensure we continue in our determined drive to pay support only to those who are entitled to it. This will include the use of data and intelligence, and existing and planned powers for the proactive investigation of fraud.”

(e) Councillor Bennett

- 32.10 “Residents are becoming increasingly concerned about the state of the tennis courts in Hove Park. Some work was carried out on the courts 2 or 3 years ago to improve drainage but this has not proved effective. Whenever there has been rain the courts flood and pools of water sit on them instead of draining away. This makes them dangerous to play on, but even worse is the fact that the courts become very slippery because they are never cleaned. Dirt carried in on shoes turns into mud after even a little light rain, and with poor drainage the mud is never washed away. Will the Chair of the Economic Development & Culture Committee please ensure that this situation is addressed as a matter of urgency before one of our residents has a serious accident as a result of the state of the courts?”

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

- 32.11 “All flat surfaces are subject to problems with standing water in heavy rain. With Hove Park the problem is exacerbated by the large surface area and the fact that the surrounding park land is at a higher level than the courts. Because of this the courts have low level walls on three sides to prevent additional water ingress and this partly results in the water taking longer to drain. Drainage channels were installed two years ago which has helped the problem considerably. The water also drains away through the courts which are relatively porous.

Property Services are investigating whether it is possible to form drainage points on the south side of the courts to enable water to be swept away to the ‘Astro’ courts which are on a lower level and – being porous - should provide greater drainage capability. If it can be shown that such action would not result in damage or flooding to the ‘Astro’ courts, then the work will be carried out.”

(f) Councillor Cobb

32.12 “Can Cllr. Davey confirm when the last structural survey was carried out on the Hove Town Hall Norton Road car park? I am concerned that the many leaking drain pipes are undermining the structural integrity of the cement blocks of which the car park is built.”

Reply from Councillor Davey, Chair of the Transport Committee.

32.13 “The last concrete defect inspection survey was carried out on 23rd November 2011, with the next annual inspection scheduled for the end of October/early November this year. Repairs to the highest priority defects identified were carried out over the first three weeks of July this year. This included repairs to the North stairwell, re-sealing of expansion joints and repairs to the deck coatings to the upper exposed levels. The drainage pipes were also cleaned through from the roof levels to the ground, and the emptying of the ground and basement interceptor chambers is scheduled for November.”

(g) Councillor Simson

32.14 “At the beginning of this year, the Green administration made the decision to divert £175K from the Community Development budget to Neighbourhood Councils. This was despite the fact even following extensive consultation showing that there was little or no appetite for it in the communities and meant that vital community development work in both Woodingdean and Hollingbury was completely cut causing detriment to both neighbourhoods. Can Councillor Duncan please tell me whether:

- he still considers this was the right thing to do or has the administration made a mistake?
- this is producing value for money, as community development work does?
- he is considering diverting funds from other budgets causing those programmes to also suffer?”

Reply from Councillor Duncan, Chair of the Community Safety Forum.

32.15 “In answer to your specific questions, I can confirm that I still do consider establishing the neighbourhood council pilots - which seek to put real power in the hands of communities in a way previous administrations of this council seemingly quite failed to understand, and in response to an enthusiastic response from community activists and groups from across the city, including, for example, the Deans Business Club in Woodingdean - the right thing to do.

Two pilots were launched in September, and they are already starting to produce tangible results. A VFM analysis will be carried out in due course, but I stress the programme is not about saving money but delivering real democracy to communities across the city.

Finally, the success of devolving power to local communities will, of course, depend on the ability to fund the programme. At this stage, it's not the diversion of funds that seems to be the issue but massive cuts to this and other councils - and continued financial uncertainty, being forced on this council through last minute announcements by the Government, and deals over local taxation arrangements being done by local members of both opposition parties.”

Supplementary information

1500 residents responded to the consultation, 88% strongly agreed or tended to agree that they would like to have more influence over decisions and services affecting their area, of this 68% said that they would become involved in local governance. 30 expressions of interest were received to become pilot Neighbourhoods Governance areas, including one from Woodingdean, Deans Business Club.

The Community Development Commission 2012-14 provided an in-depth need assessment informing decision making, this refocused priorities on areas with the most need. The 175k continues to support the work of involving and engaging communities in local decision making and solutions.

The NG pilots were launched in September 2012 and will be monitored and evaluated quarterly alongside the commissioned community development work, with the first full report in January 2013. This will inform local and strategic decisions during and after the pilot. Monitoring and evaluation reports will identify outcomes achieved, key challenges and barriers to success and identify good practice that delivers sustainable results.

The Neighbourhood Governance approach in both pilots is being driven by existing residents groups who wish to have more power and responsibility, to create better neighbourhoods and local services. In Whitehawk these groups are merging to create one Neighbourhood Council and in Hollingdean and Stanmer a steering group is being developed that is made up of representatives from a range of groups and forums.

The Whitehawk Neighbourhood Council is planning an initial event in October which intends to stimulate discussions about budgets, allocations, funding priorities, and to open up new ways of achieving local priorities. They are also working on their own governance structures, looking to develop Participatory Budgeting with Health and Youth funding and develop a Neighbourhood Plan.

33. ORAL QUESTIONS FROM COUNCILLORS

- 33.1 The Mayor noted that notification of 11 oral questions had been received and invited Councillor Geoffrey Theobald to put his question to Councillor J. Kitcat.

Council Tax

- 33.2 Councillor G. Theobald asked, “At the recent Conservative Party Conference the Chancellor of the Exchequer announced that for the third year in a row the Government will be offering Councils significant extra money to help them freeze Council Tax. Will the Leader of the Council join with the Conservative Group today in committing to

accepting that Government money and to delivering residents of Brighton and Hove a Council Tax freeze? Can I ask him, yes or no? ”

- 33.3 Councillor J. Kitcat replied, “I think what needs to be considered is that, you will recall that there was this offer which is only worth 1% of one off money which means in future years the Council Tax base will be worth permanently less and you’ll note that colleagues in your party like the Leader of Surrey have been highly critical of the way in which Mr Pickles has handled the affair. You may also note that in the last 6 weeks, various Government announcements have been rapidly depleting the Council’s budget position so that the budget position now stands at a £25,000,000 gap for the financial year ahead of us which is some £10-12,000,000 worse than was originally anticipated. So I think what Pickles gives with one hand, he takes away with more than one hand doesn’t he? So we are going to look at the detail, we are actually awaiting proper formal announcements of all of these from the Ministers because so far what we’ve had is comments in the Mail on Sunday and so on. I don’t think that’s proper for Ministers, I think they should make statements in the Houses of Parliament and I note the Conservative Party made such a commitment before they were elected to power and I was sorry to see them renege on that.”
- 33.4 Councillor G. Theobald asked the following supplementary question, “As recorded in the minutes of the Policy and Resources Committee, meeting of the 12 July, you stated that for every 1% increase in Council Tax the Council would have to pay an extra £1,000,000 to Council Tax Benefit recipients under the new system starting next April. Is this still correct? And do you agree that if you increase Council Tax by, for example, 2% you will firstly be increasing the burden on our residents, secondly turning down £1,200,000 from the Government that would go into the local economy and thirdly paying out an extra £2,000,000 in Council Tax Benefit according to what you stated at the Policy and Resources Committee?”
- 33.5 Councillor J. Kitcat replied, “That is not correct and I’m pretty sure that’s not what I said, what I would have said is that for every 1% increase in Council Tax, it may be that there was an error in the minutes that I didn’t spot, it’s possible, we can have a look at the Webcast but let’s talk about the facts on the ground Councillor, the facts on the ground are simply this; based on the best information we have at the moment each 1% increase in Council Tax is worth about £1.2 million however about £200,000 of that would need to be paid out in Council Tax Support because, of course, your Government have localised Council Tax Benefit with a cut worth about 18% and our mainstreaming in to the grants so in future, regardless of the demand from those in our city, we will get no extra funding. So that is where we stand but of course the bill hasn’t passed through Parliament yet so we don’t actually know what the position is, perhaps you could speak to your Government and ask them to give us some certainty in these matters.”

Neighbourhood Councils

- 33.6 Councillor Mitchell asked, “Could the Leader of the Council please confirm that the 2 Neighbourhood Council Pilots are exactly on track and are being implemented exactly as planned?”
- 33.7 Councillor Duncan replied, “I’m afraid much of what I’m going to say is in the addendum in front of you because it is the same information as is provided in answer to your written question from Councillor Simson but in short the answer is it is on track, there are 2

pilots as I'm surprised you don't already know. One is in the Whitehawk and Bristol estate areas of the East Brighton Ward of which I believe you are a Councillor, the other is the whole Hollingdean and Stanmer Ward and they're both on track. But in short the Whitehawk and Bristol Estate are coming together to have one neighbourhood Councillor, got a meeting later this month which is the first meeting of that neighbourhood Council. In Hollingdean and Stanmer, a steering group is in the process of being developed to bring various groups in the ward together that is made up of representatives of a range of groups all of which have responded very positively and wanted to be involved. We're also in the process of establishing a cross party working group which I hope you are aware of and members of your group will fully participate in."

33.8 Councillor Mitchell asked the following supplementary question, "Have any additional staff been recruited for the implementation of these pilots as was mentioned at the cabinet meeting where the decision was taken to implement them?"

33.9 Councillor Duncan replied, "I will provide a written response. Remember these Neighbour Council Pilots were launched not 3 weeks ago at an event on the 26 September at the City Centre event, which was about bringing communities together and community engagement."

Free Schools and Academies Policy

33.10 Councillor Wealls asked, "Does Councillor Shanks agree with the Labour by-election leaflet from the East Brighton by-election which stated 'the Green run Council want to double the size of St Marks' School and have your children taught in drafty portacabins?' Is that what the Green Party wants or does she agree with me that this is disgraceful scaremongering which brings the whole of politics into disrepute?"

33.11 Councillor Shanks replied, "I do often agree with Councillor Wealls and on this occasion I of course agree with him, I was appalled to see that leaflet when I had sat in the meeting and categorically said that we will not be building portacabins and members who are here now had also heard me say that in the meeting. Obviously we are going to be hopefully expanding St Marks' School but it will not get to the size that was mentioned in that leaflet either obviously until the children go through because we'll be expanding one form entry at a time."

33.12 Councillor Wealls asked the following supplementary question, "Given that the Labour spokesperson was part of the group of us who agreed these proposals, and the Labour Councillors who sit on the Children and Young People's Committee sought assurances which they received, that there would be no portacabins, and voted for the paper at that meeting. When we speak about item 38 on the agenda tonight how do you expect the Labour Group to vote on those proposals and do you agree with me that the Labour Party should write to the head teacher at St Marks' School apologising because he had to write to the parents of children of that school explaining that there was nothing in of truth and substance in that leaflet?"

33.13 Councillor Shanks replied, "When I move the motion about schools I will be calling for all party support because we have had really good cross party working on this, it's been very good, it's been well supported, people have had all those discussion and then we've also had the Children's Committee which also supported the recommendations of the schools organisational club, this will then go out for consultation. I think it was

appalling that one of the senior officers in the end wrote to the Argus about this because he was appalled at what was happening. Obviously it's good to have a decent political debate about schooling in our country and we often engage in that across the chamber but we might need to make sure of our facts and I think it is a disservice to the parents and I think it would be a good idea if the new Councillor for East Brighton talks to St Marks' about what the plans actually are and I can obviously brief her on those now that she's a member of the Council."

Services for Young People

- 33.14 Councillor Marsh asked, "I was very pleased to hear earlier, the partnership awards that we won, where we had worked with Council services and the voluntary sector so I wonder, would Councillor Shanks agree with me that we have some excellent voluntary organisations working and providing services for young people in this city who are especially disadvantaged and vulnerable?"
- 33.15 Councillor Shanks replied, "Yes thank you for the mention of the Partnership Agreement, that's been a really good piece of work across the city where local voluntary organisations have come together and produced a bid for our commissioned voluntary sector youth services worth £400,000 over three years and I'm really pleased that they won that bid they worked really hard and they'll be working very closely with our in house services to improve the services that we can offer particularly to those disadvantaged young people."
- 33.16 Councillor Marsh asked the following supplementary question, "It's very sad because one of those excellent projects in my own ward, Safe and Sorted, has been forced to close because of lack of funding. You and I, Councillor Shanks, were interviewed on radio Sussex and because we couldn't hear each other and we couldn't hear what was happening, I didn't hear the young person, who used Safe and Sorted Project, who asked, "why did this Green Administration decide to make funding available for a skateboard park in the Level when it couldn't actually find funding for the Safe and Sorted Projects supporting vulnerable, challenged young people in my ward? I didn't hear the answer to the question; I hope that Councillor Shanks can give me that answer now."
- 33.17 Councillor Shanks replied, "I understand the funding for the Level is a separate issue on section 106 but I also didn't hear that young person, we did have a reasonable polite interview about that. As Councillor Marsh knows, Safe and Sorted was started by the YMCA and they got lottery funding for that which was a 3 year, I know you know this but maybe the other people don't, it was a 3 year lottery funding bid and last year we agreed to extend that because they could not secure any more funding, we kept it going for another year for a further £40,000 and then a further £20,000 last year. Unfortunately due to the fact that we haven't had extra money that was never part of the Council services, we haven't been able to continue funding for that. However the Director of Care and Support at the YMCA, who run this project, they remain committed to the young person of Moulsecoomb and they hope that this is temporary measure and they're intending to 'work with us', this is from a letter that has been sent to us, "whilst we work with Brighton and Hove City Council and Impact Initiatives on consolidating advice provision for young people across the city." We're very concerned about the ability for young people to receive information and advice and there is a group working on this to look at how we continue to provide this on a commission basis and there's

currently a group meeting on this and the membership of the group is Sussex Central YMCA, Impact Initiatives, Youth Access and the commissioners from our services; Children Services, Housing and Equalities and Communities.

So it's really going to be an across the board look at this, properly, to make sure that we've got a working group set up and they'll be going to work together to secure additional resources and hopefully draw down charitable funding perhaps European funding. So the intention is that we are having this joint approach to take a strategic view of the city's needs about information, advice and counselling because relying on lottery funding doesn't always work, as we've seen, it often tends to run out and this joint model should reduce the reliance on lottery and short term funding pots and build us a proper coherent model. So I'm really please that we're going to be able to go forward with that and I'd ask you to join with me in working towards achieving that aim."

Sustainable City

- 33.18 Councillor Janio asked, "I would be most grateful if the Chairman of the Environment and Sustainability Committee could share with us the latest plans that the Green Administration has with regards to achieving sustainable growth within Brighton and Hove?"
- 33.19 Councillor West replied, "On page 55 of your Agenda from Councillor Janio which says the subject matter is a sustainable city. What are we doing as a Green Administration? Well we are working incredibly hard to make the Council and the city more sustainable. As Councillor Janio is aware we have a priority of becoming the first One Planet council and City and this will not only underpin our contribution to tackling climate change and resource depletion but ensure the city adapts well with the changes ahead and economically, socially and environmentally thrives.

With many partners we've been drafting a One Planet Living and Sustainability Action Plan and our independent assessors, Bio Regional, are already impressed with what they see and with the practical deliverability of it. The first eco technology show in June was a roaring success, bringing together hundreds of local businesses from this fledgling and growing market. Thousands of local residents attended seeking out good ideas and making the lives and homes more sustainable and affordable. We've agreed to, again, financially support this show and I acknowledge that the Conservatives on our committee supported that expenditure unlike, unfortunately, the Labour colleagues who were too short sighted to see the benefits. Next year the show will be bigger and better and it will be held in the Brighton Centre and there will be many more local links, it's hoped that there will be work with local schools as well and that the melting pot of local ideas and local businesses will be strengthened further and this is a growth sector for the economy.

Where other areas are flat lining this sector is growing and we really need to be at the sharp end of this and this show is key to that. But more than that, at this year's Eco Technology Show the Technology Strategy Board approached us and said, "would we like to bid to be a Future City Demonstrator" so we said, "yes please" and we put in our outline and we were awarded £50,000 to develop a feasibility study and bid and the prize if we win it amongst many other cities that are bidding is up to £24,000,000. This is a considerable thing; it's a colossal opportunity for the city. Around this bid process there's a lot of really good partners that have come together, it's an extremely strong bid

and really attractive idea of what we're coming up with and even if we don't win this particular pot of cash, we will have the legacy of a vision and the queue of people prepared to help us realise it anyway will not disperse easily.

I finally mention, as Councillor Janio will also know, that we have, as a council, decided to invest in automatic meter reading. Now this may be a bit of a dull affair for some members and I know that some members in Policy and Resources Committee struggled to realise and appreciate the benefit of it but we have to baseline in this Council what we are using in terms of water and energy in order that we can both realise where the best savings can be made and know that we're making them but also to encourage to create the culture of every member of staff taking this matter seriously. The great benefit of this will not only be the contributions that we can make to climate change reduction and reducing water usage, it is the financial savings that we will be able to realise as an organisation that will allow us to concentrate our funding on supplying services to residents."

33.20 Councillor Janio asked the following supplementary question, "Councillor West will you not agree with me to put aside your political bias and fully engage with the most environmentally friendly and Conservative led Government to take this city in to the future?"

33.21 Councillor West replied, "No."

Portslade Town Hall

33.22 Councillor Hamilton asked, "I was going to ask about Portslade Town Hall however due to an officer mistake it's been rectified and now resolved so I change my question. I have here the hard charge tariff of Portslade Town Hall, it states that the main hall is suitable for 150 persons. If that number of people were at a function and there was a bowls match taking place at the same time there could 180 people on site on a road that has got not a bus route. It is proposed to close and sell the car park as part of the development site taking the number of parking places from 38 to 13. Do you think that this is an acceptable and sensible proposal?"

33.23 Councillor J. Kitcat replied, "With regard to future parking on the site, consultation in relation to the redevelopment on that area you referred to, Councillor Hamilton, will start in early 2013 there are a number of different options being looked at including change to the on street parking controls and the parking on the other side of Victoria Road which could be used more efficiently as currently most of it is being used by cars from the local car dealers. We do recognise that the situation needs to be reviewed and regularised and so we certainly will consult on that in the New Year."

33.24 Councillor Hamilton asked the following supplementary question, "When the sell off of the car park was agreed at cabinet on 17 March 2011 over 18 months ago Councillor Alford, the relevant Cabinet Member, stated that exploring the possibility of increasing parking in the area was a top priority. If it was a top priority can you tell me exactly what progress has been made in this matter?"

33.25 Councillor J. Kitcat replied, "I obviously can't speak for Councillor Alford but he did actually offer to hand over to me when I took over his portfolio but he never replied to

my emails and calls so he never passed that message on but I'm happy to look at it now."

Travellers

- 33.26 Councillor Barnett asked, "The cost of eviction, rubbish collection and clear up from the unlawful Traveller encampments are born entirely by the residents and Council Tax payers of Brighton and Hove and Portslade without any financial contribution from the Travellers themselves, many of whom have permanent homes elsewhere in the UK and Ireland. We are told that we have to accept this because of the so called human rights of the Travellers. Does the Leader of the Council think that this is morally acceptable and what about the human rights of the city's permanent residents?"
- 33.27 Councillor West replied, "I was trying to prepare for Councillor Barnett's question and I looked to see how many encampments have actually been in Hangleton and Knoll and since April there have been 6. 2 at Greenleas Park, both of these encampments left voluntarily after commencement of action to evict them. Then there was one on Benfield Valley Park on the cricket pitches there and this encampment was evicted by Sussex Police within one day following request from the Council that Police use their emergency power. However this is quite important context, at Devil's Dyke Road there have been two, that's just inside your ward but is quite far up onto the Downs. The first of these was evicted after 33 days when the Council got a possession order and the second is there now having moved from 19 Acres. But I thought as the Councillor is the Ward Councillor that she would be interested to know these things. In each of those cases it's clearly been a difficult matter because in cases where Travellers have come on to public paths it is a difficult matter, I accept that.

We are working very close with the Police and through our traveller strategy to ensure that we can try and minimise the impacts but there are Travellers coming here as they have done for many centuries, there's nothing new in that at all and it's certainly not something that's happened very recently under the Green Administration, I've got some figures which show that in July of this year we actually had the lowest number of Travellers on the July count since 2007. Do I think that they should contribute towards costs? If they were on a proper site, of course they would be contributing to costs through rent."

- 33.28 Councillor Barnett asked the following supplementary question, "They were on a site when they left without paying and refused readmission. But my second question and I did mention it to the Leader of the Council; at a recent unlawful Traveller encampment at Wild Park the Police stationed a mobile CCTV van by the park for a whole week. Does the Leader of the Council agree with me that it will have been much better use of Tax Payer's money if the Police had simply used their powers of eviction to evict the travellers and use the CCTV van for its proper purpose i.e. protecting the ordinary members of the public from crime and anti-social behaviour. May I please have a proper answer?"
- 33.29 Councillor J. Kitcat replied, "Everyone is an ordinary member of the public in the eyes of the Police, it's an operational decision for the Police and that van was there for their own purposes in terms of preventing crime and disorder and protecting the public including those on the unauthorised, not unlawful encampment and it is up to the Police to make those operational decisions. It's not a Council matter."

Grass Cutting

- 33.30 Councillor Meadows asked, "My residents were asking when the long grass and weeds were going to be cut along the Lewes Road highway, as they are very concerned that young children couldn't be seen by cars and they couldn't see cars it was so tall. However I should put more questions in to the Council Mr. Mayor because all of a sudden the Administration were galvanised and they cut it down the day before yesterday. So I've changed my question to, would this be an annual cut that residents could expect? Could they expect to see several cuts in that area or just when I put a question in to Council?"
- 33.31 Councillor West replied, "There are certain sites where we have left grass this year in order to see what biological interest is on those sites and they will get one late cut. That's only about 20 sites around the city, I don't know the one you're talking about but cutting the grass generally around the city obviously has been a bit difficult because it's rained more this summer than in the last 100 years and the grass has grown as if your were in Ireland and it's been very difficult through that period of strong growth for City Parks to actually keep on top of that. However they have now, as the growth has slowed down, caught up. Now I know members opposite will say, "well why don't we (Green Administration) cut the grass more often, but I will remind the Labour Group that in 2011 we decided to amend the budget to actually remove the extra cut that the Conservatives had put in because we thought we can spend the money in other more appropriate ways."
- 33.32 Councillor Meadows asked the following supplementary question, "Would you not agree with me that this Green Administration is better at cutting services than it is at cutting grass?"
- 33.33 Councillor West replied, "Obviously Councillor Meadows thinks the idea of cutting services highly whimsical that she asks a question like that. I think that's actually rather disappointing. I don't know which piece of grass you're talking about; there are rather a lot in the city."

Health & Safety on Public Transport

- 33.34 Councillor Mears asked, "With the decision, now taken by the Green Administration to cut the number 52 bus service, can Councillor Davey confirm that every step has been taken by the Council to ensure that the Big Lemon Bus operator is complying with all the regulations under the Public Service Vehicles Accessibility Regulation and also that the buses are capable of undertaking the contract?"
- 33.35 Councillor Davey replied, "If you have particular concerns please let us know and we'll look into it but I have no reason to believe that there not adhering to the terms of their contract."
- 33.36 Councillor Mears asked the following supplementary question, "If Councillor Davey reads the report it says officers will actually undertake this piece of work, so I'm sure you've read it. The other point is, since the start of this contract there has been a number of breakdowns on the number 52 bus, some broken down on the seafront, some broken down going through Woodingdean, so what action will be taken by officers to ensure that the bus operator complies with all the regulations?"

33.37 Councillor Davey replied, "I don't monitor the performance of every bus in the city but if there are issues with this bus service I'll ask the officers to get a report to you."

Workplace Parking

33.38 Councillor Cobb asked, "The Brighton and Hove Green Party's 2011 Local Election Manifesto contained a commitment to impose work place parking charges on businesses in the city. Last month Bristol City Council abandoned its plans to introduce a work place parking levy following wide spread concern that it would be an extra tax on business and could seriously damage local traders. Can I now take this opportunity to see if somebody on the other side will rule out the introduction of a work place parking charge in Brighton and Hove?"

33.39 Councillor Davey replied, "The possibility of introducing work place parking charges was in our manifesto and what we said was that we would monitor developments elsewhere to see how they progressed and take a view as to their relevance and practicality for the city. Nottingham City Council has subsequently introduced a scheme and is using the funds raised, to invest in improved public transport including I believe a tram system which I'm sure will be immensely popular as they are elsewhere.

But I'm also aware that subsequently National Government have since made it more onerous for Local Authorities to introduce such schemes and as a consequence other cities such as Bristol have decided not to go ahead but that kind of stipulation from National Government does seem a strange form of Localism to me. Though the opposition remains the same, we will monitor progress of the Nottingham scheme and elsewhere but there are no immediate plans to progress such a scheme in the city as the Government have clearly made that almost impossible to do."

33.40 Councillor Cobb asked the following supplementary question, "Just to confirm, you are not ruling out a tax on private car parks?"

33.41 Councillor Davey replied, "A tax on private car parks is a totally separate matter to work place parking charges, there are a lot of private car parks in the city which has got absolutely nothing to do with work place parking, and it's a totally irrelevant follow up question."

Cuts to Bus Subsidies

33.42 Councillor Simson asked, "Can you ensure all those residents from Woodingdean and Ovingdean that came here today and those that haven't, because they couldn't get a bus, those that have demonstrated outside, those who have presented deputations and those that have asked questions; can you ensure those that are disabled and find it difficult to change buses at the Marina, those who need to get to the Hospital for treatment especially the elderly, those people that now have to take 3 buses to school or take their lives in their hand crossing a main road, those that are having to re-buy a car they had sold in order to use public transport and those who simply need to get to work on time; can you assure them all, and there are many of them, that you have listened today and will identify the funding needed to reinstate to 52 bus service as it was before the cut? And give it the opportunity to develop and increase usage and eventually maybe even become financially viable in its own right?"

- 33.43 Councillor Davey replied, "As we know the financial approaches on this Council are increasing week by week because of cuts imposed by your Conservative led Central Government so if you really have the energy to put into this I think you better direct it at your MP who is part of that Government and ask him to do what he was elected for and work on behalf of the residents of Ovingdean and Woodingdean to fight these cuts."
- 33.44 Councillor Simson asked the following supplementary question, "Are you actually prepared at all to even consider reviewing this?"
- 33.45 Councillor Davey replied, "As has also been said today the Transport Team and the Children and Young People Team are looking at school transport specifically and will be very pleased to hear the view of yourselves and to feed into that but also if you have got the several £100,000 necessary to run these services and others then please tell officers where that is."
- 33.46 The Mayor noted that there were no more questions and therefore the item had been concluded.

Motion to terminate the meeting:

- 33.47 In accordance with Procedural Rule 17, the Mayor noted that the meeting had been in session for over four hours and he was therefore required to move a closure motion to effectively terminate the meeting.
- 33.48 The Mayor moved the closure motion and put the matter to the vote which was carried and therefore the Mayor noted each of the remaining items would need to be taken and voted on or withdrawn by the mover before the meeting was concluded. He noted that the remaining items were No's 38, 42 and 43.

34. REPORTS OF COMMITTEES.

Note: This item was taken after the meeting was reconvened following the adjournment for a refreshment break, but is listed in chronological order for ease of reference:

(a) Callover

- 34.1 The following items on the agenda were reserved for discussion:

- Item 38 - Options for Providing Additional School Places Between September 2013 and September 2016
- Item 43 - Learning Disabilities Accommodations
- Item 46 - Supported Bus Routes

(b) Receipt and/or Approval of Reports

- 34.2 The Head of Democratic Services confirmed that Items X had been reserved for discussion; and

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

- Item 35 - Appointment of Chief Executive
- Item 36 - Scrutiny Report on Information Sharing Regarding Vulnerable Adults
- Item 37 - Statement of Licensing Policy Amendments Due to Revised Legislation and Guidance
- Item 39 - Review of Allocation of Seats for Political Balance
- Item 40 - Appointment of Independent Persons to Audit & Standards Committee
- Item 41 - Appointment of a Representative to the Coast to Capital Company
- Item 44 - Complaints Procedure
- Item 45 - Senior Officer Structure
- Item 47 - Supported Bus Routes – Exempt Category 3
- Item 48 - Part Two Minutes – Exempt Category 3.

(c) Oral Questions from Members

34.4 The Mayor noted that there were no oral questions.

35. APPOINTMENT OF CHIEF EXECUTIVE

35.1 RESOLVED:

- (1) That the appointment of Penny Thompson, to be the Chief Executive and Head of Paid Service for the Council with effect from the 12th November 2012 be approved;
- (2) That the appointment be on a salary of £150,000 per annum; and
- (3) That the Director of Adult Social care (in her capacity as the Director with interim responsibility for Human Resources) and after consultation with the Leader of the Council, be authorised to take all steps necessary or incidental to implementation of the appointment, including any detailed terms or administrative arrangements that may be outstanding.

36. SCRUTINY REPORT ON INFORMATION SHARING REGARDING VULNERABLE ADULTS

36.1 **RESOLVED:** That the report be noted.

37. STATEMENT OF LICENSING POLICY AMENDMENTS DUE TO REVISED LEGISLATION AND GUIDANCE

37.1 **RESOLVED:** That the proposed amendments to the Statement of Licensing Policy as summarised at Appendix A to the report be noted and approved.

38. OPTIONS FOR PROVIDING ADDITIONAL SCHOOL PLACES BETWEEN SEPTEMBER 2013 AND SEPTEMBER 2016

38.2 The Mayor noted that the Labour & Co-operative Group's amendment to the recommendations contained in the report had been accepted by the Chair of the

Children & Young People Committee and therefore put the recommendations as amended to the vote which was carried.

38.2 RESOLVED:

- (1) That the publication of the updated School Organisation Plan 2012 to 1016 and Consultation Document by end of October 2012 be agreed; and
- (2) That in regard to resolution (8) of the Children & Young People Committee as detailed in the extract from the proceedings, officers be requested to consult on the provision of new schools in the city as part of its overall consultation process on additional school place provision.

39. REVIEW OF ALLOCATION OF SEATS FOR POLITICAL BALANCE

39.1 RESOLVED:

- (1) That the allocation of seats as detailed in the report and in appendix 1 to the report be approved; and
- (2) That the revised memberships of the Environment & Sustainability and Transport Committees be agreed as follows:
 - (a) Environment & Sustainability Committee on the basis of 4 Green, 4 Conservative and 2 Labour & Co-operative Members; and
 - (b) Transport Committee on the basis of 5 Green, 3 Conservative and 2 Labour & Co-operative Members.

40. APPOINTMENT OF INDEPENDENT PERSONS TO AUDIT AND STANDARDS COMMITTEE

40.1 RESOLVED:

- (1) That the appointments of David Horne and Lel Meleyal as Independent Persons and co-opted Members of the Audit and Standards Committee with immediate effect be approved; and
- (2) That it be noted that the appointments were made for a period of 4 years, with the possibility of an extension for a further 4 years by decision of the Monitoring Officer after consultation with the Chair of the Audit and Standards Committee.

41. APPOINTMENT OF REPRESENTATIVE TO THE COAST TO CAPITAL COMPANY

- 41.1 RESOLVED:** That Councillor J. Kitcat be appointed as the Council's representative to the Coast to Capital Company and Councillor Mac Cafferty as his designated deputy; with the intention that Councillor Kitcat is appointed as a Public Sector Director to act on the Council's behalf and that Cllr Mac Cafferty be appointed as his designated deputy on the Coast to Capital Company.

42. NOTICES OF MOTION.**(a) Traveller Encampments on Sensitive Sites in Brighton & Hove**

42.1 Councillor G. Theobald confirmed that he wished the Notice of Motion as detailed in the agenda to be taken and that he did not accept the amendment from the Green Group.

42.2 The Mayor then put the Green Group amendment to the notice of motion to the vote which was lost and then put the following motion to the vote:

“This Council notes the powers contained in the Criminal Justice and Public Order Act 1994 that allow Sussex Police, in conjunction with Brighton & Hove City Council, to move unlawful encampments off public land in the city where they consider that (i) there is disruption to local community activity; (ii) damage has been caused to the land/property, e.g. forced entry; (iii) there is evidence of arrestable offences being committed by the trespassers; or (iv) there is proof that any of the trespassers have used threatening behaviour.

Council further notes that the recent Traveller Scrutiny Panel recommended that, as a matter of priority, the Council produce a plan for identifying and securing sensitive sites in the city.

Given the unprecedented scale of unauthorised encampments in the city in recent months, many of which have occurred on sensitive parkland sites, this Council:

- 1) Requests that the Environment & Sustainability Committee considers the adoption of a sensitive site protocol, in partnership with Sussex Police, as a matter of urgency and that any future incursions on sensitive sites be the subject of immediate eviction utilising the powers described above.
- 2) Believes that any areas not included on a sensitive sites list should not automatically become ‘tolerated’ sites for unauthorised camping.”

42.3 **The motion was carried.**

(b) Impact of Parking Charges on the Local Economy

42.4 Councillor Cox confirmed that he wished to withdraw the motion.

(c) Maintain a Democratic Planning System

42.5 Councillor Meadows confirmed that she wished the Notice of Motion as detailed in the agenda to be taken.

42.6 The Mayor put the following motion to the vote:

“This Council, wishing to safeguard the quality of the built environment in Brighton and Hove and to help promote community cohesion, supports the Local Government

Association in rejecting the government's claim that the planning system is stifling economic growth and opposes the government's proposals to significantly extend permitted development rights and to allow the removal of affordable housing requirements from developers."

42.7 **The motion was carried.**

(d) Delivering Replacement Affordable Homes

42.8 Councillor Mitchell confirmed that she wished the Notice of Motion as detailed in the agenda to be taken.

42.9 The Mayor put the following motion to the vote:

"From April 2nd this year the regional cap on Right to Buy discounts has been changed to a discount of £75,000 for all areas of the country. The existing Buy Back provision has been retained with authorities able to fund up to 50% of the cost of re-purchasing a former council home.

The previous arrangements for 25% of Right to Buy receipts being retained by local councils has been removed.

In Brighton & Hove the need for good quality, affordable rented homes is acute and the Government's changes to Right to Buy legislation could potentially see an escalation of the loss of council owned homes. Since April 2012 Right to Buy applications in Brighton and Hove have increased 5 fold from previous low levels since the economic collapse.

This council therefore calls on the Housing Committee to request officers to bring forward a report that;

- Evaluates whether the council would benefit from entering into the Right to Buy receipts scheme that would enable the receipts from any additional sales generated to be retained by the council in order to fund the provision of replacement housing stock.
- Explores whether the retention of Right to Buy receipts under the scheme could enable the council to buy back ex-council homes that come onto the housing market either from estate agents' repossession or at auction.
- Considers the possibility of the scheme being used in relation to leaseholders where the high cost of major works are causing particular difficulties.
- Demonstrates whether and if so, how entering into such a scheme could compliment the other initiatives being pursued in relation to the provision of affordable housing."

42.10 **The motion was carried.**

(e) Fuel Poverty

42.11 Councillor Sykes confirmed that he wished the Notice of Motion as detailed in the agenda to be taken and that he was willing to accept the amendment from the Labour & Co-operative Group but not the amendment from the Conservative Group.

42.12 The Mayor then put the Conservative Group amendment to the notice of motion to the vote which was lost.

42.13 The Mayor then put the following notice of motion as amended to the vote:

“This Council notes with concern the impacts of the energy bill crisis faced by this country, with millions of people struggling to adequately heat their homes.

1 in 4 households in the UK are now in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse with 1 in 3 households nationally projected to be in fuel poverty by 2016.

In Brighton and Hove nearly 16,000 households were calculated by DECC to be in fuel poverty in 2010. On the basis of the proportion of households in fuel poverty, our city is in the worst-performing 10% of Local Authorities in the South East including London.

Cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse, and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year. Over the past five years, there have been on average 26,000 ‘Excess Winter Deaths’ in the UK; a far higher proportion of our population than in countries with a colder climate such as Norway and Sweden.

The main reasons for fuel poverty are that gas, oil and coal prices are high and rising, and that the UK’s homes are some of the most energy inefficient in Europe. Bringing the homes of the fuel poor up to the energy efficiency standards of homes built today would reduce their fuel bills by an average of 52%, taking the majority out of fuel poverty.

This Council welcomes the forthcoming Green Deal and ECO initiatives but considers them inadequate responses in the face of the urgency and scale of the fuel poverty crisis.

Further to the above, this Council:

- Asks Policy & Resources Committee to consider signing the Local Authority Fuel Poverty Commitment promoted by the End Fuel Poverty Coalition⁽¹⁾; and that Brighton & Hove City Council joins with other councils who are actively promoting co-operative energy switching schemes and to promote the benefits to this to local residents;
- Calls on Secretary of State Ed Davey to recommit to the target that no household should be living in fuel poverty by November 2016;

- Calls on HM Treasury to use the funds raised from carbon taxes (the Emissions Trading Scheme (ETS) and the Carbon Floor Price) to invest in a national programme to improve the heating and insulation standards of low income and fuel-poor households.”

(1) Text available here: <http://bit.ly/QFeVZG>

42.14 **The motion was carried.**

(f) Fracking

42.15 Councillor Phillips confirmed that she wished the Notice of Motion as detailed in the agenda to be taken.

42.16 The Mayor put the following motion to the vote:

“This Council notes with concern the effects of unconventional shale gas extraction, namely the case of Blackpool where minor earthquakes followed as a result of drilling in the area. (1).

This activity has also been linked with the contamination of local water sources such as aquifers, which provide about 30% of the UK’s water. This puts both local communities who rely upon these water supplies, and the local environment at risk.

There are as yet no plans at present to extract gas in this way in Brighton and Hove - however Quadrilla, an American company, has already gained planning permission to use hydraulic fracturing or 'fracking' nearby in Balcombe, East Sussex. This could have an unquantified detrimental impact on the surrounding area including our city, and there are fears that any subsequent earth tremors could be a threat to the crucial London to Brighton railway route.

Fracking uses massive volumes of water, 1 million gallons(1) for each frack, which is also of great concern in a region only recently taken out of drought conditions. Methane gas produced at drilling sites is a significant contributor to climate change – far more potent a greenhouse gas than carbon dioxide.

This Council also notes that the production of hard-to-reach fossil fuels is incompatible with efforts to achieve statutory UK carbon targets. A focus on gas extraction detracts from and delays investment in renewable energy sources.

The European Parliament is due to report shortly on the Environment, Public Health and Food Safety impacts of shale gas and shale oil extraction activities. There is considerable concern across Europe with Bulgaria having banned it and moratoriums have been put in place in France, New South Wales and Westphalia (a German state). A citizens’ petition has also been initiated on the subject.

Further to the above, this Council:

- Asks Policy & Resources committee to resolve that Brighton and Hove should become a 'frack-free' zone;
- Asks the Chief Executive to write to the Secretary of State for the Environment calling on him to impose a moratorium on onshore and offshore exploration, development and production of Coal Bed Methane, Shale Oil and Shale Gas, at least until a full independent environmental impact of the processes involved has been carried out;
- Calls on the Government to make it easier for co-operatives such as the Brighton Energy Co-op, housing associations and local authorities to generate their own renewable energy."

(1) BBC News, 2nd November 2011: <http://www.bbc.co.uk/news/uk-england-lancashire-15550458>

(2) Figure from Tyndall Centre on Climate Change report of last year. Gasland & Josh Fox suggest the actual amount is higher.

42.17 **The motion was carried.**

43. LEARNING DISABILITIES ACCOMMODATION

43.1 **RESOLVED:** That the extract from the proceedings of the Adult Care & Health Committee meeting held on the 24th September 2012 together with the report be noted.

44. COMPLAINTS PROCEDURE

44.1 **RESOLVED:** That the report and the decision of the Audit & Standards Committee to adopt new arrangements for the investigation and hearing of complaints against Members be noted.

45. SENIOR OFFICERS STRUCTURE

45.1 **RESOLVED:** That the extract from the proceedings of the Policy & Resources Committee meeting held on the 6th September 2012, together with the report be noted.

46. SUPPORTED BUS ROUTES

Note: This item was taken as part of the debate at Item 30, Deputations from Members of the Public, 30(f) and 30(g), and the details of the debate are therefore listed in the minutes at that point, although the decision in relation to the report is also set out below:

46.1 **RESOLVED:** That the report be noted.

PART TWO SUMMARY

47. SUPPORTED BUS ROUTES – EXEMPT CATEGORY 3

47.1 **RESOLVED:** That the report be noted.

48. MINUTES - EXEMPT CATEGORY 3

48.1 **RESOLVED:** That the part two minutes of the last meeting held on the 19th July 2012 be approved as a correct record of the proceedings.

49. PART TWO PROCEEDINGS

49.1 **RESOLVED:** That the items 47 and 48 listed in part two of the agenda remain exempt from disclosure to the press and public.

50. CLOSE OF MEETING

50.1 The Mayor closed the meeting.

The meeting concluded at 9.15pm

Signed

Chair

Dated this

day of

Subject:	Petition Debate: Seven Dials Improvement Project		
Date of Meeting:	13 December 2012		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

For General Release**PETITION TRIGGERING A FULL COUNCIL DEBATE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Council's Petition Scheme if a petition contains more than 1,250 signatures and is not a petition requesting officer evidence, it will be debated by the Full Council.
- 1.2 A combined paper and e-petition has resulted in triggering a debate at the council meeting, having exceeded the threshold with a total of 1,385 signatures.

2. RECOMMENDATIONS:

- 2.1 That the petition is referred to the Transport Committee for consideration.

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

"We the undersigned petition the council to reject the proposals as they stand. We oppose any scheme at the Dials which may lead to traffic being diverted onto residential streets

We are in favour of changes to our local area which improves the environment for all users."

Lead Petitioner – Mr. D. Evans

3.2 The options open to the council are:

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

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

4. PROCEDURE:

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

WRITTEN QUESTIONS FROM COUNCILLORS

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

(a) Councillor G. Theobald

“In view of the welcome changes to local government finance which mean that councils such as Brighton & Hove will retain half of any increase in business rate income from 1st April 2013, does the Leader of the Council agree with me that it is vitally important for council tax payers that the Council does all it can to ensure that all businesses in the city are paying their full business rates as assessed by the Valuation Office?

Would the Leader of the Council also please advise me what was the rateable value, and consequently business rate paid by the Co-op on their London Road store (a) for the last full financial year of operation prior to closure in 2007; and (b) during each of the financial years since 2007 that the property has been left vacant?”

Reply from Councillor J. Kitcat, Leader of the Council

ORAL QUESTIONS FROM COUNCILLORS

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

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

(a) Councillor G. Theobald

Subject matter – King Alfred

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

(b) Councillor Mitchell

Subject matter – Funding for Policing and Community Safety

Reply from Councillor J. Kitcat, Leader of the Council

(c) Councillor Cox

Subject matter – Coach Parking

Reply from Councillor Davey, Chair of the Transport Committee

(d) Councillor Robins

Subject matter – Free Parking in Brighton and Hove in the run up to Christmas

Reply from Davey, Chair of the Transport Committee

(e) Councillor Janio

Subject matter – Intelligent Commissioning

Reply from Councillor J. Kitcat, Leader of the Council

(f) Councillor Gilbey

Subject matter – Parking on Grass Verges and Pavements in North Portslade

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

(g) Councillor Mears

Subject matter – Allocation Policy for New Build

Reply from Councillor Wakefield, Chair of the Housing Committee

13 December 2012

Brighton & Hove City Council

Subject: Council Tax Discounts and Exemptions Reform –
Extract from the Policy & Resources Committee
Meeting held on the 29 November 2012

Date of Meeting: 13 December 2012

Report of: Interim Lead Chief Executive Services

Contact Officer: Name: Mark Wall Tel: 29-1006

E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

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

To receive the item referred from the Policy & Resources Committee for approval:

Recommendation:

- (1) That the Council abolishes the 10% Second Home Discount, meaning that those liable for Second Homes will pay full Council Tax from 1 April 2013;
- (2) That the Council retains the current arrangement for empty dwellings undergoing repair or structural work, namely that liable parties will receive a 100% discount for up to 12 months, or for 6 months after work is complete, whichever is sooner. This provision is currently known as a "Class A Exemption";
- (3) That the Council introduces a period of up to six weeks 100% discount for dwellings that are empty and unfurnished, to replace the current six month exemption known as Class C;
- (4) That officers will have discretion, (a) to give an additional period of up to six weeks 100% discount after a change of liable party and (b) in exceptional circumstances, to extend the six week 100% discount to an absolute maximum of three months;
- (5) That the Council introduces an Empty Home Premium at the maximum 50%, meaning that those liable for empty dwellings will have to pay 150% Council Tax after two years of the dwelling remaining empty;
- (6) Accordingly that the Council makes / revokes the formal determinations for the financial year commencing on 1 April 2013 as set out in Appendix 4;
- (7) That the Director of Finance and other relevant officers identified in the Council's Scheme of Delegations to Officers as responsible for local taxation services and revenues and benefits, be authorised to take all appropriate steps to implement

and administer the recommendations, including publishing in accordance with statutory requirements; and

- (8) That the Head of Law be authorised to amend the Council's constitution by the addition in Part 3.1 (Council Functions) of a new paragraph in section 3.01 after the paragraph relating to Policy and Budget: "Council Tax: Exercising any function which, under section 67 of the Local Government Finance Act 1992, may only be discharged by the authority.

POLICY & RESOURCES COMMITTEE

4.00pm 29 November 2012

COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), Bowden, Hamilton, Mitchell (Opposition Spokesperson), A Norman, Peltzer Dunn, Shanks, G Theobald (Opposition Spokesperson) and West.

PART ONE

80. COUNCIL TAX DISCOUNTS AND EXEMPTIONS REFORM

- 80.1 The Head of City Services introduced the report which outlined the results of the consultation and progress made in regard to the proposals to change the council's scheme for council tax discounts and exemptions. She informed the committee that the proposed changes would need to be approved by the Full Council and that it was hoped to take the report, if approved, to the next council meeting in December, however the required Regulations had yet to be approved by Parliament and therefore may delay matters. She stated that it was recommended to abolish second home discounts, maintain the arrangements for repairs and structural works and to have a maximum period for full discount charge of up to six weeks but with the discretion for exceptions to extend this to up to three months. She also referred to the need for a couple of amendments on page 60 to the detail in appendix 1, first bullet point which needed to have a line through the word 'example' and on page 49, third line where the figure 60% should read as 70%.
- 80.2 The Chair welcomed the report and noted the difficulties faced at the present time because of the uncertainties around the changes and the implementation of the regulations. However, he supported the proposals and hope that they would encourage the quicker turn around of properties.
- 80.3 Councillor Peltzer Dunn stated that he agreed with the proposals in principle but felt that it was not only landlords who were responsible for the management of empty properties,

as people moved out of their homes whilst seeking to sell and therefore could be caught by recommendations 2.3 and 2.4 which was a concern.

- 80.4 The Chair noted the comments and stated that he hoped the discretionary rules would be used in such circumstances.
- 80.5 Councillor Ann Norman thanked the officers for the report and their hard work in enabling it to come forward at this time and stated that she supported its objectives. However she sought clarification in regard to paragraph 3.18 as she believed that Councillor Littman had written to the Secretary of State calling for changes to enable councils to remove student exemptions and single person discounts, whereas a recent press release from the Leader of the Council stated that there was no such intention to remove these elements.
- 80.6 Councillor Littman stated that following the Scrutiny Panel review and a number of recommendations being made, one of which was to seek the power to be able to make such changes, he did sign a letter to that effect which was sent. However, this was an error on his part as he had not checked with his colleagues.
- 80.7 The Chair confirmed that there was no intention to vary the current arrangements.
- 80.8 Councillor Mitchell welcomed the report and added her thanks to the officers involved in producing the report and the new proposals which she felt struck the right balance.
- 80.9 The Chair then put the recommendations to the vote which were carried.
- 80.10 **RESOLVED TO RECOMMEND:**
- (1) That the Council abolishes the 10% Second Home Discount, meaning that those liable for Second Homes will pay full Council Tax from 1 April 2013;
 - (2) That the Council retains the current arrangement for empty dwellings undergoing repair or structural work, namely that liable parties will receive a 100% discount for up to 12 months, or for 6 months after work is complete, whichever is sooner. This provision is currently known as a "Class A Exemption";
 - (3) That the Council introduces a period of up to six weeks 100% discount for dwellings that are empty and unfurnished, to replace the current six month exemption known as Class C;
 - (4) That officers will have discretion, (a) to give an additional period of up to six weeks 100% discount after a change of liable party and (b) in exceptional circumstances, to extend the six week 100% discount to an absolute maximum of three months;
 - (5) That the Council introduces an Empty Home Premium at the maximum 50%, meaning that those liable for empty dwellings will have to pay 150% Council Tax after two years of the dwelling remaining empty;
 - (6) Accordingly that the Council makes / revokes the formal determinations for the financial year commencing on 1 April 2013 as set out in Appendix 4;

- (7) That the Director of Finance and other relevant officers identified in the Council's Scheme of Delegations to Officers as responsible for local taxation services and revenues and benefits, be authorised to take all appropriate steps to implement and administer the recommendations, including publishing in accordance with statutory requirements; and
- (8) That the Head of Law be authorised to amend the Council's constitution by the addition in Part 3.1 (Council Functions) of a new paragraph in section 3.01 after the paragraph relating to Policy and Budget: "Council Tax: Exercising any function which, under section 67 of the Local Government Finance Act 1992, may only be discharged by the authority.

Council

13 December 2012

Agenda Item 62

Brighton & Hove City Council

Subject:	Council Tax Discounts and Exemptions Reform		
Date of Meeting:	13 December 2012 Council 29 November 2012 Policy and Resources		
Report of:	Acting Director of Finance		
Contact Officer:	Name:	Paul Ross-Dale	Tel: 291969
	Email:	Paul.ross-dale@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

Note – Since Policy and Resources Committee considered this matter, the Regulations referred to in the report have been made and published. Suitable amendments have been made to the report to take account of the Regulations.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 One of the outcomes of the Local Government Resource Review is that there will be increased flexibilities for councils to decide their own levels of Council Tax discounts for second homes and empty properties. There is also a new power to set an additional amount of Council Tax for properties that have been empty for at least two years. A previous report to Policy & Resources Committee in July outlined proposals regarding these new powers. There is no power to change Single Person Discounts for council tax which will continue to be set at 25% under national legislation. There is also no power to change student exemptions for council tax.
- 1.2 Following Policy & Resources Committee in July, a consultation was carried out. The report from that consultation is at Appendix 3 and the findings are discussed in section 4 of this report.
- 1.3 Primary legislation for these changes has now been passed, in the form of the Local Government Finance Act. The legislation allows for decisions on these matters to be taken only by Full Council.
- 1.4 On 29 November 2012, Policy & Resources Committee recommended that the changes within this report are put to Full Council on 13 December 2012 for a decision. The changes, if approved, will be effective from 1 April 2013.
- 1.5 The recommendations below will generate an estimated additional £ 1.05m for Brighton & Hove City Council.

2. RECOMMENDATIONS:

- 2.1 That the Council abolishes the 10% Second Home Discount, meaning that those liable for Second Homes will pay full Council Tax from 1 April 2013.
- 2.2 That the Council retains the current arrangement for empty dwellings undergoing repair or structural work, namely that liable parties will receive a 100% discount for up to 12 months, or for 6 months after work is complete, whichever is sooner. This provision is currently known as a "Class A Exemption".
- 2.3 That the Council introduces a period of up to six weeks 100% discount for dwellings that are empty and unfurnished, to replace the current six month exemption known as Class C.
- 2.4 That officers will have discretion, (a) to give an additional period of up to six weeks 100% discount after a change of liable party and (b) in exceptional circumstances, to extend the six week 100% discount to an absolute maximum of three months.
- 2.5 That the Council introduces an Empty Home Premium at the maximum 50%, meaning that those liable for empty dwellings will have to pay 150% Council Tax after two years of the dwelling remaining empty.
- 2.6 Accordingly that the Council makes the formal determinations and decisions for the financial year commencing on 1 April 2013 and subsequent financial years as set out in Appendix 4.
- 2.7 That the Director of Finance and other relevant officers identified in the Council's Scheme of Delegations to Officers as responsible for local taxation services and revenues and benefits, be authorised to take all appropriate steps to implement and administer the recommendations, including publishing in accordance with statutory requirements.
- 3.8 That the Head of Law be authorised to amend the Council's constitution by the addition in Part 3.1 (Council Functions) of a new paragraph in section 3.01 after the paragraph relating to Policy and Budget: "Council Tax: Exercising any function which, under section 67 of the Local Government Finance Act 1992, may only be discharged by the authority."

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The discretions outlined in this report are part of a package of reforms to local government finance which are intended to increase local choice.

Second Home Discounts

- 3.2 The proposed removal of the 10% second home discount affects 1,846 dwellings in the area of Brighton & Hove. The removal of the discount means that those with second homes will pay the same tax for their properties as other taxpayers. The estimated additional income to the council from this change is £200k per annum.
- 3.3 We wrote to each person currently in receipt of a second home discount as part of the consultation and this produced an array of responses (see section 4 for

more details), most of whom expressed opposition to the idea. However, combined with the responses from other respondents, and taking into account the value to the taxpayer of generating additional income, on balance we have left the recommendation unchanged.

Dwellings undergoing structural work

- 3.4 Currently dwellings undergoing structural work or major repairs are fully exempt from Council Tax for up to 12 months, or 6 months after work is completed, whichever is the shorter. In 2011/12 there were 847 Class A exemption awards, relating to 821 dwellings. The length of time needed for development work is very variable, as the awards vary in length from 12 to 52 weeks (with a small number taking less than 12 weeks). The value of this exemption during 2011/12 was £0.441m of which £0.388m related to 2011/12.
- 3.5 It is our policy intention to promote property development, particularly supporting major upgrading and improvements to poor quality housing stock. As there is no clear “average period” for this work to be done, we do not wish to make changes at this stage to the support we provide. This is why the recommendation is to keep the same rules for the whole of the Council’s area in relation to the new discount for structural / repair work.
- 3.6 In the consultation 84% of respondents agreed with this proposal.
- 3.7 In the current procedures, we allow up to six months exemption after work is completed on a property, and this applies to existing properties, new builds and conversions. The new rules (now known as Class D) allow us to have a six month exemption after completion on existing properties, but to achieve the same exemption for new builds and conversions, we have to set up a special 6 month category for them under the “Class C” discount. This is why there is a specific section regarding new builds and conversions in Appendix 4.

Empty Dwellings

- 3.8 Currently dwellings that are empty and unfurnished are eligible for a “Class C exemption” which gives them full exemption from council tax for up to 6 months regardless of change in ownership.
- 3.9 In 2010/11 there were 16,884 awards, although nearly 1400 of those were consecutive, signifying a change in liable party while the dwelling was still empty. 70% of awards lasted less than 42 days / 6 weeks, averaging 13.4 days each. 30% lasted longer than 42 days and these ones averaged 121.2 days (about four months). The value of Class C exemption awarded during 2011/12 was £2.282m of which £2.200m related to 2011/12. The value of Class C exemption awarded in 2010/11 was £2.310m of £2.288m related to 2010/11. The vast majority of recipients are in the private sector. 1,169 exemptions were for Brighton and Hove City Council properties and 416 were for Registered Social Landlords.
- 3.10 The policy aims for reforming the former Class C exemptions to a new empty dwelling discount are to:

- Allow a reasonable but not excessive exemption to support standard voids between tenancies
 - Encourage faster turnaround times on empty homes
 - Reduce the number of long term empty homes
- 3.11 One of the limitations of the current scheme is that the exemption is applied to the dwelling, not the liable party. This means that if somebody is responsible for the dwelling and they sell it or let it after it has been empty for 5 months, the next person would only receive one month of exemption, as the previous person has used up most of the exemption. We have proposed removing this from the new scheme in order to make the rules more transparent.
- 3.12 We consulted on the option of introducing a new discount for the whole of the Council's area, with the key features being:
- Five weeks 100% discount (no Council Tax to pay)
 - Discount available to each new liable party, even after a change of ownership
 - A discretion to increase the discount to a maximum of three months, in exceptional circumstances.

The results of the consultation were that 64% felt that the proposals would deliver these objectives. However, only 26% of landlords and agents agreed. Many of the comments made related to reservations about the proposed five week period being too short. We have considered this and now propose a **six** week period instead.

- 3.13 The purpose of the discretionary element is to cover exceptional situations that we are not able to predict or cover in our main criteria. The emphasis will be on "exceptional", meaning that there should be an element of complexity and crisis that causes delay. This will mean that standard processes of changing occupancy will not apply. Whilst we do not want to create a specified list of exceptions, an example of a relevant case might be flood or fire damaged dwellings. It is not possible to say with certainty how much this extra provision would affect the overall saving, but we are forecasting that it will only affect a small number of cases. It is unlikely to cost more than £100,000 - £150,000 and could cost less.
- 3.14 We estimate that the changes to Class C exemption would bring an additional £850,000 income to the council.
- 3.15 If the recommendations in Section 2 of this report are agreed, there will be some transitional arrangements to cover any existing exemptions that were given under the current rules and are still in place on 31 March 2013. In practice, this will mean that exemptions starting before the date of the Council's decision (13 December 2012) will receive up to a maximum of six months, as per the current rules. Applications for empty periods starting on or after 14 December 2012 will be eligible for an exemption under current rules until 31 March 2013, but will then switch to the new scheme and will have a maximum of 6 further weeks (unless they are awarded a discretionary extension under the exceptional circumstances rule). Applications received on or after 1 April 2013 will be dealt with under the new rules, even if the period in question relates in part or in full to the 2012/13 year.

- 3.16 Now that the government has laid the necessary regulations, it is clear that furnished properties will not fall under the definition of Class C. Whilst these properties cannot receive a Class C exemption, we currently award 10% “furnished let” discount, as a sub-category of the second home rule. It had not been our intention to change this element, as we wanted to continue some support for voids between tenancies on furnished properties. We are currently examining the legislation to ensure that we can continue this approach. If we cannot, we will report further on this as and when it is necessary.

Long Term Empty Dwelling Premium

- 3.17 Under our new Class C proposals, once an unfurnished dwelling has been empty for six weeks, the liable party will have to pay full Council Tax. The government is giving Local Authorities a new power to levy a premium of up to 50% on dwellings that have been empty for at least two years. The premium can be levied for the whole or for part of an authority’s area.
- 3.18 It is proposed that the council takes advantage of the new discretion to levy the maximum premium of 50% in these situations for the whole of the Council’s area. This is in order to promote effective use of the city’s housing stock and will be an important tool for the council’s empty property team in bringing those units back into use. The council will not budget for any income associated with that premium as the aim would be for all dwellings to be brought back into use before that deadline. This would of course have positive implications for the council’s taxbase but they are marginal and not possible to quantify at this stage. Should any premium be levied it is recommended that some or all of that income be set aside to support the empty homes strategy.
- 3.19 The premium will not apply to the following exceptions:
- A dwelling that is covered by one of the other existing Council Tax exemptions (see Appendix 1)
 - A dwelling which is not occupied because the occupant is a member of the armed forces
 - An annex deemed unoccupied because it is being treated by the occupier of the main dwelling as part of that main dwelling
- 3.20 As indicated above, a range of exemptions will be unaffected. These exist to protect people in certain vulnerable or complex situations, such as those awaiting probate, or who have temporarily gone into care. A full list of exemptions appears in Appendix 1. There is no change to the 25% Single Person Discount which will still be prescribed in national legislation. There is no change to student exemptions.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 There is no statutory requirement to consult but we considered that it would be reasonable to give the proposals publicity so that comments could be made. We took account that landlords could be more adversely affected than most and that second home owners are not usually local. Our main consultation was conducted via the online consultation portal between August and September 2012. We

issued a press release, sent links to housing associations, the National Landlords Association, the Southern Landlords Association, the Community Voluntary Sector forum, among others. We also wrote individually to each recipient of the second home discount, as most of them live outside the city and may not have seen the press release.

- 4.2 212 individuals or groups took part and the consultation report is at Appendix 3

Proposals for removing 10% second home discount

- 4.3 52% were in favour of the proposal and 48% were against. Among those people who were themselves responsible for a second home, 90% were against. Among those who did not have a second home, 77% were in favour.
- 4.4 A common theme in the comments from those responsible for second homes was that they did not use the same amount of local services as other people. They also felt that they should at least have the same access to services that others do, such as residents' parking permits and the right to vote in local elections.
- 4.5 We have considered these findings and reached the view that the proposal to remove second home discounts should not be changed. Services are provided all year round, regardless of whether the taxpayer is resident or not. Furthermore, Council Tax pays for development work, maintenance and support services, all of which benefit second home owners when they do visit Brighton. Local Authorities are having to find savings in all areas, meaning that other services may have to be limited, even for vulnerable residents. We do not believe that the second home discount should still be available, when the resulting income generated could help to keep necessary services running.

Introduction of Long Term Empty Dwelling Premium

- 4.6 73% of respondents felt that a 50% Long Term Empty Dwelling Premium would incentivise owners to bring their dwellings back into usage. We consider that the policy objectives for the premium mentioned above are sound and that the Council should proceed with the proposal.

Proposal to keep current arrangements for dwellings undergoing structural work

- 4.7 84% of respondents agreed with this proposal and for the reasons given above the Council should translate the current exemption into an equivalent discount.

Proposal to reduce discount for empty/unfurnished properties to 35 days (five weeks)

- 4.8 64% of respondents thought that the proposals would achieve the three stated aims (see para 3.9 above). However, of the 23 landlords and property respondents (private sector landlords, social sector landlords and property agents), only 6 (26%) agreed. Overall, 58% thought that the proposals were fair, but among the landlord and property respondents, only 18% thought they were

fair. 37% made comments about the proposals, of whom 75% felt that the time period of 35 days was too short.

- 4.9 We have looked again at the information showing us the number and duration of Class C exemption awards. Under current rules, a property can receive up to six months of full exemption. However, up to 70% of these were for less than six weeks. We believe that the policy aims set out above remain appropriate, that it is right to give support for reasonable void periods and that by increasing the amount of award from the proposed five to six weeks, we will allow fair protection for many standard voids and some non-standard ones.
- 4.10 The effect of our new discount will be that the Council covers most reasonable voids, but there is some sharing of the cost burden with landlords. The policy effectively asks landlords to absorb the Council Tax cost of voids after the first six weeks.
- 4.11 We will be open to requests to increase the Class C discount to a maximum of three months, in exceptional circumstances. Finding a new tenant is not likely in itself to be considered as exceptional.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1.1 Any changes to exemptions and discounts directly impact on the tax base which has financial implications for the council, Sussex Police Authority and East Sussex Fire Authority. The removal or reduction of discounts and exemptions awarded can also potentially impact on the collection rate for council tax and this is assessed in determining the financial impact of each change. The costs from collecting this additional council tax income will be met from within existing resources.
- 5.1.2 The removal of the 10% second homes discount will increase the tax base and the council's share of the additional council tax from this is estimated at £0.212m per annum and was included in the resources forecasts in the July Budget Update report.
- 5.1.3 The class A exemption being replaced with a 100% discount replicates the current level of discount received and therefore has no financial impact.
- 5.1.4 It is not possible at this stage to determine the level of additional council tax that would be raised from the 50% empty property premium although any financial impact would be minimal.
- 5.1.5 The replacement of the class C exemption with a 6 week discount will increase the tax base and the council's share of the additional council tax from this is estimated to be £0.85m per annum. This income has been built into the resources forecasts shown in the Budget Update report elsewhere on this agenda.

- 5.1.6 The actual value of additional council tax raised from these discount and exemption changes will be finalised in the tax base report that goes to this committee on 17 January 2013 when the actual tax base is agreed.
- 5.1.7 Following the release of the regulations on 30 November there are further financial effects which cannot be quantified at this time and therefore they will be included in the budget reports to the February meetings. This will include the financial effects for furnished lets (paragraph 3.16); transitional arrangements for the class C exemption (paragraph 3.15) and the introduction of a special 6 month category under class C discounts for new properties and conversions (paragraph 3.7).

Finance Officer Consulted: Heather Bentley

Date: 02/11/12

Legal Implications:

- 5.2.1 This report deals with new provisions in relation to council tax exemptions and discounts, introduced by the Local Government Finance Act 2012. The 2012 Act has amended the main provisions in the Local Government Finance Act 1992 and received Royal Assent on 31 October 2012. Any determinations under these provisions must be made by the Council before 1 April 2013 for the financial year 2013/14 and cannot be changed during the financial year. The power to make determinations can only be discharged by the full Council and may not be delegated to a committee or an officer.
- 5.2.2 Although the relevant sections of the 2012 Act come into force immediately, they required Regulations to supplement them. These have been made since Policy and Resources considered the report, so it is now possible to make the determinations proposed in the report. The wording of Appendix 4 has been amended since the committee meeting to take account of the provisions in the Regulations.
- 5.2.3 In making decisions, the Council must have due regard to its general duties under the Equality Act 2010 towards people with particular protected characteristics, (age; disability; gender reassignment; marriage and partnership, pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and the duty to mitigate child poverty under the Child Poverty Act 2010. Case law demonstrates that duties such as these are continuing duties. Usually the key is to ensure that equalities implications are properly considered, not that there is no impact. The Equality Impact Assessment and the consultations will assist in identifying issues which need to be taken into account by the Council before any decisions are made.

Lawyer Consulted: John Heys Date: 01/11/12

Equalities Implications:

- 5.3 An Equalities Impact Assessment has been carried out and can be found at Appendix 2.

- 5.4 The findings were that no protected group was adversely affected. However, individuals could be affected in any group. In the wider context of welfare reform, particularly in relation to the replacement of Council Tax Benefit, we will be devoting increased resources to debt prevention work. This will mean that we have greater intelligence about likely financial pressures across our customer base and we will be considering new ways of working with customers to cover their commitments.

Sustainability Implications:

- 5.5 There are no sustainability implications for these proposals.

Crime & Disorder Implications:

- 5.6 Most applications for exemption and discount are genuine. However, in any system there are opportunities for fraud and that is true of the existing system. The Revenues Inspectors team is a flexible resource that we can call upon to police the exemptions. They are able, for example, to check whether a property is still undergoing structural work, or conduct other property visits. This helps to mitigate loss to the public purse due to fraud. The new system could reduce loss due to fraud by reducing the overall period that people are able to claim an exemption for. However, the new system could introduce new types of fraud, both foreseen and unforeseen. We intend to use the Inspectors team, in conjunction with the Empty Properties Team to monitor and intervene where necessary.

Risk and Opportunity Management Implications:

- 5.7 This report has considered issues in relation to collection of council tax, risk of fraud and the incentives that discounts and exemptions provide.

Public Health Implications:

- 5.8 There could be a cumulative, although marginal positive impact on general wellbeing if the new package of exemptions encourages properties back into usage earlier.

Corporate / Citywide Implications:

- 5.9 The approach taken to council tax discounts and exemptions has an impact on the effective use of the city's housing stock and also its quality.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The options outlined in this report were previously discussed at the July 2012 Policy and Resources Committee and we consulted on those options. Our reasoning and policy intentions are outlined for each recommendation above.

7. REASONS FOR REPORT RECOMMENDATIONS

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

SUPPORTING DOCUMENTATION

Appendices:

1. Current council tax exemptions
2. Equality Impact Assessment
3. Consultation Report
4. Determinations to be made by the Council

Documents in Members' Rooms

- 1.

Background Documents

1. Responses to the consultation exercise.

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

Equality Impact Assessment – brief guidance and template¹ (2011)

Public sector bodies need to be able to evidence² that they have given due regard to the impact and potential impact on all people with ‘protected characteristics’³ in shaping policy, in delivering services, and in relation to their own employees.

The following principles, drawn from case law, explain what is essential in order for the Equality Duty to be fulfilled. Public bodies should ensure:

- **Knowledge** – those who exercise the public body’s functions need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves a conscious approach and state of mind.
- **Timeliness** – the Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- **Real consideration** – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient information** – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty.
- **No delegation** – public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – public bodies must have regard to the aims of the Equality Duty not only when a policy is developed and decided upon, but also when it is implemented and reviewed. The Equality Duty is a continuing duty.

¹ Information taken from Equality Act 2010: Public Sector Equality Duty What Do I Need To Know? A Quick Start Guide For Public Sector Organisations – Government Equalities Office May 2011

² To councillors, senior managers, service-users, the public and community and voluntary sector groups

³ ‘Protected characteristics’ are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Also marriage and civil partnership, but only in relation to eliminating discrimination.)

For more guidance see the full EIA document <http://www.brighton-hove.gov.uk/index.cfm?request=c1200096> or contact the Communities and Equality Team – x 2301. EIA workshops are also run regularly to support staff.

1. Front sheet

<p>Title of EIA</p>	<p>Council Tax Discounts and Exemptions</p>	<p>Ref No.</p>	
<p>Delivery / Resource / Finance Unit or Intelligent Commissioning name</p>	<p>City Services (Revenues and Benefits)</p>		
<p>Aim of policy or scope of service</p>	<p>The government has increased the amount of discretion that a local authority has, regarding certain discounts and exemptions relating to Council Tax.</p> <p><u>Removal of second home discount in Council Tax</u> Currently, taxpayers responsible for a second home can receive a 10% discount from their Council Tax bill on that property. If proposals are agreed, the 10% discount will no longer apply and they will have to pay full Council Tax.</p> <p><u>Retain current criteria for Class A property exemptions</u> Currently a 100% Council Tax exemption is available while a property is undergoing structural work. The exemption lasts for up to 12 months, or 6 months after work is completed (whichever date is earlier). The proposals are to retain this scheme.</p> <p><u>Reduce current period of Class C exemption from 6 months to a shorter period</u> Currently a 100% Council Tax exemption is available while a property is unfurnished and unoccupied. This exemption lasts for up to 6 months, or until the property is furnished or occupied whichever date is earlier. The proposals are to reduce this period to six weeks, with a discretion to award up to three months in total in exceptional circumstances. In the context of the policy, “exceptional” is intended to be just that, focussing on situations that by their nature do not happen in standard gaps between tenancies or ownership. Requests for an extension will be considered on an individual basis and so there is potential to consider vulnerable situations, including whether there would be any adverse impact or specific needs linked to protected groups.</p> <p><u>Introduction of an Empty Homes Premium</u> The proposals are to enact a new power that allows us to charge a premium of Council Tax when a property has been empty for a minimum of two years. If agreed, the premium will be set at the maximum possible amount of 50% on top of the Council Tax bill</p>		

2. Record of data/engagement; impacts identified; and potential actions to meet the Duties.

	Data ¹ that you have	Community engagement exercises or mechanisms ²	Impacts identified from analysis (actual and potential) ³	Potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations (You will prioritise these below)
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¹ 'Data' may be monitoring, customer feedback, equalities monitoring, survey responses...

² These may be ongoing links that you have with community and voluntary groups, service-user groups, staff forums; or one-off engagement sessions you have run.

³ If data or engagement are missing and you can not define impacts then your action will be to take steps to collect the missing information.

Removing second home discount

Any person, inside or outside the city, could be affected .But likely that this will have a minimal negative impact in terms of equalities.

Financial impact from £99 (Band A) to £296 (Band H).

Assumed likelihood that those with 2nd homes will be mainly higher income, although feedback in the consultation indicated one exception. The scenario was that somebody had a second property but then their health circumstances changed, preventing them from a) working and b) using the second property. All of the other comments were to do with the principal of being asked to pay full Council Tax, rather than individual concerns about affordability.

There were 1846 cases in 2011/12, with 1439 spread fairly evenly between bands A and D (max cost on Band D to liable party £148).

Other exemptions exist to cover vulnerability, such as 2nd home going through probate, or occupant in care.

Secondary positive impact, savings of £244k can be put back into budget, to be spent supporting the city.

We do not have extensive data regarding the liable parties, other than names and contact details. Further statistical breakdown would only account for the 2nd home (eg location, or how long it's been a second home) and tell us nothing about the personal circumstances of the owner, who might even live in a different authority.

Retain current criteria for Class A property exemptions

This will mostly affect Landlords and property developers. There is no immediate impact due to change, as no change is proposed.

There is a positive impact on those who are in priority housing need, as the exemption supports good development work in the city. If the proposals were not agreed, there is a small risk that property development could be disincentivised.

We have data showing number of awards, location, duration and value.

We have no data showing an equalities breakdown of the recipients.

No impacts on protected groups were identified in the consultation.

Reduce current period of Class C exemption from 6 months to a shorter period

Having analysed the customer base who have received this exemption in previous years (data available back to 2000), there will be affected parties, but this exemption is being reduced for all residents, so there is **no specific impact on those with protected characteristics**.

Affected parties:

Financial impact on anybody paying council tax where their property is unoccupied and unfurnished for a period of longer than 35 days and less than 180 days. Most affected parties detailed below, however these **will not affect any member of protected group more than any other resident** and where they do specific exemptions apply (eg: older people going into care).

- owners of properties that are for sale but not occupied
- landlords of properties that are empty between lets - sometimes being refurbished
- owners / landlords of properties that are being substantially refurbished, but do not qualify for the class A exemption. (for example: after destructive tenants or very long term lets or after purchase)
- tenants that have signed a tenancy but do not take up residence (very rare cases, for example during a trial separation)
- the Local Authority and other Registered Social Landlords where properties cannot be let immediately due to damage/eviction/abandonment by tenant (some mitigation identified in improving communications between services/organisations to get more accurate and timely information which could reduce additional financial pressure created by reducing the period of exemption)
- Persons who have inherited property, but are unable to sell during the time frames. (mitigation - referral to allocations, property could be let short term whilst for sale with rent guaranteed by the LA)
- Persons whose property is due to be repossessed and sold but is still in that process, but no longer resident (mitigation – next year the work of our debt prevention team will increase and they could potentially look at these situations, also we will be building closer working relationships with local debt advice services as part of our response to welfare reform)

For those who face severe financial hardship as a result of the reduced exemption, in some circumstances the property may be suitable for letting through the council's acquisitions team, and some schemes guarantee the rent to the landlord. Unsuitable in situations where the property is not up to standards required for a LA let, but not eligible for class a exemption.

Some impacts will be offset by changes to the eligibility rules for a Class C discount. There will be lessened financial impact for example on those taking over a property, where the old owner/tenant had already used up the class c for the full six months. Under old rules, they would get no further exemption, but under new rules, they will now have entitlement to a fresh six week exemption if the property is still

unoccupied when they take over.

In the consultation, some difficult situations were highlighted, for example when a property is empty because they have entered a care home, or because the property is awaiting probate. There are separate exemptions in Council Tax that mean people in those situations do not have to pay council tax and Local Authorities do not have discretion to change these areas.

The consultation identified no other impacts specifically on protected groups.

Introduction of an Empty Homes Premium

Short term negative impact as liable person would have to pay extra Council Tax (50% on top) The Empty Properties team has no full data concerning how the affected individuals and groups are made up. But we will rely on their knowledge and experience to see who is most likely to be retaining long term empty properties. There could be a knock-on impact that we should plan for. One concern for example was that the premium could be more likely to affect older people, or customers who have difficulty dealing with day to day affairs. However, vulnerable people are not thought to form the majority of customers, according to the Empty Property Team.

The overall intention is to align the premium with the methods currently used by Empty Properties Team. There could therefore be a long term financial and health benefit to the individual when their property is either sold or let.

Also in mitigation, we would need to ensure that there is clear communication, to give each individual a fair chance of avoiding the premium. This already happens in existing Empty Property Team procedures. We would also need to ensure that information can be provided in multiple formats to maximise accessibility.

In the consultation, some difficult situations were highlighted, for example when a property is empty because they have entered a care home, or because the property is awaiting probate. There are separate exemptions in Council Tax that mean people in those situations would not be subject to the premium, as they do not have to pay council tax while those exemptions apply. Local Authorities do not have discretion to change these areas.

No other specific impacts were identified.

Overall

There will be an over-arching publicity plan to introduce all of the changes related to discounts and exemptions. To be implemented Feb – May 2013.

<p>Community Cohesion (what must happen in all communities to enable different groups of people to get on well together.)</p>	Covered above where relevant			
<p>Age (people of all ages)</p>	Covered above where relevant		possible increased effect on elderly (but only as more likely to own property and for that property to be in a high band)	Mitigated by officer knowledge of advice and support specific for elderly such as adult social care, age concern, pension service etc.
<p>Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities¹)</p>	Covered above where relevant		2 nd homes - some customers may be unable to use their 2 nd homes due to disability	Consider referral to Private Sector housing for disabled facility grant. Discuss with customer options for helping rent out, eg talk to acquisitions team
<p>Gender reassignment (a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. A person does <u>not</u> need to be under medical supervision to be protected)</p>	No impact identified			

¹ The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

<p>Pregnancy and maternity (protection is during pregnancy and any statutory maternity leave to which the woman is entitled)</p>	No impact identified			
<p>Race (this includes ethnic or national origins, colour or nationality, including refugees and migrants; and Gypsies and Travellers)</p>	No impact identified			
<p>Religion or belief (religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.)</p>	No impact identified			
<p>Sex (both men and women are covered under the Act)</p>	No impact identified			
<p>Sexual orientation (the Act protects bisexual, gay, heterosexual and lesbian people)</p>	No impact identified			

Marriage and civil partnership (only in relation to due regard to the need to eliminate discrimination)	No impact identified			
Other relevant groups eg: Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc	No impact identified			

3. Prioritised Actions:

NB: you should also highlight here if there is potential for cumulative impact across the service or for a specific group.

Action	Timeframe	Lead officer	Evidence of progress	Success measure
Identify with Empty Property Team how to monitor vulnerability issues in customers with Long Term Empty Properties	Now through to March 2014	Paul Ross-Dale		Improved monitoring
Debt Prevention Team to consider how to help in individual circumstances where age and disability are factors	Now through to March 2014	Paul Ross-Dale		Part of overall response to welfare reform

Signing of EIA:-

Lead Equality Impact Assessment Officer:

Date:

Head of Service Delivery Unit

Date:

Lead Commissioner (if required):

Date:

Communities and Equality Team

Date:

NB: Actions must now be transferred to service or business plans

You must also complete and submit a summary of the EIA in the Publication Template (see below)

4. Attach data and/or engagement lists as appendices.

Title (of data or engagement)	Date	Main findings	Gaps in data	Contact

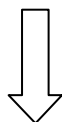
Equality Impact Assessments (EIAs)

Summary of stages

- EIAs should be completed on: all new policies, strategies and services; and existing services every 3 years, or at re-design – whenever is most relevant.
- EIAs are about service improvement.
- EIAs use data and consultation to define positive and negative impacts on different communities, including staff.
- Actions defined in the EIAs feed into team/directorate plans.

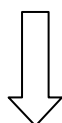
1. Who will contribute to the EIA?

Range of people – offer different perspectives and challenge.
Core team plus people to consult with.



2. Define aims/objectives of the policy/service

Most appropriate range of the EIA for the specific service.



3. Scope and focus of EIA

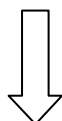
Identify key groups and an initial hypothesis of issues.
Staffing issues fit here – can use HR for support and/or information.
Consider all aspects of the service.

**Protected
character-
istics –
legal duty**

Proportionate approach – depends on the significance of the
policy / strategy / service.

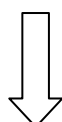
Legal duty applies to contractors as well: contents of the
contracts, how they do the work, how we monitor them –
Corporate Procurement Team can help

**Social
inclusion
groups**



4. Assess existing data or do research

Use the information that already exists.
Identify gaps.
Fill gaps with more research or identify actions for future research.



5. Assess or undertake consultation

Identify and use what exists – aim to co-ordinate with other surveys, consultation, research, evaluation.

Use the Community Engagement Framework approach and standards.
Identify gaps (in data and understanding) and actions.



6. Assess impact

Consider and evaluate the findings.

Minimise or remove negative impacts and increase opportunities for positive impacts (eg: community cohesion).

NB: in some areas equalities legislation is over-ridden by other national legislation – this should be stated.



7. Reduce adverse and promote positive impacts

May identify impacts of greater or lesser significance or impacts which cannot be immediately acted upon – process of noting and prioritising.

Unlawful adverse impact must be addressed. The emphasis here is on adverse impact, not simply differential impact.

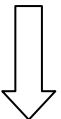


8. Action plan and sign off

EIA signed off by Head of Unit –

reflects the corporate responsibility for EIAs.

Actions must be built into team or Unit action plan.

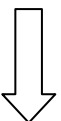


9. Publish results

The publication template is compulsory: this is published to ensure consistency.

The EIA is officially completed when the template is published.

NB: the full EIA is also a public document under Freedom of Information.



10. Monitor and review

The EIA is not the end of the process: it is an evaluation leading to coherent actions for progress, which should then be implemented.

Progress against the EIA timetable is monitored.

Make sure that it is up-to-date
(contact Communities and Equality Team – x 1343 or 1280 or 2301)

Equalities Impact Assessment Publication Template

Name of review:	Council Tax Discounts and Exemptions reform
Period of review:	June 2012 to November 2012
Date review signed off by Head of Unit / Lead Commissioner:	
Scope of the review:	Check impact of proposed changes to Council Tax Discounts and Exemptions.
Review team:	Revenues and Benefits
Relevant data and research:	Analysis of scenarios for current recipients of these exemptions and discounts. Discussion with Empty Properties team
Consultation: indicate who was consulted and how they were consulted	Our main consultation was conducted via the online consultation portal between August and September 2012. We issued a press release, sent links to housing associations, the National Landlords Association, the Southern Landlords Association, the Community Voluntary Sector forum, among others. We also wrote individually to each recipient of the second home discount, as most of them live outside the city and may not have seen the press release.
Assessment of impact, outcomes and key follow-up actions:	No significant risks identified in terms of adverse impact on protected groups
Name and contact details of lead officer responsible for follow-up action:	Paul Ross-Dale Revenues and Benefits Manager

For further information on the assessment contact:	Paul Ross-Dale Revenues and Benefits Manager
-----------------------------------------------------------	-------------------------------------------------

More information on the Equality Act 2010 and the General Duties:

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and inequality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, in delivering services, and in relation to their own employees.

The new Equality Duty supports good decision-making – it encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

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

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

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Equality Duty has three aims. It requires public bodies to have **due regard** to the need to:

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

Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;

- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic – such as providing computer training to older people to help them access information and services.

Taking account of disabled people's disabilities

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

Demonstrating compliance with the Equality Duty

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty.

It is important for people throughout public bodies to be aware of the Equality Duty. These include:

- Members – in how they set strategic direction, review performance and ensure good governance of the organisation.
- Senior managers – in how they oversee the design, delivery, quality and effectiveness of the organisation's functions.
- Equality and diversity staff – in how they raise awareness and build capacity about the Equality Duty within the organisation and how they support staff to deliver on their responsibilities.
- Human resources staff – in how they build equality considerations in employment policies and procedures.
- Policy makers – in how they build equality considerations in all stages of the policy making process including review and evaluation.
- Communications staff – in how they ensure equality information is available and accessible.
- Analysts – in how they support the organisation to understand the effect of its policies and practices on equality.
- Front line staff – in how they use equality considerations in the delivery of services to the public.
- Procurement and commissioning staff – in how they build equality considerations in the organisation's relationships with suppliers.

Keeping a simple record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty – in practice, this means giving greater consideration to the Equality Duty where a function or policy has the potential to have a substantial effect on discrimination or equality of opportunity for the public or the public body's employees, and less consideration where the potential effect on equality is slight.

The Duty requires public bodies to think about people's different needs and how these can be met.

Draft Consultation report: Proposals for change to Council Tax discount and exemptions

July – October 2012

Contact

Policy Performance & Analysis

Brighton & Hove City Council

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1. Executive Summary

The government has been carrying out a review that will increase flexibility in local government. One of these increased flexibilities is for Councils to decide their own levels of Council Tax discounts for second homes and empty properties. There is also a new power to set an additional amount of Council Tax for properties that have been empty for at least two years.

2. Introduction

Council Tax bills can be reduced in certain situations, for example if a property is empty and unfurnished, or on second homes. From April 2013, the government is allowing Local Authorities to change some of these discounts and exemptions locally.

The consultation document described Brighton & Hove City Council's proposed changes and asked for the opinions of individual affect by the change as well as the general public.

3. Methodology

The consultation was available on the Council's consultation portal from 7 August 2012 to 7 September 2012. We invited contributions by emailing details to different interested parties and groups, for example registered social landlords and private landlords. A press release alerted the local media to the debate and we understand that the story was carried in one South East Today bulletin. There was also discussion in the Argus letters page concerning second homes and we wrote to people who currently had a second home discount to invite them to participate. We also asked the Community Voluntary Sector Forum to disseminate the information and links to their members.

4. Respondents profile

As part of the questionnaire respondents were asked in what capacity they were responding (see fig x below). Respondents were able to select more than one category. Only two thirds of respondents (167 people, 67%) completed this question.

Type of respondent	Number of respondents	Percentage of respondents
A resident of Brighton & Hove	82	49%
Owner of / responsible for a second property in the city	97	58%
Owner of / responsible for a second property outside of the city	2	1%
Private sector landlord	19	11%
Register social landlord	1	1%
Property agent	1	1%
Property developer	2	1%
A representative of a voluntary or community group	2	1%
Other	6	4%
Total	212	

Base: All respondents who answered the question (n=136)

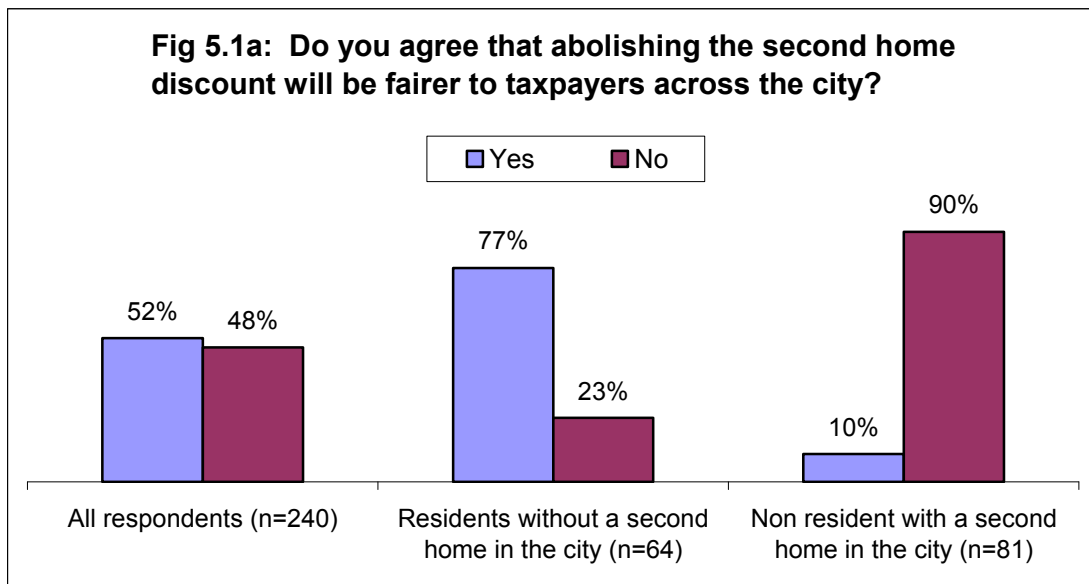
5 Results and findings

There is no way accurately gauging whether respondents are representative of resident in the city therefore care should be taken when interpreting these results.

Responses to all questions from the survey have been analysed by the different respondent types. Where there is significant different to the overall responses this will be highlighted within the report. Where there is no difference no mention will be made.

5.1 Proposals to remove 10% second home discount.

Currently, those responsible for a second home in Brighton & Hove get a 10% discount on their Council Tax bill. The council is proposing removing this discount and requiring all those responsible for a second home in the city to pay the full council tax on their second property. Respondents were asked if they agreed that abolishing the second home discount was fairer to taxpayers across the city and for any comments about the removal of the second home discount.



Among all respondents, there was a split about whether abolishing the second home discount was fairer, with 52% agreeing and 48% disagreeing (fig 5.1a above). However, there is a clear difference between those respondents who are residents of the city and those who are not. 90% of respondents who have a second home in the city but who are not residents disagreed with the proposal while 77% of residents with out a second home in the city agreed.

Just over a half of all respondents (136 people, 55%) made comments about the removal of the second home discount and these are summarised in fig 5.1b below.

Nearly a third of comments made were from respondents who disagreed with the removal of the discount. The majority of the comments related to second home owners not permanently living in the city so therefore not using as many of the services provided by the council, and that when visiting the city they make a significant contribution to the local economy by spending money in local retailers and eateries.

“It is totally outrageous that you are proposing this change especially as not so long ago a 50% (fair) discount was given. My wife and I use our 2nd home in the City twice a week and do not make use of the many services provided by the Council. In fact we usually take any rubbish home with us so we hardly use the refuse service. We also bring revenue to local businesses by using theatres, restaurants, pubs, shops, etc”

Fig 5.1b: Is there anything we have not considered or any further comments you'd like to make about the removal of the second home discount?

Comments group by theme	Number of additional comments	Percentage of all respondents who made comments
<p>Do not agree with the removal of discount – Use less resources / pay for services used. This makes Council Tax a property tax rather than payment for services. Second/holiday home owners only use facilities occasionally so should get discount. People should pay Council Tax based on the amount of service use. Other home might be in same Council Tax area, so shouldn't pay full amount twice for services used once. Some "second homes" are just annexe/adjoined flat for one owner's use. Need a balance of population or all would be heavy users of services.</p>	81	60%
<p>Do not agree with the removal of the discount - Bring social and economic benefits to the city Should get discount. Second/holiday home owners are stakeholders in the City. Some people have legitimate reason for second home e.g. work/children's education. They might use property for large proportion of time. When in residence, they spend in the City/benefit City/are pivotal to the economy of the City. This will put people off buying or make them sell up second homes or change use e.g. to student lets.</p>	39	29%
<p>Second/holiday home owners should not get discount/they should pay more. If they can afford two homes, they can afford more Council Tax.</p>	17	17%
<p>If paying full Council Tax, should get same rights e.g. parking rights/permits, bus passes for children/older people.</p>	16	12%
<p>They should pay more/all in one lump sum to discourage leaving properties empty for large parts of the year/improve occupancy/reduce pressure on others who can afford less.</p>	6	4%
<p>Full Council Tax should mean the ability to vote in local elections. Taxation without full representation is unfair.</p>	4	3%
<p>Should not have to pay full Council Tax if actively trying to sell second property e.g. dead person's estate or moving to Brighton but unable to sell first property elsewhere.</p>	3	2%
<p>Single person occupancy rule should still apply</p>	3	2%
<p>This will make landlords increase their rent to cover the potential difference.</p>	1	1%

Base: All respondents who made comments (n=136)

Another issue highlighted by those opposed to the removal of the discount was the belief that if second home owners have to pay full council tax this should allow them to have equal rights with other residents and have access to parking permits and be able vote in local elections.

Among those who agreed with the removal of the second home discount the reason given by half of those who commented related to the perceived wealth of the second home owner: 'if someone can afford two homes then they can afford more council tax'.

5.2 Proposals to introduce a long term empty property premium.

In order to reduce the number of long term empty properties in the city the council is proposing a 50% premium on top of the standard council tax for properties that have been empty for a minimum of two years. Respondents were asked if they agree that this 'long term empty premium' would act as an incentive for owners to bring their empty properties back into usage more quickly and for any comments they had about the proposal.

Fig 5.2a: Do you agree that a Long Term Empty Premium would act as an incentive for owners to bring their empty properties back into usage more quickly?		
	Frequency	Percentage of respondents
Yes	169	73%
No	64	28%

Base: All respondent who answered the question (n=233)

Nearly three quarters of respondents (169 respondents, 73%) agreed that the long term empty premium would act as an incentive for owners to bring back empty properties (fig 5.2a) into use.

A third of respondents (79 people, 32%) made comments about the proposed changes (fig 5.2b below). More comments were made by respondents who disagreed that the premium would have the desired effect, than were made by those who agreed.

Only around a fifth of comments (16, 20%) were about whether the premium would help reduce the number of empty properties; all with the view that this was unlikely. Respondents thought that the premium was too small, that two years was too long before the premium should be paid or that there should be positive incentives rather than penalties.

“I don't think the premium will encourage properties to be brought back into use more quickly. However I do agree with the premium and think it should be charged. I believe empty property end up costing the city and its resident's money”

The majority of comments were about the rights and wrongs of properties being left empty and or being charged council tax and the definition of 'empty property' used in the proposal.

“Yes this is only subject to there being discretion to the application of this premium so that it is only applied to those who are actively keeping a property empty even when they have been made aware of the need and help to get it occupied. There are however many reasons for empty properties and it would be unfair if it were applied to those who are stuck with an inability to sell or stuck in legal wrangling for example upon the death of the owner etc”

Fig 5.2b: Is there anything we haven't considered or any further comments you'd like to make about the Long Term Empty Premium?

Comments group by theme	Number of additional comments	Percentage of all respondents who made comments
<p>Do not agree with the premium – legitimate reason for property being empty Should not/cannot charge more than 100%, even if long term empty. Rather autocratic/telling people what they can/can't do. Some may have good reason e.g. inability to sell or stuck in legal wrangling following death or owner in care home unwilling to sell. May have had to leave their home for health reasons or to look after someone who lives elsewhere. May take 2 years plus for major refurbishment and put people off.</p>	37	47%
<p>There should be a charge for leaving a property empty for a long time. Should make it more/lump sum. Empty properties end up costing City more. No excuse for long term empty properties.</p>	20	25%
<p>Premium will not reduce number of empty property Unlikely to affect owners incapable of paying or wealthy enough not to be concerned. Not sure that 50% extra would be a deterrent to leaving properties empty. Would not encourage properties to be brought back into use more quickly. Incentives are not usually based on a penalty. Need incentive for owner to sell. Property market is the main driver, not the Council Tax.</p>	12	15%
<p>Will or maybe problems with the administration of the premium Need definition of empty properties. Need to be sure property empty/keep accurate records. Some second homes may be interpreted as empty when actually part of main home or in use. What about people working away from home for long periods? Couldn't people just live there 1 week a year? How is this to be enforced? What about properties on the market too long?</p>	8	10%
<p>Minimum of 2 years empty seems too long. Make it 1 year.</p>	4	5%
<p>Should use extra income as grants/loans for renovating empty properties. Owners should be loaned funds for renovations.</p>	3	4%
<p>Properties left empty for too long should be seized/compulsorily purchased and used for social housing or sold.</p>	3	4%
<p>Should apply to; completely abandoned and unused properties, commercial buildings if left empty on purpose, business owners, property developers, repossessions.</p>	3	4%
<p>What about all the Council's empty properties? Local authority housing should be reallocated / refurbished.</p>	2	3%
<p>Does new owner of previously empty property get a full 2 years before 50% premium applied?</p>	1	1%

Base: All respondents who made comments (n=79)

5.3 Proposal to keep existing arrangements for properties undergoing repair or structural alteration (known as 'Class A exemption')

Currently if a property is undergoing repair or structural alteration there is a full 100% exemption for a maximum of 12 months or six months after work is complete. The proposal is to keep this exemption, in part because of the added cost for developers and the current economic climate. Respondents were asked if they agreed with the proposal to keep the Class A exemption and if the right balance had been struck between raising revenue and supporting development in the city.

Fig 5.3a: Do you think that the council should keep the current criteria for properties undergoing structural alteration or repair?		
	Frequency	Percentage of respondents
Yes	190	84%
No	37	16%

Base: All respondent who answered the question (n=227)

More than eight out of ten respondents (190 people, 84%) agreed with the proposal to keep the Class A exemption (fig 5.3a above). 22 out of 23 property agent/developer and private/social landlord agreed with the proposal.

Only 17 respondents made comments about the proposal and these are summarised fig 5.3b below.

Fig 5.3b: Is there Anything we haven't considered or any further comment you'd like to make about the 'Class A' discount?	
	Number of additional comments
Not available for: Property developers/large corporate should not get discount. Only for structural repairs of private/family home. Houses undergoing structural repairs put additional pressure on local resources/services. Should not be able to use this as loophole when properties left empty. No discount for insurance work. Only for non-essential projects like charities.	7
Should keep monitoring building works, not just on completion. Needs enforcement/penalties for delays. Need checks to make sure nobody living there while "repairing" it in slow motion.	3
Should keep exemption for 12 months/6 months. Need at least 6 months. Exemption helps owners afford structural alterations to upgrade properties.	3
Available for: Should be available for DIY repairs too. Should be available for new owner of property e.g. when relative dies. Should be able to have same benefits given to larger projects. Non-resident developers get advantage over resident ones.	3
Should reduce discount e.g. to 50%	1

Base: All respondents who made comments (n=17)

5.4 Proposal to introduce a 35 day maximum discount for empty and unfurnished properties (known as a Class C exemption)

Currently, it is possible to have a 100% exemption for up to six months if a property is empty and unfinished. The proposal is to reduce this to 35 days. The aim of the proposal is to;

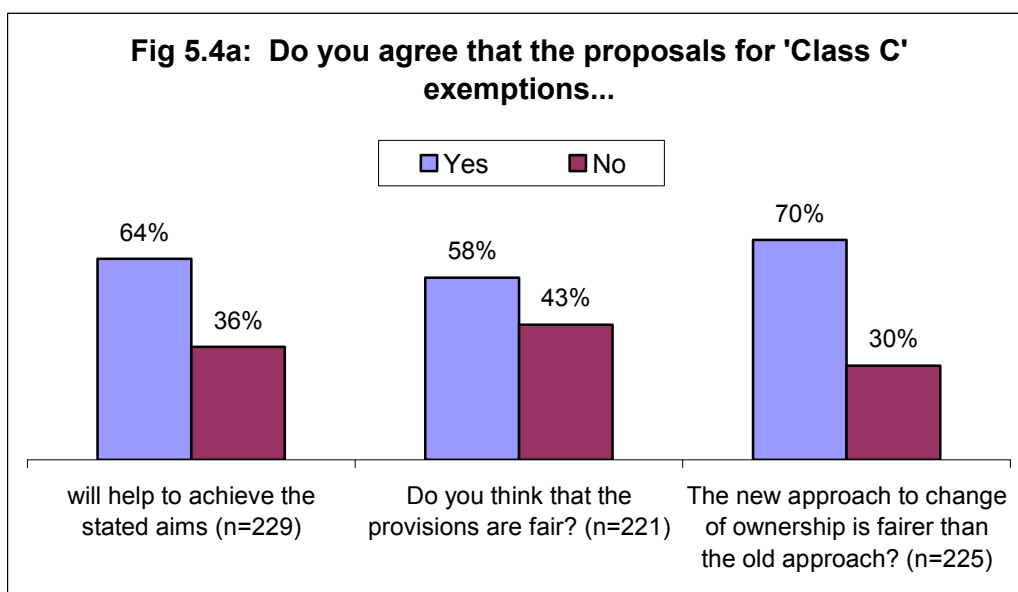
- Provide a reasonable but not excessive protection for standard gaps between occupancy
- Encourage faster turnaround times on empty properties
- Reduce the number of long term empty properties

Under the current scheme if a property changes ownership or liable party, the new liable party may not qualify for a full exemption, as the six months may have already been used up in full or part by the previous person. It is proposed that under the new rules the 35 day exemption period would start again for a new owner.

Respondents were asked if they agreed that the proposals would help achieve the three stated aims, if they thought that the provisions of the proposals are fair and if the proposed approach to change of ownership was fairer than the current approach.

From fig 5.4a below, overall;

- Two third of respondents (146 people, 64%) agreed that the proposals would achieve the three desired aims. However, only 42 of 86 (49%) second home owners in the city agreed and only 6 of 23 (26%) of private/social landlords and property agents/developers agreed.
- Nearly three out of five respondents (127 people, 58%) agreed that the proposed provisions were fair. However, only 4 out of 22 (18%) of private/social landlords and property agents/developers agreed that they were fair.
- More than two thirds of respondents (158 people, 70%) agreed that the proposed approach to the change of ownership is fairer than the current rules.



A third of respondents (92 people, 37%) made comments about the empty and unfurnished discount (see fig 5.4b below). Three quarters of respondents made comments that 35 days will be too short and highlighted why this was.

“It is quite impossible to market a property for example following the death of the occupier or due to an employment move and expect to find a buyer who can move in 35 days. Even if a buyer is found immediately the legal documentation can take up to three months. Owners of properties to let clearly have an incentive to re-let as quickly as possible in order to maintain their income. It is most unlikely that a new tenant can be found and move in within 35 days. Most let properties require a degree of redecoration, cleaning etc when the tenant moves out, following these works the property has to be marketed, references taken up for the new tenant and legal documentation completed prior to the new tenant moving in. The present six months exemption seems eminently fair”.

Fig 5.4b: Is there anything we haven't considered or any further comments you'd like to make about the empty and unfurnished discount?

Comments group by theme	Number of additional comments	Percentage of all respondents who made comments
35 days is too short. Perhaps 6/8 weeks or 3 months. Keep 6 months. Needs some discretion/flexibility. Needs an appeal system for longer. Might create difficulties for owners. Cannot sell a property within 5 weeks. More pressure on landlords to sign up new tenants quickly/not decorate. 35 days is not long enough if refurbishment needed in between lettings. Students may vacate properties in Summer for longer than 5 weeks. 5 weeks is not long enough for cases awaiting probate or for people who enter care home.	73	78%
Seems fair. Need to have clear/watertight rules. Need to be more rigorous with landlords who might exploit this. Should apply to main residence not second homes.	10	11%
5 weeks exemption to new owners will not alleviate empty properties. It will reduce new homes/increase costs of buying new homes/lead to deterioration in quality. Council must have good plan for future long term use of empty properties.	6	6%
Too complicated. Not for Council to dictate usage of private property.	3	3%
Needs to be even shorter time. Perhaps 2 weeks.	1	1%
Where the main house is occupied and the basement is not?	1	1%
Need same standards/rules applied to all house owners - council, housing associations, private landlords and individuals.	1	1%
What about imposing financial penalties on car owners who fail to use their garage/drive to park in, which leads to them always parking on the road?	1	1%

Base: All respondents who made comments (n=94)

Council Tax Discounts and Exemptions Reform

Report to Council (13 December 2012)

Determinations

The determinations and decisions set out below are made by Brighton & Hove City Council (“the Council”) on 13 December 2012. They come into effect on 1 April 2013 for the financial year 1 April 2013 to 31 March 2014 and will remain in force for subsequent years unless revoked. They are made by the Council under its powers in sections 11, 11A, 11B and 13A(1)(c) of the Local Government Finance Act 1992 (“the 1992 Act”) and all other enabling powers. References to the 1992 Act include references to Regulations and Orders made under that Act and references to sections are to sections in the 1992 Act. The notes are explanatory and are not part of the determinations and decisions. For information, Classes A to F are set out in full at the end of this Appendix.

1. Discount for dwellings in Classes A and B

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

[Note: - The effect is to remove the current discount of 10 percent for second homes, so that council tax increases from 90 percent to 100 percent.]

2. Discount for dwellings in Class C

The Council makes the following determinations in relation to the descriptions of dwellings set out at (1) and (2) below:-

(1) All dwellings within Class C except those described at (2) below:- if on any day such a dwelling is within Class C prescribed under section 11A(4A):-

- (a) the discount under section 11(2)(a) shall not apply and
- (b) for a period of up to 6 weeks from the date on which the dwelling first became unoccupied and substantially unfurnished the amount of discount in respect of that dwelling shall be 100 percent.

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

- (a) If during any such 6 week period there is a change in the identity of the person (or all persons if more than one) who would be liable to pay council tax in respect of the dwelling if the 100 percent discount did not apply, the period of 6 weeks will begin again on the date of the change.

- (b) At the discretion of the Council in circumstances which it deems to be exceptional, the period of 6 weeks may be extended, but not beyond a maximum of 3 months from the date of commencement of the initial 6 week period. This concession is principally intended to be used in cases where dwellings require much more substantial repairs than usual between lettings, for example through flood or fire damage, but the circumstances fall short of entitlement to the new Class D discount, below.

(2) All dwellings newly built or newly provided by conversion of an existing building and for which a completion notice under section 17 has been served:- if on any day such a dwelling is within Class C prescribed under section 11A(4A):-

- (a) the discount under section 11(2)(a) shall not apply and
(b) for a period of up to 6 months from the first date that the dwelling becomes subject to council tax the amount of discount in respect of that dwelling shall be 100 percent, provided that if a Class D discount has already been awarded in respect of the work being done, the total period of Class D and Class C discount combined shall not exceed 12 months.

[Note:- The effect of this is that for dwellings in (1) above, which are unoccupied and substantially unfurnished, there is a reduction in the period for which council tax is at nil percent from 6 months to 6 weeks, but subject to the concessions. For new builds or conversions, (2) above retains part of the current procedure for Class A exemptions which is not replicated in the new Class D discount, but which the Council did not intend to change.]

3. Discount for dwellings in Class D

The Council determines that if on any day a dwelling within the Council's area is within Class D prescribed under section 11A(4A), the discount under section 11(2)(a) shall not apply and the amount of discount in respect of that dwelling shall be 100 percent.

[Note:- The effect of this is that for vacant dwellings requiring or undergoing major repairs etc, council tax remains at nil percent for 12 months or 6 months after completion of the works if earlier.]

4. Higher amount for long-term empty dwellings

The Council determines that if on any day a dwelling in the Council's area is a long-term empty dwelling as defined in section 11B of the 1992 Act
(a) the discount under section 11(2)(a) of 1992 Act shall not apply and

(b) the amount of council tax payable in respect of that dwelling and that day shall be increased by 50 percent.

This determination shall not apply to any dwelling prescribed by the Secretary of State as being in a class in relation to which the Council may not make a determination under section 11B of the 1992 Act.

[Note:- The effect of this is to increase council tax from 100 percent to 150 percent for dwellings which have been unoccupied and substantially unfurnished for at least 2 years. The Secretary of State has already prescribed two classes of dwelling which are exempt from the above determination: Class E (dwellings of service personnel posted away from home) and Class F (dwellings which form annexes in a property which are being used as part of the main residence).]

Classes A to F (for information)

Regulation 4. Class A

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

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

Regulation 5. Class B

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

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

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

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

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

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

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

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

paragraph (b) of paragraph (2), a dwelling is job-related if it falls within the description set out in paragraph 1 or 2 of that Schedule [*not copied in this appendix*].

Regulation 7. Class C

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

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

Regulation 8.— Class D

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

- (a) which satisfies the requirement set out in paragraph (b) unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;
- (b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—
 - (i) requires or is undergoing major repair work to render it habitable, or
 - (ii) is undergoing structural alteration; or
 - (iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;
- (c) for the purposes of paragraph (b) above “major repair work” includes structural repair work.

Regulation 9.— Class E

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

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

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

Regulation 10.— Class F

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

- (a) which forms part of a single property which includes at least one other dwelling; and
- (b) which is being used by a resident of that other dwelling, or as the case may be, one of those other dwellings, as part of their sole or main residence.

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

13 December 2012

Brighton & Hove City Council

Subject: Council Tax Support System – Proposed Final Scheme – Extract from the Policy & Resources Committee Meeting held on the 29 November 2012

Date of Meeting: 13 December 2012

Report of: Interim Lead Chief Executive Services

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

Wards Affected: All

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

To receive the item referred from the Policy & Resources Committee for approval:

Recommendation:

- (1) That the Overview and Scrutiny report at appendix 1, its recommendations and the Committee's responses at appendix 2 as amended be noted;
- (2) That the information about the government's October announcement of transition grant at appendix 3 be noted;
- (3) That the feedback from consultation and the responses at appendix 5 and section 4 of the report be noted;
- (4) That the Equality Impact Assessment at appendix 6 to the report be noted;
- (5) That the proposals in the draft scheme published in July be adopted with the amendments necessary to satisfy the criteria for transition grant set out in the October announcement;
- (6) That that the full text of the final scheme be based on the government's default Regulations with suitable amendments to adapt the scheme as a scheme local to Brighton & Hove;
- (7) That accordingly, to make the Brighton & Hove City Council (Council Tax) Low Income Discount Scheme 2013 (the main scheme) as set out in Part 1 of appendix 4 and the Brighton & Hove City (Council Tax) Discretionary Scheme 2013 (the discretionary scheme) as set out in Part 2 of appendix 4;
- (8) That the Director of Finance be authorised to take all appropriate steps to implement and administer the main scheme and the discretionary scheme,

including (1) publishing the main scheme in accordance with statutory requirements, (2) applying for any funding for which the Council may be eligible, and (3) responding to any other government initiatives or consultation exercises;

- (9) That the Head of Law be authorised to make suitable amendments to the Council's constitution to reflect the council's new functions in relation to council tax reduction schemes, in particular (1) to indicate in Part 3 (Council Functions) that only the Full Council can make, revise or replace its main scheme and (2) to replace in the Schemes of Delegation to Committees and Sub-committees and to officers any references to council tax benefit with references to council tax reduction schemes.

POLICY & RESOURCES COMMITTEE

4.00pm 29 November 2012
COUNCIL CHAMBER, HOVE TOWN HALL

DRAFT MINUTES

Present: Councillor J Kitcat (Chair) Councillors Littman (Deputy Chair), Bowden, Hamilton, Mitchell (Opposition Spokesperson), A Norman, Peltzer Dunn, Shanks, G Theobald (Opposition Spokesperson) and West.

PART ONE

81. COUNCIL TAX SUPPORT SYSTEM - PROPOSED FINAL SCHEME

- 81.1 The Head of City Services introduced the report which detailed the proposed local council tax support scheme that the council was now required to produce and implement with effect from April 2013. She stated that officers had been working on the proposed scheme and taken account of a wide range of policy and financial issues in developing the scheme. She stated that there had been an extensive consultation exercise and that every household in receipt of council tax benefit had been contacted. She also drew attention to a number of amendments that were required following the publication of the report; paragraph 5.17 should have a figure of £20.8m in the first line and in the third line, £1.6m should read as £1.4m and £1.8m should be £1.6m. In regard to appendix 2, page 125 of the recommendations from the Scrutiny Panel, she stated that item should read as being 'not agreed' rather than 'agreed.' In regard to this point, she also wished to give a personal apology as it had led to the letter referred to earlier being drafted and sent to Councillor Littman as Deputy Chair for signature and subsequently being sent when it should not have been.

- 81.2 The Head of City Services noted that the proposed scheme would be run for a transitional period of one year and would need to be reviewed following that time. It was recommended that the transitional funding made available by the Secretary of State should be accepted and that scheme should be recommended to the Full Council for approval. She also noted that the scheme had been modelled on the existing council tax benefit scheme.
- 81.3 The Chair welcomed the report and thanked the officers involved for their work during a very difficult time, given the government's decision to make local authorities responsible for managing their own schemes and requiring them to have a scheme in place for next April. He also wished to thank the members of the Scrutiny Panel for their work and recommendations and hoped that the recommendations contained in the report could be supported by all groups.
- 81.4 Councillor Littman stated that he wished to thank the officers involved and the Head of City Services for her apology, although he had signed the letter. He believed the proposed scheme was an effective one and ensured that no-one would pay more than 8% council tax if they were in receipt of council tax benefit, which he felt was a credit to the officers involved.
- 81.5 Councillor Mitchell welcomed the report and noted that the available funding had been cut before the council had been made to take responsibility for the management of a scheme. She also wished to thank the officers involved and noted that the council was in a good position and ahead of a number of other authorities in terms of having a scheme that could be implemented.
- 81.6 Councillor Ann Norman thanked the officers for an excellent piece of work on behalf of all councillors and in such a tight time-scale. She sought clarification in regard to the options listed on page 127 and hoped that appropriate safeguards were in place to prevent fraud.
- 81.7 The Head of City Services thanked the Members for their comments and stated that officers had recognised the need to have safeguards in place to protect the scheme and consideration was being given to the establishment of a Corporate Fraud Team for the council as a whole.
- 81.8 The Head of Revenues and Benefits stated that with regard to the two options that had been listed, following further review, the gross option had proved to be too high a risk and therefore the net option was recommended for the scheme.
- 81.9 Councillor West welcomed the proposed scheme and the work of the officers to enable the council to be in a position to implement it in good time, something which he feared may not be the case across the country.
- 81.10 The Chair noted the comments and put the recommendations to the vote which were carried.
- 81.11 **RESOLVED:**
- (1) That the Overview and Scrutiny report at appendix 1 to the report be noted and that the responses detailed at appendix 2 to the report as amended be approved;

RESOLVED TO RECOMMEND:

- (1) That the Overview and Scrutiny report at appendix 1, its recommendations and the Committee's responses at appendix 2 as amended be noted;
- (2) That the information about the government's October announcement of transition grant at appendix 3 be noted;
- (3) That the feedback from consultation and the responses at appendix 5 and section 4 of the report be noted;
- (4) That the Equality Impact Assessment at appendix 6 to the report be noted;
- (5) That the proposals in the draft scheme published in July be adopted with the amendments necessary to satisfy the criteria for transition grant set out in the October announcement;
- (6) That that the full text of the final scheme be based on the government's default Regulations with suitable amendments to adapt the scheme as a scheme local to Brighton & Hove;
- (7) That accordingly, to make the Brighton & Hove City Council (Council Tax) Low Income Discount Scheme 2013 (the main scheme) as set out in Part 1 of appendix 4 and the Brighton & Hove City (Council Tax) Discretionary Scheme 2013 (the discretionary scheme) as set out in Part 2 of appendix 4;
- (8) That the Director of Finance be authorised to take all appropriate steps to implement and administer the main scheme and the discretionary scheme, including (1) publishing the main scheme in accordance with statutory requirements, (2) applying for any funding for which the Council may be eligible, and (3) responding to any other government initiatives or consultation exercises;
- (9) That the Head of Law be authorised to make suitable amendments to the Council's constitution to reflect the council's new functions in relation to council tax reduction schemes, in particular (1) to indicate in Part 3 (Council Functions) that only the Full Council can make, revise or replace its main scheme and (2) to replace in the Schemes of Delegation to Committees and Sub-committees and to officers any references to council tax benefit with references to council tax reduction schemes.

Council

13 December 2012

Agenda Item 63

Brighton & Hove City Council

Subject:	Council Tax Support – Proposed Final Scheme		
Date of Meeting:	13th December 2012 Full Council 29 th November 2012 Policy & Resources Committee		
Report of:	Director of Finance		
Contact Officer:	Name:	John Francis	Tel: 01273 291913
	Email:	John.Francis@Brighton-Hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: It has been necessary to amend the report following the Policy & Resources Committee meeting to take account of the making of the regulations and drafting of the detailed scheme etc...

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Government has decided that there will no longer be a national Council Tax Benefits system from 1 April 2013. Instead the council needs to introduce its own local Council Tax Support system. The planning process for this new system commenced with a report to Cabinet on 14th April 2012 and authority to progress a draft scheme was given by Policy & Resources Committee on 12th July 2012.
- 1.2 The council has taken into account a wide range of policy and financial issues in the design of the new system. The change is one of a number being made to welfare provision over a period of eight years. As such there are important links to wider welfare reforms at a national level and existing council policies such as the Child Poverty Strategy, Housing Strategy, work on Financial Advice and Inclusion, Customer Access and Digital Inclusion. It also has a significant bearing on the council's Corporate Plan objective to reduce inequality.
- 1.3 The timelines and financial parameters set by the Government to develop and implement a new system are very challenging and there are a number of constraints on the choices available to the council which are outside the council's control.
- 1.4 The council has extensively consulted on the proposals in this scheme including contacting every household in receipt of Council Tax Benefit who may be affected by these changes.
- 1.5 In the light of the consultation responses, no changes to the main elements of the draft scheme were felt to be essential. However, on 16th October 2012, the government announced that a new transitional grant would be made available to authorities whose schemes satisfied certain criteria. This report examines the

changes which would be necessary to the draft scheme, and the financial implications, and recommends making the required amendments to take advantage of the transitional grant.

- 1.6 The report sets out the proposed final scheme, the results of the consultation exercises, the implications of the government's recent announcement and other relevant information for the council to consider in reaching a decision on its scheme.

2. RECOMMENDATIONS:

- 2.1 The Policy & Resources Committee recommends to Council:-

- 2.1.1 To note the Overview and Scrutiny report at appendix 1, its recommendations and the Committee's responses at appendix 2.

- 2.1.2 To note the information about the government's October announcement of transition grant at appendix 3.

- 2.1.3 To note the feedback from consultation and the responses at appendix 5 and section 4 of the report.

- 2.1.4 To note the Equality Impact Assessment at appendix 6.

- 2.1.5 To agree that the proposals in the draft scheme published in July be adopted with the amendments necessary to satisfy the criteria for transition grant set out in the October announcement.

- 2.1.6 To agree the full text of the final scheme .

- 2.17 Accordingly to make the Council Tax Reduction Scheme (Pensioners) (Brighton & Hove City Council) 2013 and the Council Tax Reduction Scheme (Persons who are not Pensioners) (Brighton & Hove City Council) 2013 (which together make up the main scheme) as set out in Part 1 of appendix 4 and the Discretionary Council Tax Scheme (Brighton & Hove City (Council) 2013 (the discretionary scheme) as set out in Part 2 of appendix 4.

- 2.2.8 To authorise Director of Finance to take all appropriate steps to implement and administer the main scheme and the discretionary scheme, including (1) publishing the main scheme in accordance with statutory requirements, (2) applying for any funding for which the Council may be eligible, and (3) responding to any other government initiatives or consultation exercises.

- 2.2.9 To authorise the Head of Law to make suitable amendments to the Council's constitution to reflect the council's new functions in relation to council tax reduction schemes, in particular (1) to indicate in Part 3 (Council Functions) that only the Full Council can make, revise or replace its main scheme and (2) to replace in the Schemes of Delegation to Committees and Sub-committees and to officers any references to council tax benefit with references to council tax reduction schemes.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Currently Council Tax Benefits is a national system for low income households. You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level. You may apply whether you rent or own your home, or live rent-free. You could qualify if you are out of work, or in work and earning a wage. Individuals apply for Council Tax Benefits through a single application process for Housing & Council Tax Benefits. If you are eligible for Council Tax Benefits you will receive a reduction in your council tax bill and the council receives a grant to pay for this. At present there are 10,000 people who receive full council tax benefits because they are on government means tested benefits. Another 3000 people currently receive full council tax benefits, although their award fluctuates through the year meaning they normally have to pay something at some points during the year. Another 4000 people working/on a low income receive partial awards. This is 17,000 households affected by the proposals outlined below.

3.2 The Government is making changes, although the financial impact will only affect people of working age and not people of pensionable age. As part of the Comprehensive Spending Review the government announced plans to introduce a localised system of council tax support from 1 April 2013 and that Government expenditure would be reduced by 10% from that date. Rather than receiving a benefit payment, eligible households will receive a reduction in their council tax bill. Details of the policy intentions behind the Government's decision were included in the April Cabinet report (available on the council's website).

3.3 In May 2012, the government issued a Statement of Intent to help authorities plan their schemes. Since then, the issues to be dealt with have become closer to crystallisation as the Local Government Finance Bill has been progressing through Parliament. The Bill received Royal Assent on 31 October 2012. The government also published drafts of the Regulations to help local authorities formulate their schemes. A fuller summary of the legal position is given in the Legal Implications paragraphs of this report. The following points are particularly important:

- the council has a duty to make a scheme, the purpose of which is to reduce council tax for those in financial need;
- the main scheme proposed in this report can only be made by the Full Council;
- the Regulations will require state pensioners to be protected in accordance with regulations set by central Government which are broadly similar to Council Tax Benefit.
- for the financial year starting on 1st April 2013, the council must make its main scheme no later than 31 January 2013;
- Regulations will require any authority which does not make a scheme by then to implement a default scheme under which applicants will receive reductions broadly equivalent to current benefits.

Based on the information then available, an initial draft scheme was presented to the Policy & Resources Committee on 12 July 2012. In accordance with the procedures set out in the Bill and now included in the Act, views of the major precepting authorities had already been obtained and the council proceeded to approve the draft for publication and formal consultation. The steps the council has taken to consult on the scheme are set out in section 4 and appendix 5.

Approach to designing the scheme

3.4 In designing the scheme as now proposed, the council has taken into account a wide range of complex issues including:

- The Government's "Statement of Intent" issued in May 2012, the Bill and draft Regulations and other guidance relating to vulnerable people and work incentives
- the feedback received from consultation (section 4 and appendix 5)
- the feedback received from Overview & Scrutiny Committee (appendices 1 and 2)
- A full assessment of the impact on equalities (Equalities Impact Assessment) (appendix 6)
- Incentivising work and alignment with emerging Universal Credit proposals
- Incorporating, where appropriate, key elements of the current Council Tax Benefits scheme in order to minimise the complexity of the transition process and build on tried and tested national approaches
- Balancing simplicity and transparency in scheme design with a need to meet other policy objectives and legal duties
- The impact on collection rates for council tax (including the impact on major precepting authorities) and the administrative costs of the scheme
- The reduction of 10% in government funding for council tax support nationally and the direct impact on the council's overall financial position (see Financial Implications paragraphs starting at 5.1.1)
- The potential impact on other council services from the implementation of these changes, for example homelessness and social care
- The transition and scheme principles which were agreed at Policy & Resources Committee on 12th July 2012 (appendix 7)
- The Government announcement on 16th October concerning transitional grant for the first year of the scheme.

The proposed scheme

3.5 The proposed scheme is set out in appendix 4 and is in two parts: (1) A main scheme in compliance with the council's duty to make a scheme and (2) a discretionary scheme to govern the distribution of the proposed £100,000 discretionary fund which will provide additional support in exceptional circumstances to the most vulnerable people. More information about the statutory basis for separating these is given in the Legal Implications paragraphs starting at 5.2.1. In relation to the main scheme, it has been split into two parts, one dealing with working age people and the other with people of pensionable age. The relevant regulations have very recently been made and become available, so work on appendix 4 was still in progress when this report was being revised for council. Appendix 4 will be provided separately from the main agenda and it is unlikely to be available at the same time as the agenda is despatched.

- 3.6 The main scheme looks quite different to the draft scheme approved for consultation in July, but in substance the effect is very much the same. The chief reason for the difference is that the proposed scheme now needs to document in full all the very detailed administrative provisions which only needed brief reference in the consultation draft.
- 3.7 There will be an ongoing process of checking and adjusting the scheme to ensure that it is based on the most up to date information possible when it is actually approved. As the legislation is so new and untested it is possible that there will be anomalies, particularly in the regulations. Should these arise the council will seek to address them with discretionary funds where appropriate.
- 3.8 The discretionary scheme arises from the discretionary fund of £100,000 proposed in the July report to Policy & Resources Committee. The report indicated that the proposals for the operation of the discretionary fund would be developed and that it might not sit directly in the main scheme. It has been established that the appropriate power to operate such a fund is separate from the duty to operate the main scheme. Therefore it has been worked up as a separate document. By being separate, there will be much greater flexibility to adjust it to the circumstances which arise when the main scheme comes into operation.
- 3.9 Taking into account the Equality Implications Assessment, the comments during the consultation period and the government's announcement of transition grant, the key features of the main and discretionary schemes as now recommended, taken together, are:
- council tax support for people of pensionable age will be provided in accordance with the government's Regulations through a means tested reduction equivalent to their entitlement entitled to under the previous council tax benefit system* (see note 1)
 - council tax support for people of working age will be provided through a means tested reduction and in 2013/14 will take into account similar criteria to the previous council tax benefits scheme in deciding who is eligible
 - the council tax reduction for people of working age will be determined on the basis of 91.5% of council tax liability. The consultation draft scheme set out in the July Policy & Resources report set this figure at 90%. This change will mean the scheme can take advantage of the transitional funding announced on 16th October 2012 as such the reduction in support citizens will face will be smaller without adverse impact on council tax payers as a whole. A table setting out the options in respect of this proposal is in appendix 3
 - the earnings disregard for single working age people will be doubled from £5 to £10 per week

- there will be a cap on the maximum detriment that any household faces of £3 per week from 2012/13 to 2013/14 as a result of the replacement of council tax benefit with the council's scheme** (see note 2)
- at least a £100,000 per annum will be made available in a discretionary fund to provide additional assistance in exceptional circumstances to the most vulnerable.

Note 1 * Assuming no other change in circumstances

Note 2 *For clarity the cap applies to the difference between the government's default scheme (which is effectively the current Council Tax Benefits scheme that has been uprated) and our local scheme as at 1st April 2013. It does not take account of the factors beyond our control such as government uprating of benefits, applicable amounts, non-dependent deductions etc (we do not know what they are at the moment and cannot quantify the added impact, if any) or changes in income that reduce benefit entitlement. There may be individuals who are paying more than £3 extra per week in 2013/14 than 2012/13 but this will not be as a result of the Council decision in respect of the design of the local scheme

This means most households of working age will pay something towards their council tax and there will be extra help for the most vulnerable in exceptional circumstances.

Administration

- 3.10 The scheme will continue to be administered by the Revenues & Benefit Service in the same way Council Tax Benefit is now. The key similarities between it and the current Council Tax Benefits Scheme are:
- Council Tax Support can be claimed at the same time on the same form as Housing Benefit and they will be assessed together
 - The work will be carried out by the council's Revenues & Benefits Service
 - There will be a right of appeal against any decision made.

Transitional support

- 3.11 In addition to the specific transitional elements of the scheme designed to limit the impact in the scheme in its first year of operation, the council is in the process of procuring specific budgeting and financial advice from the third sector to assist individuals and families who need assistance with these changes. This will ensure there is a specific provision in place to which the council can directly refer people who need this help.

Publicity and Monitoring

- 3.12 The council will engage as soon as it practically can with everyone who is directly impacted by these changes once the Council has made its decision. A letter will be written detailing the changes to the individuals affected and the most appropriate forms of communications will be utilised to distribute the information generally.
- 3.13 The council will provide detailed information on the changes to the advice and voluntary sector in the city.
- 3.14 The council will monitor the impact of the changes in the first year of operation including the number of cases which fall into arrears, the number of applications for discretionary funds, the amount of referrals made to advice agencies and the impact on demand of public services access within the Revenues & Benefits team.
- 3.15 This work will fall under the remit of the Welfare Reform Programme led by Valerie Pearce.

Fraud

- 3.16 The changes in the funding provisions for Council Tax Support mean the impact of fraud may have a more direct impact on the councils' financial position. The approach to fraud is being refreshed and tackling it will become part of a joined up corporate fraud function.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Due to the significant impact this new scheme may have, the council has sought to consult and engage as thoroughly as the limited timescales will allow.
- 4.2 The legal requirements provided by Government are that the authority must (in the following order)
 - (a) consult any major precepting authority which has power to issue a precept to it,
 - (b) publish a draft scheme in such manner as it thinks fit, and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
- 4.3 Consultation was undertaken with both the East Sussex Fire and Rescue Service and the Police and their responses to the consultation were reported to the July Policy & Resources Committee. In summary, they understand the purpose of schemes is to assist those in financial need and they would like the scheme the council makes to be one which best protects long term council tax yield, reduces potential early year losses to minimum levels and is based on sensible and prudent presumptions so that the projections of yield are reality based and the authorities are not left with collection fund losses to deal with in retrospect.

- 4.4 Pre-consultation on the design of the scheme was undertaken with the assistance of the Community and Voluntary Sector Forum (CVSF) and at an Overview & Scrutiny workshop. Reports detailing this work formed appendices to the July Policy & Resources committee report. At this stage a number of model schemes were under consideration but there was no clear favourite. The effects on young people and of the wider welfare reforms were common concerns. The draft scheme approved by Policy & Resources Committee for formal consultation took account of the preliminary consultation and included a range of features from all the models. It sought to mitigate the uncertain impact of all the welfare reform changes by not passing on the full amount of the likely government 10% grant funding reduction and with the proposal for the discretionary fund of £100,000 to assist the most vulnerable in exceptional circumstances.
- 4.5 The draft Low Income Discount Scheme for Brighton & Hove was published on 13 July 2012. A copy is shown at appendix 5. Formal public consultation commenced on 16th July 2012 and ran until 12th October 2012. (Note; due to legal advice the scheme has subsequently undergone a name change).
- 4.6 The consultation questionnaire was available on the consultation portal and in paper form. A great deal of work has been undertaken to publicise the consultation. Full details of the organisations contacted and supplied with publicity are contained in appendix 5.
- 4.7 After the Policy & Resources Committee had endorsed the broad consultation proposals in July, the extent of the consultation was reviewed by the Director of Finance under the powers delegated to her by Policy & Resources Committee. As a result, it was decided to include direct contact with people currently in receipt of benefits who would be adversely affected by the change from Council Tax Benefit to the new local support system. All current working age recipients of Council Tax Benefit were written to and invited to respond to the consultation.
- 4.8 The council also produced a short film to explain the scheme and consultation and a link to this was also distributed across the city to encourage participation.
- 4.9 In addition to extensive consultation with partners and CVSF organisations in the city both in developing the draft scheme and post publication, the council is planning further joint working after the approval of a final Scheme at Full Council. A further event is planned towards the end of the year to focus on the details of implementing the scheme, the best ways to support claimants and how to communicate the changes.
- 4.10 Further to the Governments announcement on 16th October 2012 about the availability of extra transitional funding a recommendation has been made to base the council tax reduction scheme on 91.5% of liability rather than 90% as stated in the draft scheme upon which consultation was based. Consideration has been given as to whether this change necessitates further consultation. The transitional grant the council will receive for making this change will exceed the cost of this change. Recipients on the council tax reduction scheme will receive the same or higher levels of support than they would have done under the 90% provision. Council tax payers who do not receive the council tax reduction scheme will not see a higher proportion of the Council Tax they pay spent on funding the reduction. As such no potentially affected group will experience

financial detriment as a result of this change; because no group or individual will experience detriment as a result of the proposed change it was concluded that there was no need to re-consult.

4.11 The key findings from consultation and the responses are:

- **FINDING:-** 66% favoured the principles the scheme has been based on and 76% agreed with the transition principles. A common theme amongst those who disagreed with the both sets of principles was concern about how the changes will impact on vulnerable groups including the disabled, those on benefits, single parents and the unemployed.
- **RESPONSE:-** It is recognised that there will be some impact, but it is considered that the financial effects of the scheme as proposed are reasonably balanced between those seeking assistance and the costs to council tax payers as a whole. It is not considered that the impact on any people with protected characteristics under the Equality Act 2010 will be so out of proportion that any changes be made to the consultation draft scheme other than those necessary to obtain transition grant. It will be important for the council to promote the discretionary fund which is a part of these provisions to these vulnerable groups and to individuals when they contact the council. In addition the council must make best use of the advice provision it is commissioning in order to support people through this change.
- **FINDING:-** 49% agreed with the provision to base the reduction on 90% of liability with 51% disagreeing. Those who disagree tended to do so on the basis that they thought there were groups of people who would not be able to pay or should not have to pay.
- **RESPONSE:-** Generally as in the first response above, plus the council is now proposing to reduce this amount so that the reduction will be based on 91.5% of liability. This will also have the effect that the £100,000 discretionary fund will go further than under the 90% provision.
- **FINDING:-** 84% favoured basing the reduction on a means test as is the case with Council Tax Benefit. Most people who offered comments concerned the need for a fair system which could help most people on a low income and there were some specific suggestions about increasing the level of savings which is allowed (currently set at £16,000)
- **RESPONSE:-** Generally as in the first response above, plus although it is not felt appropriate to increase the level of saving for the first year of the scheme, this issue can be re-examined when the scheme is up for review in relation to its second year.
- **FINDING:-** 82% agreed with the principle of doubling the earnings disregard for single people from £5 to £10 and 62% of people thought this will help people moving into work.

- **RESPONSE:-** In this aspect the scheme is more generous than the current benefit provisions and demonstrates that the council is having regard to government guidance on work incentives.
- **FINDING:-** 64% agreed with the provision to limit any detriment a family will face as a result of these changes to £3 per week in the first year, however concern was expressed that £3 was too large an increase for certain groups. Additionally 17% of people thought this cap should be extended for more than one year.
- **RESPONSE:-** Generally as in the first response above plus although it is not felt appropriate to increase the level of detriment protection for the first year of the scheme, the issue of extending it for a further year can be re-examined when the scheme is up for review in relation to its second year.
- **FINDING:-** 81% favoured the principle of having a discretionary scheme to help the most vulnerable in exceptional circumstances. Two clear themes emerged in the comments about this, the first where budget management is affected by disability / vulnerability and the second where people may need immediate assistance for example when affected by a serious illness/accident, redundancy, new single mothers.
- **RESPONSE:-** These points will be taken into account when making decisions on applications made for discretionary funds. Circumstances as described in the second point may also be covered by new Local Welfare Provision the council has responsibility for from April 2013 and customers will need to be accurately signposted.

4.12 A full copy of the consultation report is in appendix 5

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1.1 The estimated cost of council tax benefit in 2012/13 is £25m. The proposed scheme will generate total savings against the existing scheme of £1.9m net of discretionary discounts and assuming the council qualifies for transitional grant. Therefore the new scheme will cost £23.1m. If Council tax increases by 2% in 2013/14 this cost will rise to £23.6m
- 5.1.2 The government has announced indicative allocations of council tax support grant to replace the loss of council tax benefit subsidy. The announcement included the planned 10% reduction in resources but also included a reduction due to a nationally assumed downward trend in claimants which is not borne out locally. Therefore the actual loss of resources is greater than 10%. The indicative allocation also takes no account of any council tax increases in 2013/14 and therefore the additional cost of reductions due to council tax increases will fall to the council.
- 5.1.3 The new council tax support grant will be paid to the council, Sussex Police and East Sussex Fire Authority in proportion to their elements of the overall council tax. The indicative total grant relating to Brighton and Hove Council Tax Benefit is £22.2m of which £18.9m will be received by the council however the actual

grant will not be known until the local government finance settlement is announced in mid December 2012. The indicative allocation is a reduction of £2.8m compared with Council Tax Benefit in 2012/13.

- 5.1.4 On the 16th October 2012 the government announced a one year £100m transitional grant available nationally to support reducing the impact of introducing local council tax support schemes and set out specific criteria to qualify for the grant. The proposed scheme meets this criteria and an allocation of £0.6m across Brighton & Hove City Council, Sussex Police and East Sussex Fire and Rescue Service is anticipated.
- 5.1.5 At present there are 10,000 people who receive full council tax benefits because they are on government means tested benefits. Another 3000 people currently receive full council tax benefits, although their award fluctuates through the year meaning they normally have to pay something at some points during the year. Another 4000 people working/on a low income receive partial awards. It is anticipated that these additional council tax debts will require additional resources to support collection at an estimated cost of £0.2m. It is also anticipated there will be a marginal reduction in the council tax collection rate.
- 5.1.6 The costs in administering the new scheme have been included in the budget projections for 2013/14. These costs will be funded as a new burden on local authorities although any allocation will be in the context of the government reducing the current level of support for Housing Benefit and Council Tax benefit administration grant. The level of funding has yet to be announced however corporately there is service pressure funding identified to cover the expected reduction in this specific grant.
- 5.1.7 The cost of the new scheme for Brighton and Hove City Council only is £20.8m. The total grant including the transitional element is £19.4m leaving a shortfall of £1.4m. With the additional costs of debt collection the total cost to the council is £1.6m and this has been factored into the financial projections included in the Budget Update and Budget Savings report elsewhere on this agenda. Any gain the council receives from the transitional grant is not dealt with in this report. It is dealt with in the budget report which is also presented to this meeting.
- 5.1.8 From April 2014 the transitional grant will fall away and consideration will need to be given to amending the scheme to reflect this loss of short term support.

Finance Officer Consulted: James Hengeveld

Date: 01/11/12

Legal Implications:

- 5.2.1 This report stems from provisions in the Local Government Finance Act dealing with the introduction of localised council tax reduction schemes. The Act received Royal Assent on 31 October 2012. However, the Council only had full power to make a scheme when Regulations which needed to be taken into account in making schemes were recently made.
- 5.2.2 The Act amends the Local Government Finance Act 1992 so that the Council has a duty to make a scheme specifying reductions in council tax for (a) persons whom the Council considers to be in financial need or (b) classes of persons generally considered by the Council to be in financial need. The first scheme must be for the financial year beginning on 1 April 2013 and must be made no later than 31 January 2013. It cannot be amended during the financial year for

which it is in force. Only the full Council can make the council tax reduction scheme. The function cannot be delegated to a committee or officer. The Act sets out matters which must be dealt with in schemes and the Secretary of State has power to specify further matters. He has recently made Regulations which include protection of the position of state pensioners, who will receive as much in reductions as they did in benefits. If the Council fails to adopt a scheme on or before 31 January 2013, Regulations will apply a default scheme which will give reductions broadly equivalent to the current benefits. The scheme proposed in this report takes account of all the points above.

- 5.2.3 The Act also re-enacts an existing power in the Local Government Finance Act 1992 which gives authorities a general discretion to reduce a person's council tax to such extent as the authority thinks fit or remit it entirely, whether or not the person already receives a reduction under a scheme. It is this power which the report proposes to use in connection with the creation of a £100,000 discretionary fund to provide additional support in exceptional circumstances to the most vulnerable. Unlike the main scheme described above, a discretionary scheme can be amended at any time and the function of dealing with it is delegable to committees and officers.
- 5.2.4 The Act lays down 3 steps which must be taken (in the order given) by the Council before a scheme is made:- consultation of major precepting authorities, publication of a draft scheme and consultation of other persons considered likely to have an interest in the operation of the scheme. The Act provides that these three steps can be carried out before the Act became law. The Council has carried out these steps and this report presents the results of the consultation for the Council to take into account before it decides on the final form of its scheme. On making its scheme, the Council must publish it in such manner as it thinks fit.
- 5.2.5 In making its scheme, the Council must have due regard to its general duties under the Equality Act 2010 towards people with particular protected characteristics, (age; disability; gender reassignment; marriage and partnership, pregnancy and maternity; race; religion or belief; sex; and sexual orientation) and the duty to mitigate child poverty under the Child Poverty Act 2010. In connection with council tax reduction schemes, detailed information is given about these duties and the duty to prevent homelessness, in the Government publication "Vulnerable people – key local authority duties" listed as one of the Background Documents to this report and accessible on line at <http://www.communities.gov.uk/publications/localgovernment/lscvtvulnerablepeople> . Information about the duties is also given in the Equality Impact Assessment which is appendix 6 to this report. Case law demonstrates that duties such as these are continuing duties. Usually the key is to ensure that equalities implications are properly considered, not that there is no impact.
- 5.2.6 The Council must also have regard to the guidance in the Government publication "Taking Work Incentives into account" listed as one of the Background Documents to this report and accessible on line at <http://www.communities.gov.uk/documents/localgovernment/pdf/2148501.pdf> . The broad thrust of the guidance is that the Government wants authorities to design schemes which support rather than remove incentives for people to work or to do additional work.

5.2.7 The formulation and drafting of the Council's scheme has had regard to these equality and work incentive matters. The Equality Impact Assessment and the consultations have assisted in identifying issues which need to be taken into account by the Council before any scheme is made.

Lawyer Consulted:

John Heys

Date: 26/10/12

Equalities Implications:

5.3 A full Equalities Impact Assessment has been undertaken as part of this project (appendix 6)

Sustainability Implications:

5.4 There are no direct sustainability implications

Crime & Disorder Implications:

5.5 The Police Authority have been consulted at an early stage of this project and will continue to be involved. The council will take into account any information provided in the ongoing development of this scheme.

Risk and Opportunity Management Implications:

5.5 There is a detailed risk log attached to this project, this covers areas such as:

- Changes in local demographics
- ICT implications
- Last minute legislative alterations
- Financial inclusion
- Procurement

Public Health Implications:

5.7 A public health assessment has been undertaken as a part of the Equality Impact Assessment. (appendix 6)

Corporate / Citywide Implications:

5.8 The changes to council tax benefit will impact on BHCC's Corporate Plan commitment to reduce inequality, particularly with regards to improving housing affordability and the city's general health and well being. Coupled with the other aspects of the government's welfare reform programme, which includes changes to housing benefit, Local Housing Allowance and the introduction of a benefit cap, there will be increased pressure on individual and family incomes. There is potential for increased demand for other local authority and public services, as well as advice and support from the third sector. Further information about the impacts across the city is available in the Equality Impact Assessment at appendix 6.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Council has the principle choice whether maintain current levels of entitlement to Council Tax Benefit and to pay for the shortfall in funding from central government or to pass on some or all of the reductions in government funding to working age people who have previously received Council Tax Benefit. These options were set out in the July Policy & Resources report.
- 6.2 There are a number of ways the council could change the Council Tax Benefit scheme to achieve the level of savings required. The main alternatives were set out in the report to cabinet on 12th April. The Overview & Scrutiny draft recommendations notes 'Within the budget and time constraints, the Council Tax Support Scheme cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents.'
- 6.3 In terms of the percentage of liability at which the council tax reduction scheme is calculated (91.5%) consideration was given as to whether this value should be calculated on a universal gross percentage (one that would allow the council to meet the criteria for the transitional funding) or whether the percentage should reflect the net liability after other discounts, for example single person discount, had been applied. One of the significant factors in making this decision is the technical risk of either option. Information from software suppliers indicate the gross option would contain a far higher degree of risk in terms of our ability to deliver.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations set out in this report have regard to the levels of savings the council needs to make whilst still providing support to working age residents on low incomes with the majority of their council tax.
- 7.2 The Overview & Scrutiny report notes '*Within the budget and time constraints, the Council Tax Support Scheme cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents.*'

SUPPORTING DOCUMENTATION

Appendices:

1. Overview and Scrutiny Report
2. OSC recommendations and responses
3. Financial Options of taking up the Government's Additional Grant
4. The Final Scheme
 - Part One - the main scheme with separate sections for pensioners and non pensioners
 - Part Two - the discretionary scheme

NB This appendix will be circulated separately from the main agenda.

5. Consultation
 - Draft Scheme
 - Report
 - List of organisations consulted with
6. Equalities impact assessment (incorporating public health)
7. Scheme and transitional principles

Documents in Members' Rooms

1. None

Background Documents

1. Comments made in response to the consultation exercises



**Report of the
Overview & Scrutiny Committee**

October 2012

**Council Tax Support
Scrutiny Panel**

Panel Members

**Councillor Alex Phillips (Chair)
Councillor Graham Cox
Councillor Anne Pissaridou
Rosemary Friggens (East Sussex Credit Union)**

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Volume Two contains all supporting evidence.

CHAIR'S FOREWORD

The Council Tax Benefit system is fundamentally changing; from April 2013 the support scheme will be for local determination. However with more localised control comes a reduction in funding of 10%, or about £2.5 million for Brighton and Hove.

Government has set a very challenging timetable for Council Tax Benefit reform, with legislation still going through Parliament as schemes are developed across the country. The Leader of the Council requested that this Scrutiny Panel review the Brighton & Hove Council Tax Low Income Discount Scheme to ensure that it is the best scheme possible.

Witnesses from advice and support agencies gave evidence as to the potential consequences the changes may have for many of the most vulnerable residents of the city. Witnesses from Jobcentre Plus also gave evidence regarding the current state of the jobs market in the city as one of the main motivations of the changes is to move people off benefits and back into work.

The Panel has recognised that the scheme proposed does attempt to mitigate the worst of the possible impacts on residents, placing a £3 weekly limit on the detriment possible in the first year, providing a £100,000 discretionary fund and doubling the earnings disregard from £5 to £10 per week.

However the Panel was still concerned that the impact of the scheme will be heavily felt by some of the most vulnerable residents of our city and has asked the administration to look again to see whether this impact can be reduced further, and the full cost of the changes absorbed by the council.

I'd like to thank my fellow panel members and everyone who attended the panel to provide evidence.



Cllr Alex Phillips
Scrutiny Panel Chair, Council Tax Support
October 2012

1. EXECUTIVE SUMMARY

- 1.1 From 1 April 2013 the national Council Tax Benefit system will be replaced by a new localised support scheme. The Council has brought forward proposals for a local support scheme, known as the 'Draft Council Tax Low Income Discount Scheme' (referred to in this report as "the Scheme") which is the focus of this scrutiny review.
- 1.2 Council Tax Benefit is a system for low income households. It offers support to those who pay council tax but whose income and capital fall below a set level. It is payable whether an individual rents or owns their own property, is in work or out of work.
- 1.3 Central Government has set out some parameters within which the new scheme has to operate, these are:
- Funding will be reduced by 10% from the current system. This equates to approximately £2.5 million for Brighton and Hove.
 - Pensioners will not be affected by the changes; only working age people will be affected.
 - Work incentives should be maximised.
 - Vulnerable groups should be protected as determined locally.
- 1.4 Proposals for a local scheme have undergone extensive consultation with residents and local community and voluntary groups, many of whom have also given evidence to this scrutiny review.
- 1.5 The draft scheme and transition principles were agreed at the Policy and Resources Committee on 12 July 2012.¹
- 1.6 The local scheme that has been consulted upon is summarised below:
- Not all of the reduction in funding will be passed on to residents. The council is proposing to meet £1million of the £2.5 million funding shortfall from within its overall budget.
 - The council tax discount for people of working age will be assessed on the basis of 90% of full council tax liability.
 - The earnings disregard for single working age people will be doubled from £5 to £10 per week.
 - There will be a cap on the maximum detriment that any household faces of £3 per week for 2013/14 assuming no other change in circumstances.
 - A £100,000 discretionary fund will be available to support the most vulnerable in exceptional circumstances.²
- 1.7 The scrutiny panel, consisting of Councillors Alex Phillips (Chair), Graham Cox and Anne Pissaridou, along with co-optee Rosemary Friggens from the East Sussex Credit Union, held a number of evidence gathering meetings before arriving at eleven recommendations.

¹ <http://present.brighton-hove.gov.uk/mgAi.aspx?ID=27803#mgDocuments>

² <http://present.brighton-hove.gov.uk/mgAi.aspx?ID=27803#mgDocuments>

2. RECOMMENDATIONS

1. Absorbing £1million of the £2.5million cost of the council tax support changes is welcomed; consideration should be given to funding the additional £1.5 million required from savings elsewhere in the council's budget.
2. Within the budget and time constraints, the 'Draft Council Tax Low Income Discount Scheme' cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents, including vulnerable groups.
3. The Panel supports the £3 per week maximum detriment and £5 per week increase in earnings disregard. The implication of both elements should be reviewed prior to any removal after the transition year.
4. Further representations should be made to central Government to allow councils to alter all elements of the council tax system, such as single person discounts, and the current exclusion of full time students, within their new council tax arrangements.
5. The scheme and specific amounts payable needs to be communicated as early as possible to affected residents. This should be carried out in person, through community & voluntary sector organisations and all available media and marketing channels.
6. To inform the annual review of the scheme, the Panel recommends that a robust mechanism be established, utilising community & voluntary sector organisations and employment agencies, to closely monitor the impact of the changes.
7. Monitoring arrangements should be reported alongside the proposed scheme including timescales and names of those responsible.
8. Administration of the scheme should seek to support residents with wider financial inclusion issues. Work on financial inclusion being developed by the council should progressed as a matter of urgency.³
9. Administration and monitoring of the scheme should seek to identify any areas where digital inclusion becomes a barrier to residents engaging with welfare changes and the jobs market. This should also be considered as part of the wider scrutiny review into welfare reform.⁴
10. The City Overview Group- Welfare Reform should be expanded to include landlord representatives.
11. The Panel recommends a further scrutiny review of the impact of wider welfare reforms once implemented.

³ Financial inclusion refers to good financial decision-making (the 'demand side' of the equation) and access to suitable products and services (the 'supply side') – JRF 2008.

⁴ Digital inclusion relates to the ability to access technology (especially the internet in this case) and the skills to use it successfully. It is also about ensuring that the benefits of technology fully exploited – CLG 2008.

3. INTRODUCTION

Changes to Council Tax Benefit

- 3.1 The national Council Tax Benefit system is being abolished under the Welfare Reform Act 2012. The Local Government Finance Bill going through its stages in Parliament (at the time of writing) requires local authorities to introduce their own Council Tax Support Scheme by January 2013. With the introduction of the new scheme comes a 10% reduction in funding.
- 3.2 In Brighton & Hove, based on November 2011 caseload, there are nearly 28,000 claimants of Council Tax Benefit at a cost of an estimated £25m. Brighton & Hove City Council will therefore receive approximately £2.5million less money from Government as a result of this change.
- 3.3 Currently Council Tax Benefit is a national system for low income households. Council Tax Benefit is available if you pay council tax and your income and capital (savings and investments) are below a certain level. Individuals apply for Council Tax Benefit through a single application process for Housing & Council Tax Benefits. If you are eligible for Council Tax Benefit you will receive a reduction in your council tax bill and the council receives a grant to pay for this. Home ownership and employment status are not determining factors as to Council Tax Benefit eligibility.
- 3.4 The Government has stated that pensioners should receive the same level of support under the new scheme as at present, but support for people of working age is to be reduced.
- 3.5 The effect of pensioner protection means that the reduction in expenditure will need to be delivered across the other claimant groups. On average this would mean a reduction of at least £145.05 per annum, or £2.79 per working age claimant per week.
- 3.6 The Policy and Resources Committee papers of 12 July 2012 contain detailed contextual information that forms the basis of the scrutiny review; it can be accessed in full under agenda item 25:

<http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=689&MId=4315&Ver=4>

4. THE PROCESS

- 4.1 Early preparations for a local scheme were agreed at 19 April 2012 Cabinet. The report set out the planning, initial range of potential options and a timescale for multi-phased engagement and consultation processes. The report included a summary of the current Council Tax Benefits claimants workload, vulnerable groups, work incentives and options plus a decision-making timetable.⁵
- 4.2 A scrutiny workshop on designing a scheme was held for Overview and Scrutiny Committee (OSC) members. The workshop heard a presentation from then Director of Finance Catherine Vaughan, considering an initial draft Equality Impact Assessment and discussing feedback from the first phase of consultation with Emma Daniel, Policy and Research Manager for the Community and Voluntary Sector Forum.
- 4.3 The 'Draft Council Tax Low Income Discount Scheme' was agreed for publication and consultation by Policy and Resources on 12 July 2012, noting the results of the first phase of consultation and engagement.⁶
- 4.4 At the request of the Leader of the Council, Councillor Jason Kitcat, the OSC agreed to establish a Scrutiny Panel to consider the proposals regarding changes to the Scheme on 16 July 2012.⁷
- 4.5 The Council Tax Support Scrutiny Panel comprised Councillor Alex Phillips (Chair) and Councillors Graham Cox and Anne Pissaridou together with President of East Sussex Credit Union Rosemary Friggens as an independent co-optee.
- 4.6 The Scrutiny Review was originally scheduled as a one-day event but following legislative delays a second Panel meeting was arranged to hear from further witnesses. Its final report is being referred to 29 November 2012 Policy and Resources Committee (not 11 October P&R as planned) in considering an agreed scheme.
- 4.7 The Panel meetings on 17 September and 1 October heard evidence from representatives of Brighton Housing Trust, Brighton's Women's Centre, Brighton Unemployed Centre Families Project, Welfare Rights, Community and Voluntary Sector Forum, Jobcentre Plus, the Southern Landlords Association and council officers. Written submissions were also received from the Fed Centre for Independent Living and the YMCA. The Sussex Deaf Association arranged a separate meeting to discuss the scrutiny review.

⁵ Agenda item 245. <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=120&MId=3231&Ver=4>

⁶ <http://present.brighton-hove.gov.uk/mgAi.aspx?ID=27803#mgDocuments>

⁷ Agenda item 9. <http://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=726&MId=4178&Ver=4>

5. THE PROPOSED SCHEME

5.1 Full details of the draft scheme can be found in 12 July 2012 Policy and Resources Committee paper.⁸ In summary it includes:

- support for council tax for people of pensionable age will be provided through a means tested discount equivalent to what they would have been entitled to under the previous Council Tax Benefit system
- support for council tax for people of working age will be provided through a means tested discount and in 2013/14 will take into account similar criteria to the old Council Tax Benefits scheme in deciding who is eligible
- the council tax discount for people of working age will be determined on the basis of 90% of full council tax liability
- the earnings disregard for single working age people will be doubled from £5 to £10 per week
- a cap on the maximum detriment that any household faces of £3 per week from 2012/13 to 2013/14 as a result of the replacement of Council Tax Benefits with this new Scheme– so long as there is no other change in circumstance
- up to £100,000 per annum available in a discretionary fund to provide additional assistance in exceptional circumstances to the most vulnerable

⁸ <http://present.brighton-hove.gov.uk/mgAi.aspx?ID=27803#mgDocuments>

6. FINDINGS AND RECOMMENDATIONS

The Proposed Scheme

- 6.1 The Council Tax Support Scrutiny Panel was established with the very tight remit to evaluate the draft scheme. In undertaking this piece of work however the Panel has also been mindful that these changes are part of a wider agenda of welfare reform and localism.
- 6.2 The Panel heard from a number of witnesses, including the CVSF and BHT that there was no 'win: win' solution to the implementation of the scheme. There was a general consensus that the proposed draft scheme cannot be improved within the given budget and time constraints. Any extra provisions intended to help one or other group of vulnerable residents would inevitably be to the detriment of other groups, and the current balance was felt to be about right.
- 6.3 There was a consensus that the proposal, taken as a whole and with its various mitigating elements as outlined in section 5 above, does manage to implement a scheme whilst protecting as far as possible the most vulnerable residents in the city.
- 6.4 The Panel was especially pleased that £1million of the funding gap was being found from within the wider council budget. The Panel had an extended debate as to whether or not to recommend that the full reduction in funding of £2.5 million should be found from within the council budget. There was concern that merely asking for the funding to be found would result in unknown cuts from other important services.
- 6.5 There was also a more fundamental debate as to whether the council should be seeking to implement the scheme at all, or whether it would be counter-productive hitting those households least able to pay and whom the council will have to support in more drastic ways as their circumstances deteriorate due to wider welfare changes. It was noted that a number of councils are looking to absorb the cost of the changes within their budgets in the first year.⁹
- 6.6 Linked to this was the idea that collecting council tax from residents who have never paid it before and may in many cases struggle to pay will negatively impact upon council tax collection rates.
- 6.7 The Panel noted that a number of local authorities are consulting on their council tax support in tandem with the full range of council tax changes. Some local authorities are proposing to meet the cost of any reduction from revenue raised by other council tax changes such as to second and empty home rules.¹⁰ Detailed briefings from Brighton & Hove City Council's finance team indicate that these changes are

⁹ At the time of writing these include West Oxfordshire, South Oxfordshire, Cherwell, Vale of White Horse, Tower Hamlets, Durham, and Nottingham.

¹⁰ Including a number of those above and Breckland, Worcester, Kingston and Corby.

unlikely to raise the full £1.5million required. This briefing is attached in volume 2 to this report.

- 6.8 The Panel also noted that the Local Government Association and a number of councils have lobbied central Government regarding full localisation of council tax. Whilst allowing councils to change some elements of council tax, Government has protected pensioners, and prevented changes to single person discounts, and the exemption for students. The Panel was in agreement that if the council tax system is to be for local determination then all elements of it should be available for change. This would also dovetail with the Government's 'localism' agenda.
- 6.9 The Panel compared the proposed scheme in Brighton and Hove to those in other local authorities. Although our proposed scheme does appear to be relatively generous, there are a number of authorities that, for at least the first year, are absorbing the reduction in funding in full within their budgets.
- 6.10 The Panel felt unable to recommend where the funding to cover the full £2.5million gap might come from without looking at the council budget in its totality. It is fair to reflect that the Panel was somewhat split as to this issue.
- 6.11 One of the stated aims of the changes is to lift 'the poorest off benefits, by supporting them into work' and reduce 'reliance on support for council tax in the long term'.¹¹ To better understand these aims and the design of the scheme the Panel held a session with Jobcentre Plus representatives. A particular focus was whether there are the jobs available to allow people to find work. The only real win-win situation from the scheme is obtained if people can be found employment.

The Panel was advised that Jobcentre Plus had 336 vacancies in Brighton, of which 261 were permanent and 229 were full time. Hove had 125 vacancies. On a wider catchment area of approximately 90 minutes travel time (reaching eg to Worthing and Crawley) there were 1682 vacancies.

- 6.12 Alongside the actual number of vacancies the issues of skills and matching appropriate people to the right jobs was highlighted as an issue. The Panel noted that due to a lack of suitable jobs, graduates wishing to stay in the city following university were taking jobs that the local population without degrees are also seeking. This obviously has implications for unemployment.

¹¹ <http://www.communities.gov.uk/documents/localgovernment/pdf/2146581.pdf>

RECOMMENDATION 1

Absorbing £1million of the £2.5million cost of the council tax support changes is welcomed; consideration should be given to funding the additional £1.5 million required from savings elsewhere in the council's budget.

RECOMMENDATION 2

Within the budget and time constraints, the 'Draft Council Tax Low Income Discount Scheme' cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents including vulnerable groups.

RECOMMENDATION 3

The Panel supports the £3 per week maximum detriment and £5 per week increase in earnings disregard; the implication of both elements should be reviewed prior to any removal after the transition year.

RECOMMENDATION 4

Further representations should be made to government to allow councils to alter all elements of the council tax system, such as single person discounts, and the current exclusion of full time students, within their new council tax arrangements.

Engagement and Communication

- 6.12 The draft Equalities Impact Assessment (EIA), case studies and anecdotal evidence presented to the Panel gave an indication of those who could be affected by the change. Speakers gave examples of vulnerable groups on low incomes including – amongst others – women, single parents, younger people out of work on means-tested benefits, carers, people with disabilities or mental health problems, families with reduced child maintenance payments, families on benefits living in bigger houses and those for whom English is not their first language.
- 6.13 A lack of suitable information about council tax as a whole was cited by the Brighton Unemployed Centre Families Project as an area of concern, plus a lack of help for people with budgeting and other problems in dealing with benefits at a time of increasing complexity.
- 6.14 The Panel recognised the challenge in contacting those affected by the changes in good time. Timing of information advice and support is particularly important because in the interests of both the council and householders the aim is to issue as many council tax bills as possible at the start of the financial year.

- 6.15 The Panel feel that more basic 'over the fence' communication is also required. Written material alone, either in hard copy or on the internet won't reach all those affected. The Panel asks that 'hard to reach' people are targeted through radio and TV, through the local print media, as well as in person.

RECOMMENDATION 5

The scheme and specific amounts payable need to be communicated as early as possible to affected residents. This should be carried out in person, through community & voluntary sector organisations and all available media and marketing channels.

Monitoring

- 6.16 The Panel was concerned that the possible impact of the scheme on vulnerable household groups would not be fully known until after implementation. Monitoring these effects would be central to the review of the scheme after the transition year.
- 6.17 It would be especially important to publicise the scheme in a variety of ways and to advise, help and support residents, in particular the most vulnerable and those who had not paid council tax before.
- 6.18 The EIA gives an indication of the possible effects on different groups of council tax payers at least for the transition year. However it is only through implementing the scheme that the detailed impact on low income households would become apparent, including the nature of the demand for discretionary funds.
- 6.19 Added to this uncertainty the impact of other, perhaps more significant welfare changes, means that a robust monitoring arrangement will be required. This will mean working closely with advice services from the community and voluntary sector to understand how their caseload changes too.
- 6.20 Members were also of the opinion that a review should include evidence from local businesses, landlords and organisations supporting employment.
- 6.21 Panel Members were anxious that details of how a review of the scheme will be undertaken are published as early as possible and allow for a partnership approach to the review. Evidence heard indicated that many community and voluntary sector organisations would welcome a chance to input into monitoring and reviewing the implementation of the scheme.

RECOMMENDATION 6

To inform the annual review of the scheme the Panel recommends that a robust mechanism be established, utilising community & voluntary sector organisations and employment agencies, to closely monitor the impact of the changes.

RECOMMENDATION 7

Monitoring arrangements should be reported alongside the proposed scheme including timescales and names of those responsible.

Support and Advice

- 6.22 The Panel heard from a number of support and advice groups, whose representatives described disturbing cases of helping households whose outgoings exceeded income.
- 6.23 It was highlighted that many people affected by the changes would not be using support groups and would be particularly hard to reach. It was crucial that council and other staff and volunteers would be available and trained to provide appropriate information, advice, help and support tailored to people's circumstances. This ranged from basic information: 'What is Council Tax?' 'Why do I have to pay and why is it a priority debt?' to specialised interventions at the enforcement stage.
- 6.24 The Panel was reassured that preparatory work on this was in progress between the council and advice services.
- 6.25 Members were aware that some families with multiple needs or struggling to meet their financial commitments were already known by different teams in the council and other organisations. Several speakers referred to the need for more 'joining up' with and between other work areas including integrated families and child poverty. Early intervention is extremely beneficial and can help prevent arrears.
- 6.26 Access to and capability to use on-line financial services (advice, credit, savings and accounts) would be key so digital and financial inclusion measures were needed to be well linked in at an early stage to help vulnerable residents.
- 6.27 Members acknowledged the different interests of the council, landlords, utility and water companies in terms of financial inclusion strategies and recommended a more formalised joined up approach (to include landlords) to the needs of individual residents.
- 6.28 This reform is part of a wider policy of decentralisation, giving councils increased financial autonomy and a greater stake in the economic future of their local area.

Financial and Digital Inclusion

- 6.29 Whilst the Panel has not investigated financial inclusion in any depth, it has gained an understanding of how the council tax reform agenda fits into wider welfare changes and concerns regarding financial inclusion issues.
- 6.30 A number of witnesses highlighted that the opportunity exists, and should be taken, to signpost to wider financial advice and guidance whilst supporting residents with the new Scheme.
- 6.31 Financial inclusion is defined as the ability to access appropriate financial services or products. Without this ability people are often referred to as financially excluded. For example, many services are cheaper when paid for by direct debit; a bank account is required to access this service.
- 6.32 Anyone can be financially excluded, and as a result of the economic downturn many more people than usual are struggling financially. People that are financially excluded might;
- Not be able to access affordable credit
 - Have difficulty obtaining a bank account
 - Be financially at risk through not having home insurance
 - Struggle to budget and manage money or plan for the unexpected
- 6.33 Panel members were advised that a piece of work is ongoing looking at how best the council, advice providers and financial organisations can address some of the financial inclusion issues evident within the city. A report went to Cabinet in April 2012. Members were keen for this to be progressed rapidly with updates provided as part of the monitoring of this report.
- 6.34 Digital inclusion, linked to the issue of financial inclusion, was raised by a number of witnesses. Digital inclusion is about ensuring that all residents have access to technology and the skills to use it to improve their lives. It is also about ensuring that the indirect benefits of technology to improve all aspects of service planning and delivery are fully exploited.
- 6.35 Digital inclusion will be especially important as Universal Credit will be claimed online. Evidence from Jobcentre Plus also highlighted the importance for jobseekers to have good IT skills to be able to fully engage with the jobs market.
- 6.36 Research shows a clear correlation between digital and social exclusion. This means that those already at a disadvantage and arguably with the most to gain from the internet are the least likely to be making use of it and further disadvantaged by not using it.

RECOMMENDATION 8

Administration of the scheme should seek to support residents with wider financial inclusion issues. Work on financial inclusion being developed by the council should progressed as a matter of urgency.¹²

RECOMMENDATION 9

Administration and monitoring of the scheme should seek to identify any areas where digital inclusion becomes a barrier to residents engaging with welfare changes and the jobs market. This should also be considered as part of the wider scrutiny review into welfare reform.¹³

Wider Welfare Reforms

- 6.37 The Panel focused purely on the changes to Council Tax Support. However members heard potentially worrying evidence on wider changes to welfare and the potential impact of the Welfare Reform Bill 2012 including the total benefits cap and Universal Credit.
- 6.38 Regarding the City's response to the wider welfare reforms, and addressing the needs of individual residents, the Brighton Housing Trust referred to the work of the City Overview Group – Welfare Reform, suggesting that more closely integrated working was needed on financial and digital inclusion, advice, community banking and fuel poverty, plus including key stakeholders such as social and private landlords to ensure a joined up approach.

RECOMMENDATION 10

The City Overview Group- Welfare Reform should be expanded to include landlord representatives.

- 6.39 The Panel felt that further scrutiny work would be very timely once the changes have been implemented. The review into the impact of wider welfare changes should also include a look at support for financial inclusion within the city and whether current arrangements are suitable to meet future challenges.

RECOMMENDATION 11

The Panel recommends a further scrutiny review of the impact of wider welfare reforms once implemented.

¹² Financial inclusion refers to good financial decision-making (the 'demand side' of the equation) and access to suitable products and services (the 'supply side') – JRF 2008.

¹³ Digital inclusion relates to the ability to access technology (especially the internet in this case) and the skills to use it successfully. It is also about ensuring that the benefits of technology fully exploited – CLG 2008.

7. CONCLUSION

- 7.1 Generally the Panel is persuaded that within the given constraints the suggested Scheme for Brighton & Hove cannot be significantly improved.
- 7.2 A more fundamental question as to whether the council should be looking to absorb the 10% reduction in funding resulted in less of a consensus amongst Panel members.
- 7.3 The Panel was content that the proposals for a local scheme have undergone extensive consultation with residents and local community and voluntary groups.
- 7.4 The Panel's eleven recommendations of the panel are set out below.
- 1) **Absorbing £1million of the £2.5million cost of the council tax support changes is welcomed; consideration should be given to funding the additional £1.5 million required from savings elsewhere in the council's budget.**
 - 2) **Within the budget and time constraints, the 'Draft Council Tax Low Income Discount Scheme' cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents including vulnerable groups.**
 - 3) **The Panel supports the £3 per week maximum detriment and £5 per week increase in earnings disregard; both elements should be reviewed prior to any removal after the transition year.**
 - 4) **Further representations should be made to government to allow councils to alter all elements of the council tax system, such as single person discounts, and the current exclusion of full time students, within their new council tax arrangements.**
 - 5) **The scheme and specific amounts payable need to be communicated as early as possible to affected residents. This should be carried out in person, through community & voluntary sector organisations and all available media and marketing channels.**
 - 6) **To inform the annual review of the scheme the Panel recommends that a robust mechanism be established, utilising community & voluntary sector organisations and employment agencies, to closely monitor the impact of the changes.**

- 7) Monitoring arrangements should be reported alongside the proposed scheme including timescales and names of those responsible.**
- 8) Administration of the scheme should seek to support residents with wider financial inclusion issues. Work on financial inclusion being developed by the council should progressed as a matter of urgency.**
- 9) Administration and monitoring of the scheme should seek to identify any areas where digital inclusion becomes a barrier to residents engaging with welfare changes and the jobs market. This should also be considered as part of the wider scrutiny review into welfare reform.**
- 10) The City Overview Group- Welfare Reform should be expanded to include landlord representatives.**
- 11) The Panel recommends a further scrutiny review of the impact of wider welfare reforms once implemented.**

Appendix 2 – OSC recommendations and responses

OSC Recommendation	Response Agreed, In progress, Not agreed	Details and reasons
1) Absorbing £1million of the £2.5million cost of the council tax support changes is welcomed; consideration should be given to funding the additional £1.5 million required from savings elsewhere in the council's budget.	in progress	Finance officers have provided members with the information about the financial implications of meeting the cost of the scheme in full and the cost of reduced support at partially supported levels as in the main proposal. The revised scheme is planned to meet the transitional grant conditions and therefore reduce the impact on claimants. Any further funding to cover the loss of government support will increase the requirement for savings for the City Council as well as Sussex Police Authority and East Sussex Fire Authority. The Budget Update and Savings report elsewhere on this agenda provides further financial context and the challenging savings requirements the council is already facing.
2) Within the budget and time constraints, the 'Draft Council Tax Low Income Discount Scheme' cannot be significantly improved. The Panel acknowledges however that the scheme will impact negatively on some residents including vulnerable groups.	agreed	The project is now starting to work with vulnerable households to prepare them for this change. As a part of this work officers are contacting households where there is long term unemployment to help them understand the changes and their new need to make a contribution.
3) The Panel supports the £3 per week maximum detriment and £5 per week increase in earnings disregard; both elements should be reviewed prior to any removal after the transition year.	agreed	The scheme will be reviewed in full before its second year of operation; this review will include the £3 cap and increase in earnings disregards.
4) Further representations should be made to government to allow councils to alter all elements of the council tax system, such as single person discounts, and the current exclusion of full time students, within their new council tax arrangements.	Not agreed	Further local discretion over flexibility of discounts and exemptions has been lobbied for by the Local Government Association but rejected by Parliament.
5) The scheme and specific amounts payable need to be communicated as early as possible to affected residents. This should be carried out in person, through community & voluntary sector organisations and all available media and marketing channels.	agreed	Direct communication will be undertaken as soon as practicable once a decision on a final scheme has been made. Colleagues in the communications team will undertake work on non-direct communications, the community and voluntary sector forum is hosting an event specifically about communicating this change to its members and the council's welfare rights team will provide training to colleagues in the city on the detail of the change

Appendix 2 – OSC recommendations and responses

<p>6) To inform the annual review of the scheme the Panel recommends that a robust mechanism be established, utilising community & voluntary sector organisations and employment agencies, to closely monitor the impact of the changes.</p>	<p>agreed</p>	<p>Officers have worked closely with the community and voluntary sector forum in the development of this scheme and have an agreement in place that they and their members will record and feedback the impact of the changes. Job Centre Plus sit on the wider welfare reform project board and will be asked for input into the affect of these changes from an employment perspective</p>
<p>7) Monitoring arrangements should be reported alongside the proposed scheme including timescales and names of those responsible.</p>	<p>agreed</p>	<p>The monitoring arrangements have been included in the main report under section 3.14</p>
<p>8) Administration of the scheme should seek to support residents with wider financial inclusion issues. Work on financial inclusion being developed by the council should progressed as a matter of urgency.</p>	<p>agreed</p>	<p>As part of the implementation of the change to Council Tax Support advice provision (as set out in para 3.11 of the main report) will be commissioned specifically to address the needs of people affected by the changes. In addition the council is establishing new Financial Inclusion Board and a comprehensive project plan to take forward financial inclusion activity, including a targeted financial inclusion commission supporting the implementation of a Community Banking Partnership approach. This programme will be operational in spring 2013 and is being led by Richard Butcher-Tuset and a dedicated project team to ensure the delivery of both urgent and longer term tasks.</p>
<p>9) Administration and monitoring of the scheme should seek to identify any areas where digital inclusion becomes a barrier to residents engaging with welfare changes and the jobs market. This should also be considered as part of the wider scrutiny review into welfare reform.</p>	<p>agreed</p>	<p>The Public Service Board (PSB) has tasked Simon Newell to undertake an evidence gathering exercise to understand the scope and impact of digital inclusion and exclusion in the city. This is due to be reported back to PSB by the end of 2012. The findings will then be used to develop an appropriate approach to the issues found.</p>
<p>10) The City Overview Group- Welfare Reform should be expanded to include landlord representatives.</p>	<p>agreed</p>	<p>A landlords representative and social housing representative have been invited to this group as well as communicating through housing consultative structures.</p>
<p>11) The Panel recommends a further scrutiny review of the impact of wider welfare reforms once implemented.</p>	<p>agreed</p>	<p>OSC agreed that a scrutiny review on the wider welfare reforms would be useful, to include issues of financial and digital inclusion, and added it to their long-term work programme'</p>

Appendix 3 – Transitional Grant Funding

Council Tax Support – Proposed final scheme P&R 29th November 2012

1. On 16th October the Government announced the Department of Communities and Local Government (DCLG) was making an extra £100million available to local authorities to support their local Council Tax Support schemes. The value of this grant to Brighton and Hove is £601,000
2. This grant is only available if the council's scheme meet certain requirements, those requirements are:
 - **Those who would be entitled to 100% support under current council tax benefit arrangements pay between zero and no more than 8.5% of their net council tax liability;**
 - **The taper rate does not increase above 25%;**
 - **There is no sharp reduction in support for those entering work.**
3. The proposed scheme set out in the July P&R report would not meet these requirements because it proposed benefit paid up to 90% of liability. The first provision above means this would have to be 91.5% or more.
4. The options as to whether to take advantage of the grant or not are detailed in the table below.
5. The two options which officers consider meet the provisions above with little or no risk of challenge are:
 - a. Basing reduction on 91.5% of net liability for all working age recipients; that is after other discounts have been applied.
 - b. Basing reduction on 93.625% of gross liability for all working age recipients; that is before other discounts have been applied.

Option a. would result in a stronger financial situation for year 1; however given that the transitional grant will only be in place for the first year option b. is structurally the same as the original proposal (albeit at a different percentage point) and as such there may be less complication in terms of communication should the council need to amend the scheme in the second year back to a figure based on gross liability.

The Policy & Resources Committee noted that we should proceed on the basis of option a – the net liability option and the main reason is set out in the main report (see paragraph 6.3).

CTS scheme Combined BHCC, Police and Fire financial implications

The Council Tax Reduction Scheme applied **after** Single Person discount

	Maximum Liability	Cap	Savings generated £m	Complies with Transition grant rule			Grant	Admin difficulty (system does not support)	Total Savings generated
				8.50%	No more than 25% taper restriction	No Sharp reduction entering work			
Scheme proposed in July 2012	90%	£3.00	1.512	No	Yes	Yes	0	Low	1.512
8.5% Max liability reduction	91.5%	£3.00	1.269	Yes	Yes	Yes	0.601	Low	1.870
10% max liability with 8.5% cap on benefit reduction for those on 100% benefit	90%	8.5% and £3	1.327	Liable to challenge	Yes	No	0	High	1.327
10% max liability with 8.5% cap for all	90%	8.5% and £3	1.140	Liable to challenge	Yes	Yes	0.601	High	1.741

The Council Tax reduction scheme applied **before** Single Person Discount

	Maximum Liability	Cap	Savings generated £m	Complies with Transition grant rule			Grant	Admin difficulty (system does not support)	Total Savings generated
				8.50%	25% taper restriction	No Sharp reduction entering work			
Scheme proposed in July 2012	90%	£3.00	1.789	No	Yes	Yes	0	High	1.789
8.5% Max liability reduction	91.50%	£3.00	1.508	No	Yes	Yes	0	High	1.508
6.375% Max liability reduction*	93.625%*	£3.00	1.099	Yes	Yes	Yes	0.601	High	1.700
10% max liability with 8.5% cap for those on 100% benefit	90%	8.5% and £3	1.382	Liable to challenge	Yes	No	0	High	1.382
10% max liability with 8.5% cap for all	90%	8.5% and £3	1.272	Liable to challenge	Yes	Yes	0.601	High	1.873

REPORT TO COUNCIL ON 13 DECEMBER 2013

COUNCIL TAX SUPPORT - PROPOSED FINAL SCHEME

PART 1

The main scheme in two sections

SECTION 1 – For pensioners

The Council Tax Reduction Scheme (Pensioners)
(Brighton & Hove City Council) 2013

SECTION 2 – For non-pensioners

The Council Tax Reduction Scheme (Persons who are not Pensioners)
(Brighton & Hove City Council) 2013

PART 2

The discretionary scheme

The Discretionary Council Tax Scheme
(Brighton & Hove City Council) 2013

PLEASE NOTE – IT IS INTENDED TO PRINT THE DOCUMENTS WHICH FORM THIS APPENDIX SEPARATELY FROM THE MAIN COUNCIL AGENDA. THE REGULATIONS NECESSARY FOR THE FINAL DRAFTING OF THESE SCHEMES HAVE ONLY RECENTLY BEEN PUBLISHED, SO THE DETAILED DRAFTING OF THE SCHEMES IS STILL BEING COMPLETED. IT IS LIKELY THAT THE SCHEMES WILL HAVE TO BE CIRCULATED AFTER THE COMMITTEE AGENDA HAS BEEN RELEASED.

Council Tax Support Consultation

Introduction

The information set out at **Annex 1** below was provided to Overview and Scrutiny when it reviewed this matter. Subsequently, as mentioned in paragraph 4.7 of the report, the steps taken in relation to consultation were reviewed and a letter was sent to all current benefit recipients (approximately 17,000). The letter included information on how they could get help in responding to the Council. The consultation deadline was extended to 12 October. The report at **Annex 2** deals with the responses received for the whole of the consultation period from 16 July to 12 October.

Annex 1 – Supplied to the Overview and Scrutiny Panel

The council has attempted to engage and provide an opportunity for views to be heard as widely as possible during the draft scheme consultation.

Consultation on the draft Low Income Discount Scheme for Brighton & Hove took place in two distinct stages. In June 2012 work was carried out with the assistance of the Community and Voluntary Sector Forum (CVSF) to obtain guidance from those in the city with experience of working with benefit claimants or advising on welfare rights. The full membership of the CVSF were invited to a pre-consultation event on 13 June, this was followed by the council presenting options and seeking views at the Children & Young People's Network on 20 June. CVSF members were also sent an online survey.

At the same time consultation commenced with major pre-cepting authorities including Sussex Police and East Sussex Fire and Rescue. Responses to this initial consultation were provided as an appendix to the P&R report dated 12 July 2012.

As a result of this early engagement the council published a draft scheme on 13 July and consultation opened via the council's portal and by questionnaire on the 16 July. Consultation on this second stage will be carried out until 7 September 2012. In addition to consultation being publicised with posters around the city and on the council's website, specific organisations and partners were contacted to alert them to the consultation.

The following is a full list of the organisations and partners contacted during this process.

Appendix 5

Pre-Consultation

13th June

Guinness Partnership
Knoll Community Association
RISE (Refuge, Information, Support and Education)
BHT - Advice Centre
Welfare Rights Project (Brighton Unemployed Centre Families Project)
B&H CAB
Brighton Housing Trust (BHT)
Sussex Deaf Association
Community & Voluntary Sector Forum (CVSF)
Money Advice and Community Support Service
Advice Strategy Project
Hanover Community Association
Brighton Women's Centre
The Fed: Centre for Independent Living
Southern Housing Group

20th June

Trust for Developing Communities
Young People's Centre (Impact Initiatives)
MOSAIC
Brighton Unemployed Centre's Families Project
The Young Carers Project (The Carers Centre)
BHIP
Allsorts
MIND B&H
Hangleton & Knoll Project
Brighton Oasis Project
Prince's Trust
Daybreak
Adventure Unlimited
Safety Net
Dialogue Therapeutic and Family Services
Fun in Action for Children
Trust for Developing Communities
The Bridge
Tarnerland Youth Project
Safety Net
Sussex Clubs for Young People

Consultation Information and online consultation links e-mailed to:

Equalities and Liaison Team Mailing List

Brighton University
All four health trusts covering the city

Appendix 5

Sussex Police
Carers' Centre
Environment Agency
The Fed: Centre for Independent Living
Jobcentre Plus
Sussex University
Brighton Housing Trust
CVSF
LGBT Health Inclusion Project
City College
East Sussex Fire & Rescue
Pensions Regulation Service
Surrey & Sussex Probation Trust
South East Coast Ambulance Service
Black & Minority Ethnic Community Partnership (BMECP)

BHSP and Partnerships

The members of The Brighton & Hove Strategic Partnership and of all thematic partnerships in the city were e-mailed information and on-line consultation links.

CVSF

Information and on-line consultation links were sent via the CVSF to their e-mail contact list of over 500 individuals (staff and volunteers) from member organisations.

Housing Groups and Landlords

Sanctuary Housing
Hyde Martlet Housing
Orbit
Saxon Weald
Affinity Sutton
Places for People
Southern Housing Group
Guinness
BHT
Moat
Amicus Horizon

Additional

A link to the on-line consultation and information about the draft scheme was provided on the WAVE, the council internal intranet. Officers who were either residents or worked with residents claiming Council Tax Benefit were encouraged to participate.

Appendix 5

Additionally emails were sent to:

SPIN (Single Parent Information Network)
Friends, Families and Travellers
Rottingdean Parish Council
City Welfare Group

Publicity materials including posters and/ or paper questionnaires were sent to the following:

CVSF

350 CVSF member organisations were sent posters to display in their offices. In addition publicity was sent to the following voluntary advice organisations as requested by the Advice Services Network.

BHT Legal Advice Centre
CAB
MACS (Money Advice and Community Support)
Brighton Women's Centre
Brighton Unemployed Centre Families Project
St Luke's Advice Centre
AMAZE
Sussex Deaf Association
Terrence Higgins Trust
BHCC Welfare Rights Team
Age UK Brighton & Hove
Youth Advice Centre
Brighton & Hove Unemployed Workers Centre
Sussex Student Union Advice
BHT Immigration Legal Service
RISE
Brighton and Hove LGBT Switchboard
MIND in Brighton and Hove
Young People's Centre
East Sussex Credit Union

Council Housing Offices

Lavender Street
Oxford Street
Whitehawk Hub
Selsfield Drive
Victoria Road

Public Places

Kings House reception
Hove Town Hall (external display boards and reception)
Brighton Town Hall reception

Appendix 5

Bartholomew House Customer Service Centre (including details on the electronic information screens)
All libraries in Brighton & Hove
All doctors surgeries in Brighton & Hove

Additional events

The council attended the Equalities Network on 9 August 2012 to seek views on work undertaken on the Low Income Discount Scheme Equalities Impact Assessment. Consultation materials were provided for attending organisations to take away with them.

Attendees:

Grace Eyre
Working 50 Plus
The Fed Centre for Independent Living
Metamorphosis Art Group
West Hove Forum
Sussex Central YMCA – Reed House
Moulsecomb Community Forum and Newsletter
Southern Housing Group
MOSAIC Black, Asian & Mixed Parentage Family Group
Safe & Sorted Youth Advice Centre (Sussex Central YMCA)
Brighton Unemployed Families Project

Apologies from:

Amaze
Brighton Women's Centre
Allsorts Youth Project
Black & Minority Ethnic Community Partnership
Friends Families and Travellers

Annex 2

**Consultation report: Brighton & Hove
Council Tax Low Income Discount Scheme**

July – October 2012

Contact

Policy Performance & Analysis

Brighton & Hove City Council

Tel: 01273 29 1088

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1. Executive Summary

In total 282 complete questionnaires were received

Half of people who responded had claimed, or a person in their household had claimed Council Tax Benefit in the last two years and as such people who will be directly affected by these changes have fed into this policy change.

Given the situation the council is in respondents tend to agree with the main proposals the council has put in place for the main scheme.

- Twice as many people agreed (66%) with the principles used to define the draft scheme than disagreed (33%).
- Three quarters of respondents (76%) agreed with the proposal for switching to the new scheme, three times more than disagreed (24%).
- There is a split between those who disagree (51%) with the proposal for a 90% discount scheme and those that agree (49%).
- More than four out of five respondents (84%) agreed that eligibility for council tax support should be based on a person's income and savings. This is five times more than those that disagreed (16%).
- More than four out of five respondents (82%) agree with the principle of an earning disregard, four and a half times more than disagree (18%). Less agreed that the disregard would support people into work and in low paid work, 62% agreeing, 39% disagreeing.
- Just under two thirds (64%) of respondents agreed with the proposal to limit the extra amount of council tax any households has to pay to £3. Just under twice as many as disagreed (36%).
- Four out of five respondents (81%) agree with the principle of having a discretionary fund for the most vulnerable, more than four times more than those that disagreed (19%).

Among respondents who made comments there is a recurring theme that with the changes certain groups of vulnerable people may find these changes hard to manage including disabled people, families with children, those with health problems, those affected by domestic violence and carers.

2. Introduction

From 1 April 2013, the government is abolishing the national Council Tax Benefit system and reducing the grants previously given to local authorities for Council Tax Benefit by 10%. Local councils have been asked to introduce a local Council Tax support system to replace the old benefit system.

After obtaining guidance from those in the city with experience of working with benefit claimants or advising on welfare rights including the full membership of the Community and Voluntary Sector Forum as well as the major pre-cepting authorities, the council proposed a preferred draft Low Income Discount Scheme. The purpose of this report is to report on the findings of the city wide consultation on this preferred scheme.

3. Methodology

A questionnaire was devised to both inform and give residents an opportunity to comment on the council preferred scheme. Information was provided about the different principles of the scheme, what this would mean and how it would work (including real life examples). Residents were asked whether they agreed or disagreed with the different principles and to make comment.

The questionnaire was made available on the Brighton & Hove Consultation Portal with links from the home page of the council's website and dedicated Draft Council Tax Low Income Discount Scheme web pages.

The consultation was open between 16 July and 12 October 2012. During the fieldwork, in order to advertise, encourage and signpost residents to the questionnaire communications were sent out via;

- social media
- through community and voluntary sector networks
- registered users of the Consultation Portal
- press releases to local media
- posters and leafleting
- a letter sent to every household currently in receipt of Council Tax Benefit.

In order to ensure that resident without access or the opportunity to use the Internet could become involved, paper versions of the questionnaire and pre-paid response envelopes were;

- available at the Council Tax Benefit office and other public council and community buildings
- a dedicated phone line was available for information and to request postal questionnaires.

4. Response and respondent's profile

4.1 Response

In total 282 complete questionnaires were received, given the methodology it is not possible to calculate an overall response rate.

4.2 Respondent's Profile

As part of the questionnaire respondents were asked to complete the council's standard equalities monitoring form and indicate

- if they are or have been in receipt of Council Tax Benefit in the past two years
- if they support or work with someone or people claiming Council Tax Benefit
- how many children and pensioners in their household
- provide their home postcode

4.2.1 Council Wards

Council Wards		
	Number	Percentage
Hanover and Elm Grove	24	13%
Queen's Park	18	9%
St. Peter's and North Laine	16	8%
Preston Park	14	7%
Goldsmid	13	7%
Regency	13	7%
Hollingdean and Stanmer	11	6%
Woodingdean	9	5%
Brunswick and Adelaide	8	4%
Central Hove	7	4%
South Portslade	7	4%
Withdean	7	4%
East Brighton	6	3%
Hangleton and Knoll	6	3%
Moulsecoomb and Bevendean	6	3%
Wish	6	3%
Rottingdean Coastal	5	3%
Westbourne	5	3%
Hove Park	4	2%
North Portslade	3	2%
Patcham	3	2%
Total	191	100.0
Not known	91	
Total	282	

Appendix 5

Only two thirds of respondents provided full postcodes that could be matched to local wards. Among these, at least three responses (2%) were received from each ward with the most coming from Hanover & Elm Grove ward (24 responses, 13%).

4.2.2 Council Tax Benefit

- Half of all respondents (136 people, 50%) had or someone in their household had received Council Tax Benefit in the last 2 years.
- Just under a third of respondents (75 people, 31%) support or work with someone or people who claim Council Tax Benefit.

4.2.3 Children and Pensioner Households

- Thirty two respondents (13%) lived in a household with at least one pensioner
- Fifty five respondents (21%) lived in a household with at least one child.

4.2.4 Equalities

An unusually high number of respondents did not complete all or some of the equalities questions and given the low number of overall responses it is difficult to determine with accuracy if the respondents profile is representative of the wider city.

Using the tables below it can be shown that the respondents profile is likely to be;

- Representative by gender and those aged 35 to 44,
- Under represented of those aged under 35 and over 64 and BME groups
- Over represented by those of White British / Irish ethnicity, the LGBT community, those aged 45 to 64 and those with a health problem or disability.

Age		
	Number of people	Percentage
20 to 34	49	23%
35 to 44	41	19%
45 to 54	67	32%
55 to 64	48	23%
65 to 74	8	4%
Total	213	100%
Not known	69	
Total	282	

Gender		
	Number of people	Percentage

Appendix 5

Male	114	48%
Female	124	52%
Total	238	100%
Not known	44	
Total	282	

Lesbian, Gay and Bisexual and transgender (LGBT)		
	Number of people	Percentage
Heterosexual	157	79%
LGBT	42	21%
Total	199	100%
Not known	83	
Total	282	

What is your religion or belief?		
	Number of people	Percentage
No religion	103	48%
Buddhist	5	2%
Christian	54	25%
Muslim	2	1%
Pagan	2	1%
Sikh	1	0.5%
Agnostic	7	3%
Atheist	27	12%
Other	3	1%
Other Philosophical belief	11	5%
Total	215	100%
Not known	67	
Total	282	

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?		
	Number of people	Percentage
Yes	88	36%
No	156	64%
Total	244	100%
Not known	38	
Total	282	

Are you a carer?		
	Number of people	Percentage

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Yes	35	14%
No	209	86%
Total	244	100%
Not known	38	
Total	282	

Ethnicity		
	Number of people	Percentage
White British / UK	151	66%
White Irish	5	2%
White 'other'	13	6%
White (no further info)	47	21%
BME	12	5%
Total	228	100%
Not known	54	
Total	282	

Are you a carer?		
	Number of people	Percentage
Yes	35	14%
No	209	86%
Total	244	100%
Not known	38	
Total	282	

There is insufficient detail to determine if the profile is representative or not by religion or if they are a carer.

5 Results and findings

There is no way accurately gauging whether respondents are representative of resident in the city therefore care should be taken when interpreting these results.

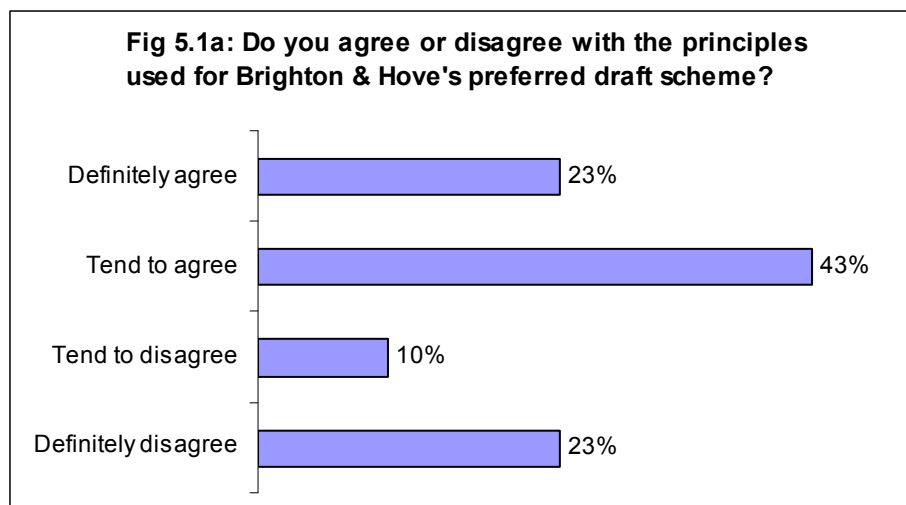
Responses to all questions from the survey have been analysed by the following demographics and equalities (fig 5 below). Relatively high number of respondents did not provide complete data, this combined with the small number of responses from some groups (section 4, above) makes equalities analysis difficult.

Where there is a significant different to the overall responses this will be highlighted within the report. Where there is no difference no mention will be made.

Fig 5: Demographics used for analysis		
Equalities Group	Provided data (n)	% of all respondents
Households with children	261	93%
Pensioner households	262	93%
In receipt of Council Tax benefit with in the past two years	271	96%
Work with or support people in receipt of Council tax benefit	241	85%
Age	213	76%
Gender	238	84%
Lesbian, Gay and Bisexual (LGB)	199	70%
With a health problem or disability	244	86%
Ethnicity	181	64%
Carer	244	86%

5.1 Scheme Principles

Respondents were provided with a summary of the principle of the draft scheme and asked if they agreed or disagreed with them, if there was anything that had not been considered and for any comments.



Base: All respondents who answered the question (n=256)

From fig 5.1a above, twice as many people agreed (66%) with the principles than disagreed (33%).

Equalities

Although not mutually exclusive, respondents with a health problem or disability (59%) and respondents in receipt of Council Tax Benefit (59%) were less likely to agree with the draft principles than those without a health problem or disability (77%) or not in receipt of Council Tax Benefit (78%).

Anything not considered and general comments

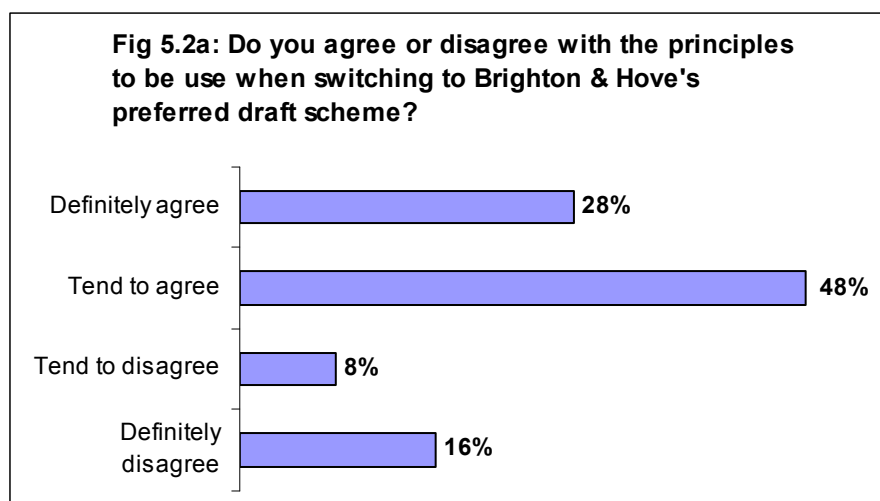
Just under a half of respondents made comments (137 people, 49%).

- One in four of both respondents who agreed and respondents who disagreed with the principles of the draft scheme (38 people, 28%) thought that there was a need to protect people on benefit (IB, ESA, disabled people, lone parents) and that people on benefits could not afford to pay Council Tax.
- Among respondents who agreed with the schemes principles, 14 respondents (26%) did not understand the draft scheme and or thought it unclear.
- Among respondents who disagreed with the schemes principles, 24 respondents (36%) were concerned that it would cost people more and or increase poverty.

5.2 Switching to a new system

Respondents were asked if they agreed or disagreed with the proposals for switching to the new scheme, if anything had not been considered and if they had any further comments.

From fig 5.2a below, three quarters of respondents (76%) agreed with the proposal for switching to the new scheme, three times more then disagreed (24%).



Base: All respondents who answered the question (n=261)

Anything not considered and general comments

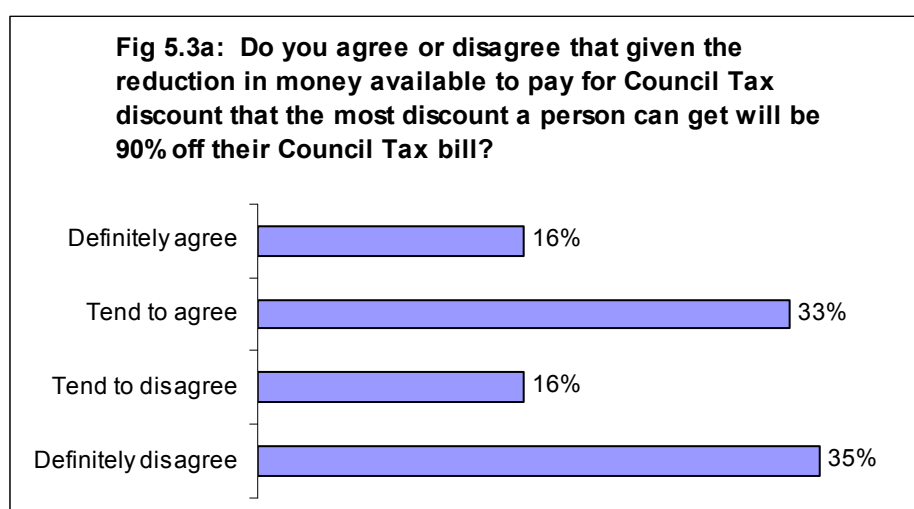
One in four respondents (73 people, 26%) made comments about switching to the new scheme. Regardless of whether respondents agreed or disagreed with the proposals for switching to the new scheme comments followed similar themes.

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- More than a third of respondents (30 people, 41%) thought there would need to be more / lots of resources for a more complicated scheme.
- A third of respondents (23 people, 32%) mentioned a concern / protect the vulnerable, those on benefits, sick, disabled people. single people, parents, the unemployed.

5.3 Council tax discount

It was explained that due to a reduction in funding from central government for Council Tax support that that for people of working age council tax discount will be assessed on the basis of 90% of full Council Tax. Respondents were asked if they agreed or disagreed with this, if anything had not been considered and if they had any further comments.



Base: All respondents who answered the question (n=257)

From fig 5.3a above, there is a clear split between those who disagree (51%) with the proposal for a 90% discount and those that agree (49%). However, among those who were definite a third (35%) definitely disagreed compared to only 16% who defiantly agreed.

Equalities

Although not mutually exclusive, respondents with a health problem or disability (35%) and respondents in receipt of Council Tax Benefit (38%) are much less likely to agree that the most discount a person can get is 90% than are those without a health problem or disability (68%) or not in receipt of Council Tax Benefit (70%).

Anything not considered and general comments

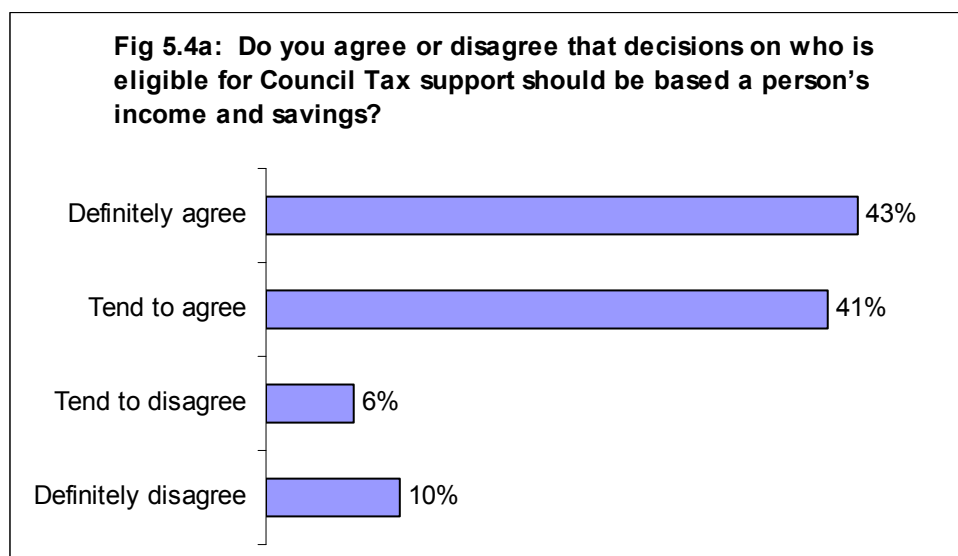
More than a third of respondents (109 people, 39%) made comments about the Council Tax discount. Four out of five respondents who made comments (91 people, 84%) made comments about their concerns that poor people on

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benefits / disabled people having to pay more, not be able to pay or should not have to pay.

5.4 Council Tax support

The decision on who is eligible to receive help paying their council tax will be based on a person's income and savings in the same way as Council Tax Benefit is worked out. Respondents were asked if they agreed or disagreed with this method, if anything had not been considered and if they had any further comments.



Base: All respondents who answered the question (n=267)

From fig 5.4a above, more than four out of five respondents (84%) agreed that eligibility for council tax support should be based on a person's income and savings. This is five times more than those that disagreed (16%).

Equalities

All 22 respondents who are Carers agree that Council Tax support should be based on a person's income and savings.

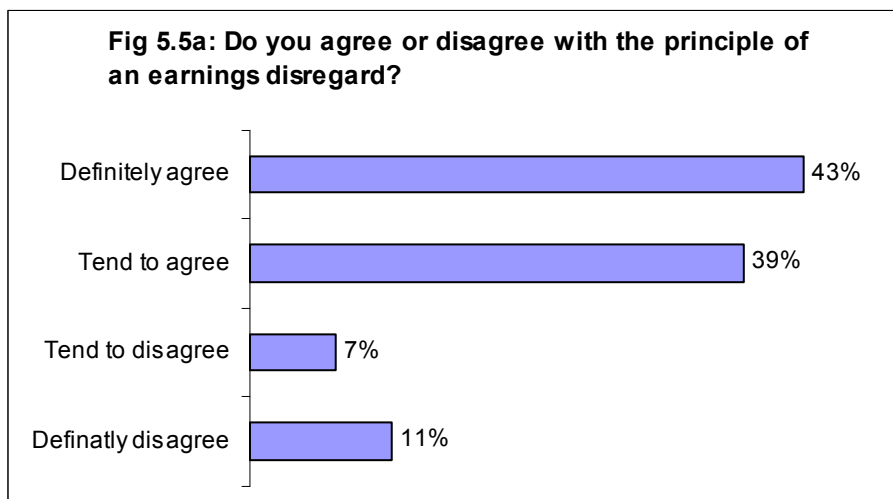
Anything not considered and general comments

A fifth of respondents (63 people, 22%) made comments about the proposals for council tax support being based on a means tested discount similar to the criteria used in the current benefit system. Most comments (24 people, 38%) concerned a need for a fairer system with more help for different groups of people with low income. The under 35s, single people on benefits, disabled people. Other comments included 'should rise level of saving allowed / disregard savings' (9 people, 13%) and the means testing process needs to be simple / easy to understand (9 people, 13%).

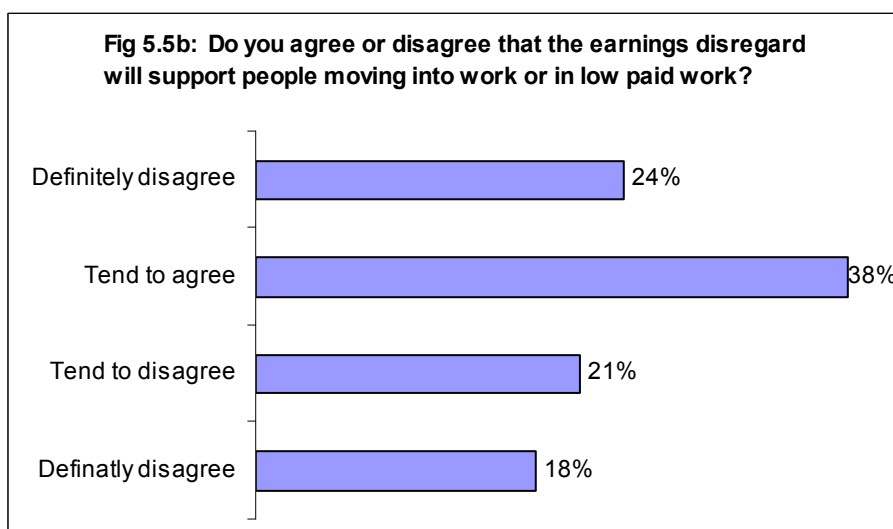
5.5 Earning disregard

Where a single person receives income from work, the first £10 will be ignored when Working out how much Council Tax discount they receive. This is double the current amount and is designed as support for the low waged and those returning to work from periods of unemployment. The earnings disregard for couples (£10) or single parent families (£25) will remain the same as under Council Tax Benefit.

Respondents were asked if they agreed or disagreed with the principle of an earning disregard, if the proposed level would support people back to work or those in low paid work, if anything had not been considered and if they had any further comments.



Base: All respondents who answered the question (n=253)



Base: All respondents who answered the question (n=246)

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From figs 5.5a & b above. More than four out of five respondents (82%) agree with the principle of an earning disregard, four and a half times more than disagree (18%). Less agreed that the disregard would support people into work and in low paid work, 62% agreeing, 39% disagreeing.

Equalities

Among LGBT respondents (30 out of 31, 97%) agreed in principle with the earnings disregard compared to 83% of heterosexual respondents.

Although not mutually exclusive, respondents with a health problem or disability (55%) and respondents in receipt of Council Tax Benefit (53%) are less likely to agree that the earning disregard will support people moving into work or in low paid work than are those without a health problem (70%) or not in receipt of Council Tax Benefit (73%).

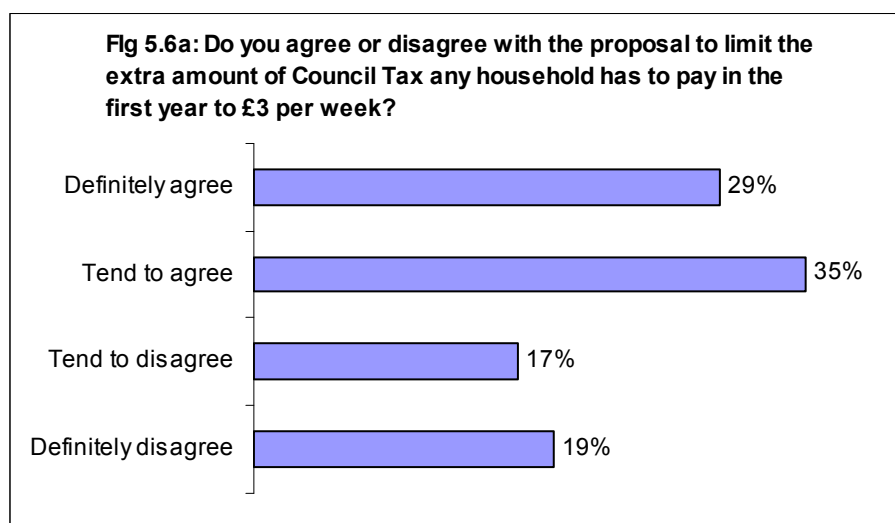
Anything not considered and general comments

A quarter of respondents (77 people, 27%) made comments about the earnings disregard.

- Nearly a half of respondents (36 people, 47%) thought that the disregard would only be a minor incentive and or a minor impact on people moving into work or on low pay.
- Most other comments were general comment about the disregard being too low, low for certain groups or should be at the same level for everyone.

5.6 £3 a week limit

As a result of the change to Council Tax support a limit on the extra amount any household has to pay of £3 per week will be in place for 2012/13 to 2013/14. Respondents were asked if they agreed or disagreed with this proposal, if anything had not been considered and if they had any further comments.



Base: All respondents who answered the question (n=258)

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From fig 5.6a above, just under two thirds (64%) of respondents agreed with the proposal to limit the extra amount of council tax any households has to pay to £3. Just under twice as many as disagreed (36%).

Equalities

Four out of five (81%) of female respondents agree with the proposal to limit the extra amount of council tax any households pays compared to only 59% of male respondents

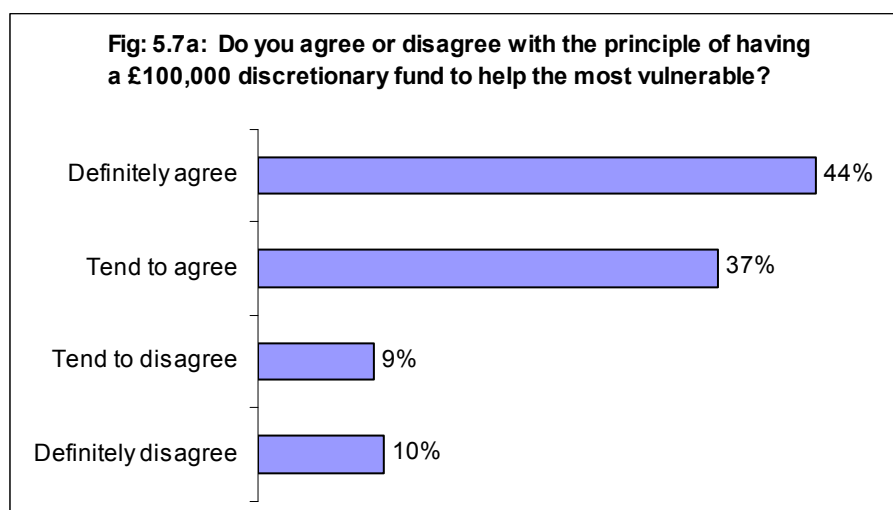
Anything not considered and general comments

A third of respondents (92 people, 36%) made comments about the £3 limit on the extra amount any household has to pay.

Nearly two thirds of respondents (58 people, 63%) mentioned £3 was too large an increase or too much for certain groups (single people, those on benefits, families). Sixteen respondents (17%) also thought that the cap should last for more than the one year.

5.7 Discretionary fund

As part of the proposals a £100,000 per annum discretionary fund will provide additional support in exceptional circumstances to the most vulnerable. Respondents were asked if they agree with this proposal and what type of exceptional circumstances the fund should be used for.



Base: All respondents who answered the question (n=260)

Four out of five respondents (81%) agree with the principle of having a discretionary fund for the most vulnerable, more than four times more than those that disagreed (19%).

Exceptional circumstances that the fund should be used for.

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Nearly a half of respondents (134 people, 48%) made comments about the exceptional circumstances that the discretionary fund should be used for. There were two clear themes;

- Where budget management is affected by disability / vulnerability (48 people, 36%). Those with health, mental health or substance misuse problems. Those affected by domestic violence, with a history of debt or where there is a carer involved.
- Exceptional circumstance / where a change in circumstance requires immediate financial assistance not ongoing assistance (43 people, 24%). Bereavement, serious illness/accident, redundancy, new single mothers.

Anything not considered and general comments

A quarter of respondents (76 people, 27%) made comments about the proposals for a discretionary fund. The majority of comments are around the fund not being enough, likely to be resource intensive, not helping/reaching those in need and a need for the fund to be transparent / fair / impartial.



Brighton & Hove City Council
Draft Low Income Discount Scheme

Published 13 July 2012

Currently Council Tax Benefit is a national system for low income households. You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level.

From 1 April 2013, the government is abolishing the national Council Tax Benefit system and asking councils to introduce a local Council Tax support system to replace it. The government is also reducing the grant for Council Tax Benefit by at least 10%, which means a shortfall of at least £2.5 million to help low income households in Brighton & Hove.

There are a number of constraints on what we can do and, after consulting our partners and modelling the likely effects on residents of various options, we have identified a preferred scheme for Brighton & Hove. We need to have an agreed scheme in place by January 2013 and are consulting on our draft proposals.

Our preferred option aims to limit the impact of the government's reduction on the most vulnerable households and keep the switch as simple as possible. The preferred scheme distributes the funds available as widely as possible, will mean people who are less well off will pay the least, and puts a limit on how much existing claimants will pay in the first year. Our proposals also plan for the council to absorb around £1 million of the estimated £2.5 million reduction.

People of pensionable age are protected, and will receive the same amount of discount as they did under Council Tax Benefit.

However, it does mean most households of working age will need to pay something towards their Council Tax, but we are setting up a fund of around £100,000 as extra protection for the most vulnerable in exceptional circumstances.

Brighton & Hove's preferred draft scheme is based on the below principles:

- support will be in the form of a discount to Council Tax bills, with entitlement assessed by a means test so that people with the least money will receive the most help
- the means test will be based on your income and savings, similar to how Council Tax Benefit is worked out now
- support will be distributed as widely as possible among people eligible to claim the discount
- we will set up a discretionary fund to help the most vulnerable residents get extra support in exceptional circumstances
- the scheme will support people moving into, and on low paid, work.
- the scheme will be reviewed every year and we'll be able make urgent changes if required by legislation

To make sure the switch to the new system is as simple as possible for residents:

- we will provide clear and accessible information to all residents affected by the ending of Council Tax Benefit
- we will ensure people affected can access additional advice and support
- people currently receiving Council Tax Benefit will have their eligibility for the new scheme assessed without having to reapply to the council, unless their circumstances change
- we will put a limit on the amount any household has to pay in the first year, unless their circumstances change

Draft Brighton & Hove Council Tax Low Income Scheme details

The people entitled to reductions under the Brighton & Hove Council Tax Low Income Discount Scheme, and the amount of discount on the Council Tax bill they will be eligible to receive, will be the same as in the current regulations for Council Tax Benefit, subject to any government requirements for Council Tax reduction schemes and the following provisions.

Support for Council Tax for people of pensionable age will be provided through a means tested discount equivalent to what they would have been entitled to under the previous Council Tax Benefit (CTB) system.

The government has committed to protecting pensioners from the impact of changes to Council Tax Benefit. Instead of receiving Council Tax Benefit, eligible pensioners will receive a discount on their Council Tax for the same amount as they received under Council Tax Benefit, assuming no other changes in their circumstances. The only difference they will see is how the discount is shown on their Council Tax Bill. Pensioners who are currently claiming Council Tax Benefit will be automatically transferred to the new scheme and will not need to make a new application.

Support for Council Tax for those of working age will be provided through a means tested discount and in 2013/14 will take into account similar criteria to the current Council Tax Benefits scheme in deciding who is eligible.

This means that decisions on who is eligible to receive help paying their Council Tax will be based on a person's income and savings in the same way as Council Tax Benefit is worked out (apart from the changes we have set out) - for example, other state benefits, earned income and savings. It makes the change to the new system as simple and clear as possible for existing claimants and new applications..

The Council Tax discount for people of working age will be assessed on the basis of 90% of full Council Tax liability.

Due to the reduction in funding from government for Council Tax support, there will be a shortfall of at least £2.5 million to help low income households in Brighton & Hove pay their Council Tax. We're proposing to absorb around £1 million of this but will need to make savings. To do that, we're proposing that if a household qualifies for Council Tax discount, they will be assessed on the basis of 90% of their full Council Tax bill. The actual amount that they pay will depend on their income and savings and any other discount that may apply.

For example, a household receiving full Council Tax Benefit of £18.95 for a Band A property this year, would get a discount of £17.06 per week under the proposed new scheme, which is 90% of their full Council Tax bill (based on 2012/13 Council Tax rates and assuming no other circumstances change).

The earnings disregard for single working age people will be doubled from £5 to £10 per week

Where a single person receives income from work, the first £10 will be ignored when working out how much Council Tax Discount they receive. This is double the current amount and is designed as support for the low waged and those returning to work from periods of unemployment. The earnings disregard for couples (£10) or single parent families (£25) will remain the same as under Council Tax Benefit.

There will be a limit on the extra amount any household has to pay of £3 per week from 2012/13 to 2013/14 as a result of the change to Council Tax Discount assuming there are no other changes in circumstances

Some households in higher Council Tax band properties (likely to be larger families) may face a significant increase in the amount they have to pay as a result of the Council Tax discount being calculated at 90% of their full Council Tax liability. Therefore, we are proposing to limit the increase anyone has to pay at £3 per week for the first year for existing claimants where their circumstances don't change.

There will be a £100,000 per annum discretionary fund to provide additional support in exceptional circumstances to the most vulnerable

This extra money will available to help households pay their Council Tax in exceptional circumstances. The council has yet to decide whether this fund is directly part of the scheme or separate but supplementary to it, but in either case the final scheme will set out the processes for how to apply, the criteria used, and how decisions will be made.

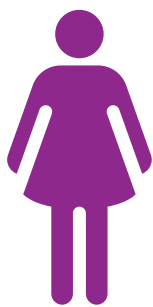
Examples:

The following examples are made-up cases to help explain how the scheme will work in practice.



Couple of pensionable age – the same level of support as CTB

Michael and Pat are 73 and 71 respectively. They currently claim Council Tax Benefit and their award of £17.11 a week is based on means testing their income from state pensions, Michael's work pension and Pat's savings. The full liability for their Band B property is £22.11 per week so they are paying £5.00 a week in Council Tax. When Council Tax discount is introduced, they receive a bill which says they now receive a discount rather than benefit. But the amount they are entitled to is the same at £17.11 and so the £5.00 amount they have to pay also remains the same.



Laura makes a claim for Council Tax Discount
No Council Tax to pay

Pensioner – new claim

Laura is 68, she moves from Worthing to a new rented flat in Brighton in May 2013. Laura is on Pension Credit Guarantee Credit. Her new flat is a Band A property. When she moves she makes a claim for Council Tax discount, because she is a pensioner and because she is on Pension Credit Guarantee Credit, she receives full Council Tax discount and does not have to pay any Council Tax.



Couple in Band A property – standard working age case

Mary lives with her partner in a Band A property and they are both on Job Seekers Allowance. Their Council Tax is £18.95 per week and in 2012/13 they receive full Council Tax Benefit. They will automatically be assessed for Council Tax discount and they will receive a discount of 90% on their full liability which is worth £17.05 per week. They will therefore have to pay £1.90 a week themselves in Council Tax.



Family in Band F property - £3 limit applies

James and Danielle live with their four children in a Band F property. James works but is currently sick and receives statutory sick pay, the family also receive child benefit and tax credits. Their Council Tax is £41.06 per week and they currently receive full Council Tax Benefit. They will automatically be assessed for Council Tax Discount and will receive a discount of 90% on their full liability which is worth £36.95 a week. In theory, this would leave them having to pay £4.11 a week in Council Tax, compared with nothing the previous year. However, this would be capped at £3.00 in the first year. Note that if this family had not previously received Council Tax Benefit and were making a new application, they would have to pay all of the £4.11 per week based on a 90% discount.



Single person in work – earnings disregard applies

Ahmed is 23 and shares a Band B flat with one housemate. He earns £100 per week. His share of Council Tax is £11.05 per week. He currently receives partial Council Tax Benefits of £7.75 per week which is calculated on the basis of the first £5.00 of his earnings being disregarded, so he pays £3.30. When Council Tax Discount is introduced the amount he has to pay is calculated in two steps. Firstly the maximum discount he could receive would be 90% of his £11.05 liability. Secondly, the means test is applied. If there was no change to the earnings disregard he would have to pay £4.40 per week. However an increase in the earnings disregard from £5 to £10 means he now has to pay £3.40, only 10p more than under Council Tax Benefit.

Draft Principles for administration of the Brighton & Hove Council Tax Low Income Discount Scheme and other supplementary information

The details below are subject to further government requirements and may change in the final scheme to reflect consultation responses and emerging Universal Credit obligations.

Council Tax Low Income Discount Scheme

1 Principles for administration

Customers will continue to be required to make applications and provide proof of their circumstances. Likewise there will be obligations on the council to assess those claims, verify the details provided, to give clear decisions and to offer a route for a customer to appeal if they do not agree with the decisions that have been made.

At present Housing Benefit and Council Tax Benefit claims are administered by the Revenues and Benefits team and we are proposing for applications for the new scheme are administered by the same team.

2 Claim process

2.1 Applications

At present the council accepts applications for Council Tax Benefit (CTB) and Housing Benefit (HB) on the same form (either paper or electronic). The council also accepts applications made via Job Centre Plus and the Pension Service.

The information requested in current HB/CTB application forms is likely to be very similar if not identical to the information requested under Council Tax Low Income Discount Scheme (CTLID).

The council proposes to change its forms so that customers can make a joint application for HB and CTLID. The council will try to engage the relevant government departments to work with them to allow their stationery to be used for CTLID claims.

2.2 Evidence

Customers for CTLID will be required to verify their income, capital, and identification. Where possible the council will use its internal systems. Where this is not possible, customers will be asked to provide satisfactory documents. If there is a good reason a person cannot provide these documents, the council will consider making payment of CTLID on account until they can be provided.

2.3 Time scales

The council will set clear targets for processing claims and monitor against them. Where insufficient information has been provided to allow a claim to be assessed, a member of staff will contact that customer by phone to explain what information is needed and when it should be provided.

2.4 Notification

Once the council has made a decision and the outcome is that the person is entitled to some discount, they will be sent a new Council Tax Bill which shows the amount of discount and confirms the reduction in their liability. In the case where the application is not successful, a letter will be sent to that person explaining this decision. In both cases rights of appeal will be set out.

2.5 Appeals

The scheme will contain a right to appeal. The government has yet to stipulate the route for appeals. At present Housing and Council Tax Benefit appeals are heard by the Tribunals Service and appeals over Council Tax liability are heard by the Valuation Office Tribunal.

In any case, the first stage of appeal will be review by a council officer who was not involved in the original decision. Further appeal will either be via a statutory route or via a further internal council process, but is expected to be to the Valuation Office Tribunal.

2.6 Complaints

If an applicant wishes to complain about the Council Tax Low Income Discount scheme or their application, the council's normal complaints channels will be open to them.

2.7 Prescribed requirements

In its publication 'Localising Support for Council Tax, A Statement of Intent', the government has indicated that regulations will prescribe various requirements which must be incorporated in all schemes, such as those which will protect pensioners.

These include provisions to permit access to schemes by people with refugee and similar status, whereas certain other foreign nationals who currently are not eligible for benefit will remain ineligible for the discount under the new schemes.

All requirements prescribed by the government will be incorporated in the council's scheme.

Council Tax Support Equality Impact Assessment (EIA) with Health assessment – APPENDIX 6

(NB: use [hyperlinks](#) in the document to go to the relevant sections or external websites.)

Why we are changing the Council Tax Benefits system?

The Government has decided that there will no longer be a national Council Tax Benefits system from 1 April 2013. Instead the council needs to introduce its own local Council Tax Support system. The planning process for this new system commenced with a report to Cabinet on 14th April 2012 and a draft scheme approved by Policy & Resources Committee on 12th July 2012. The council needs to consider a wide range of policy and financial issues in the design of the new system.

The Law

The [Equality Act 2010](#) says that we (and all statutory services) must work to eliminate discrimination, advance equality of opportunity and foster good relations between groups ([community cohesion](#)). The law says we must do this across a range of 'protected characteristics': [age](#), [disability](#), [ethnicity](#) (or race), [gender](#) (or sex), [gender reassignment](#), [religion or belief](#), [sexual orientation](#), [marriage or civil partnership](#), [pregnancy or maternity](#). The council assessments also cover [other relevant groups](#) and the overall effect on [Families and Children](#).

What this means in practice is that we consider the needs of all individuals in our day to day work – in shaping policy, in delivering services, and in relation to our employees.

The legal duties support us in good decision-making and our commitment to equality. We focus on understanding how different people will or might be affected by our activities so that policies and services are appropriate and accessible to all and meet different people's needs. This means that our services and practices will be fairer, easy to access and make a real difference. They will also be more effective and efficient.

Equality Impact Assessment and Health Assessment

It is recognised that this Council Tax benefit change requires a robust and detailed Equality Impact Assessment (EIA), including consideration of health and well-being impacts. Whilst some consideration of the wider impacts of welfare reform has been included and actions identified (see below) this EIA focuses on this change. The current document contains data derived from both the current Council Tax Benefit caseload and citywide data. Initial consultation has taken place through the Community and Voluntary Sector Forum to identify issues for all groups to complement data collected on claimants.

Following publication of the draft scheme, formal consultation commenced in July 2012, utilising a combination of the council's on-line consultation portal, CVSF facilitated engagement events and press releases directing the public to the on-line consultation documents. At this point consultees would find it easier to comment on specific equalities issues arising from more detailed proposals rather than principles. Later, letters were sent to all those currently in receipt of council tax benefit to let them know how to comment on the proposals.

Consideration has been given to the needs of different stakeholders in the process. Each of these has been considered in relation to how the changes might differently and / or adversely affect people because of their protected characteristics. Mitigating [actions](#) to avoid negative

impacts or reduce/provide alternatives to them have been identified as part of the on-going process and an assessment has been made on how significant the potential impact is.

1. Background and summary of proposed changes

Title of EIA	The Council Tax Reduction Scheme (Brighton & Hove City Council) 2013	Ref No.	
Delivery / Resource / Finance Unit or Intelligent Commissioning name			
Aim of policy or scope of service	<p>The Government has decided that there will no longer be a national Council Tax Benefits system from 1 April 2013. Instead the council will need to introduce its own local Council Tax Support system. The Government's assumption following the last Comprehensive Spending Review is that there will be at least a 10% reduction in expenditure through these changes from 1 April 2013 and that it will be for local authorities to determine how to manage that funding reduction. Initial indications were that Brighton & Hove City Council would receive at least £2.5m less money from Government as a result of this change, although subsequently the Government has announced that a one year transition grant will be available for schemes which meet certain criteria. The Council is being recommended to adjust its proposals so that it is eligible for this grant.</p> <p>Currently Council Tax Benefit is a national system for low income households. You may get Council Tax Benefit if you pay Council Tax and your income and capital (savings and investments) are below a certain level. You may apply whether you rent or own your home, or live rent-free. You could qualify if you are out of work, or in work and earning a wage. Individuals apply for Council Tax Benefits through a single application process for Housing & Council Tax Benefits. If you are eligible for council tax benefits you will receive a reduction in your council tax bill and the council has previously received grant from national government to pay for this.</p> <p>The government has stated that council tax support for older people will not be reduced as a result of the introduction of this reform. This is because the government wants to ensure that low income pensioners, who would struggle to pay council tax without additional support, and whom the government does not expect to work to increase their income, will continue to receive support for their council tax. Pensioner protection will be achieved by keeping in place national rules.</p>		

The council needs to give consideration to vulnerable groups in the design of a new system. The government's consultation response appears to be less prescriptive about how this should be done than perhaps originally envisaged. Rather the government draws councils' attention to existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010.

A full copy of the draft scheme for Brighton and Hove can be found on the council's website.¹ The full scheme is proposed to be made at a meeting of full Council on 13th December, the report will include a copy of the scheme itself. This section of the EIA will be updated once Council has made a decision on the scheme.

Brighton & Hove's preferred draft scheme is based on the following principles:

- Support will be in the form of a discount to Council Tax bills, with entitlement assessed by a means test so that people with the least money will receive the most help. The means test will be based on income and savings, similar to how Council Tax Benefit is worked out now.
- Support will be distributed as widely as possible among people eligible to claim the discount.
- The council will set up a discretionary fund to help the most vulnerable residents get extra support in exceptional circumstances.
- The scheme will support people moving into, and on low paid, work by increasing the earnings disregard for a single person to £10 per week.
- The scheme will be reviewed every year and we'll be able make urgent changes if required by legislation to make sure the switch to the new system is as simple as possible for residents.
- The council will provide clear and accessible information to all residents affected by the ending of Council Tax Benefit.
- The council will ensure people affected can access additional advice and support.
- People currently receiving Council Tax Benefit will have their eligibility for the new scheme assessed without having to reapply to the council, unless their circumstances change.

¹ www.brighton-hove.gov.uk/draft-cts-scheme

- The council will put a limit on the amount any household has to pay in the first year to £3 extra, unless their circumstances change.
- Since further Welfare Reforms are expected to come into effect over the next few years, the annual review described above will consider the additional and cumulative impact of these changes.

The following table summarises the impact on protected groups of the change between the Council Tax Benefit scheme as it currently exists and the proposed The Council Tax Reduction Scheme (Brighton & Hove City Council) 2013. Details of the data used and the mitigations are set out in section 2 onwards. This table demonstrates that all current working age Council Tax Benefit recipients fall into at least one protected characteristic; it also demonstrates that each case is affected in the same way, as such there is no direct disproportionate impact on any particular group. Using all available data we have assessed potential impact. Where potential negative impacts are identified mitigating actions have been developed – see the “potential actions” columns in the other tables below and in particular note that although the standard loss of benefit is to the value of 8.5% of liability, there will be a cap on the maximum detriment that any household faces of £3 per week from 2013 to 2014 as a result of the replacement of council tax benefit with the council’s scheme, assuming there are no changes in circumstances.

Total Households currently claiming CTB	27,809	
Total people in households claiming CTB	49,360	
adults	36,915	
dependent children	12,445	
		<u>How these groups are affected?</u>
households unaffected by changes		
Pensioners households	10,421	Unaffected
households affected by changes		
Non-pensioner households	17,388	Loss of benefit to the value of 8.5% of liability

<u>Impact per protected group</u>	<u>Percentage</u>	<u>Claimant number</u>	
Table 1: CTB claimant age profile – under 65 years			
16 to 18	0.05%	8	Loss of benefit to the value of 8.5% of liability
18 to 24	7%	1,304	Loss of benefit to the value of 8.5% of liability
25 to 34	19%	3823	Loss of benefit to the value of 8.5% of liability
35 to 49	30%	6004	Loss of benefit to the value of 8.5% of liability
50 to 64*	43%	8691	Loss of benefit to the value of 8.5% of liability
*(not all families in this category will be affected because of the shifting pension age, 2,442 are unaffected due to one or member of the household being pension age)			
ethnicity (extrapolated)			
White: British	81%	14084	Loss of benefit to the value of 8.5% of liability
All BME	19%	3303	Loss of benefit to the value of 8.5% of liability
White: Irish	1%	173	Loss of benefit to the value of 8.5% of liability
White: Other White	6%	1043	Loss of benefit to the value of 8.5% of liability
Mixed	2%	347	Loss of benefit to the value of 8.5% of liability
Asian or Asian British	5%	869	Loss of benefit to the value of 8.5% of liability
Black or Black British	2%	347	Loss of benefit to the value of 8.5% of liability
Other	2%	347	Loss of benefit to the value of 8.5% of liability
pregnancy		72 households	Loss of benefit to the value of 8.5% of liability
Disabled		19%	3303
Severely disabled		12%	2086
sex (of claimant of CTB)			
men	43%	7476	Loss of benefit to the value of 8.5% of liability
women	56%	9737	Loss of benefit to the value of 8.5% of liability

sexual orientation (Lesbian, Gay, Bisexual) (extrapolated)	14%	2434	Loss of benefit to the value of 8.5% of liability
transgender There are no existing figures for % of the population who are transgender as an individual figure			Loss of benefit to the value of 8.5% of liability
religion or belief (extrapolated)			
Christian	59%	10258	Loss of benefit to the value of 8.5% of liability
Muslim	1.50%	260	Loss of benefit to the value of 8.5% of liability
Jewish	1.40%	243	Loss of benefit to the value of 8.5% of liability
Buddhist	0.70%	121	Loss of benefit to the value of 8.5% of liability
Hindu	0.50%	86	Loss of benefit to the value of 8.5% of liability
Sikh	0.10%	17	Loss of benefit to the value of 8.5% of liability
other relevant groups: Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc % of CTB cases receiving carers allowance the council does not hold any other data on these categories	4%	695	Loss of benefit to the value of 8.5% of liability

2. Record of data/engagement; impacts identified; and potential actions to meet the Duties.

	Data ¹ that you have	Community engagement exercises or mechanisms ²	Impacts identified from analysis (actual and potential)	Potential actions to advance equality of opportunity, eliminate discrimination, and foster good relations (You will prioritise these below)
<p>Consider:</p> <ul style="list-style-type: none"> • <i>How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).</i> • <i>How to promote equality of opportunity. This means the need to:</i> <ul style="list-style-type: none"> – <i>Remove or minimise disadvantages suffered by equality groups</i> – <i>Take steps to meet the needs of equality groups</i> – <i>Encourage equality groups to participate in public life or any other activity where participation is disproportionately low</i> – <i>Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary</i> • <i>How to foster good relations between people who share a protected characteristic and those who do not. This means:</i> <ul style="list-style-type: none"> – <i>Tackle prejudice</i> – <i>Promote understanding</i> 				
	<p>Note – There are gaps in the equality data collected on CTB claimants. Ways to request and collect equalities data on all ‘protected characteristics’ will be explored as part of the development of the new system.</p>			

¹ ‘Data’ – combination of existing CTB caseload data extracts and Brighton & Hove city wide data as held by the Council Performance & Analysis Team

² The Council has engaged and worked alongside the CVSF and Advice Strategy project on the pre-consultation stage of this policy work. It is a complex subject and very difficult to engage those who are not already familiar with the language of welfare benefits. However, a sector conference was held on 13 June 2012 and presentation was made to the Children & Young People’s Network on 20 June. A briefing and a survey was also circulated to the CVSF membership and to the Advice Services Network. The comments from this pre-consultation work were collated into a report by the CVSF and are attached to this document. Unless stated otherwise the comments included within ‘Community engagement exercises or mechanisms’ come from this report.

<p>Overall actions to reduce and/or mitigate negative impacts</p>	<p>Impacts on all current claimants</p> <p>A direct consequence of the changes to support for Council Tax will be increased pressure on individual and family incomes. This change comes in conjunction with other changes to welfare provision including reductions in general levels of Housing Benefit for people who live in private sector accommodation which started in April 2011; restrictions to the amount of benefit single people who are under 35 can receive from January 2012; restrictions to Housing Benefit from April 2013 for people who live in social accommodation where they have spare bedrooms and an overall cap on benefit to £26,000 per year for families who are not working.</p> <p>Summary of actions to mitigate / reduce negative impacts</p> <p>The Council is working to mitigate the impacts of these changes in a variety of ways from case by case support for the most significantly affected, general publicity and communications, staff and third sector training, specific communications to those affected, agreeing and providing advice and support signposting information with the Advice Services Network; commissioning advice to address some of the specific changes and rationalising what discretionary support options are available through the local authority. It should be noted however that the scope of this EIA is focused on the changes to Council Tax Support and the mitigations available are limited to the provisions of the scheme and the changes the council can influence within this.</p> <p>Advice and support</p> <p>Financial advice and support will be a key support element for those people who will be faced with the change from Council Tax Benefit to the local Council Tax Support provision. In addition to advice on budgeting and priority payments it will be essential for customers to have access to good quality free banking products so payment methods such as direct debits and standing orders can be used to enable people to meet their new financial commitments which the changes to Council Tax support will create. There will be provision in place by April 2013 to assist customers in accessing these facilities. Information which has been provided as part of the consultation and information which has been identified as part of this process will help create the specification for the commissioning of advice services. This information is available in different formats to meet different needs. For example, we have produced a short film on the Council's You Tube site that provides a short summary of the scheme: http://www.youtube.com/user/BrightonandHoveGovUk?gl=GB&hl=en-GB</p> <p>Collection and recovery processes</p> <p>The changes in their present draft form will mean that approximately 10,000 people who receive full council tax benefits because they are on government means tested benefits will now have to pay a contribution; another 3000 people on low incomes currently receive full council tax benefits, (although their award fluctuates through the year meaning they normally have to pay something at some points during the year) will have to make an increased contribution; and another 4000 people working/on a low income receive partial awards will also have to make an increased contribution.. On the whole the amounts owed are likely to be small. The Revenues department within the Council will review its collection and recovery processes to make sure they fit with this type of bill profile because historically the average bill profile will have been significantly higher. This will mean a review of internal processes and methods of communications and working with collection partners in the City, for example the magistrates courts.</p>
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	Data that you have	Community engagement	Impacts identified	Potential actions
<p>Community Cohesion (what must happen in all communities to enable different groups of people to get on well together.)</p>	<p>Council Tax Benefit (CTB) is a household benefit in which one adult makes a claim on behalf of a given household.</p> <p>There are 27,809 households in the city claiming CTB, approximately 23% of all households. 7,278 (26%) of those households contain at least one dependent child.</p> <p>49,360 people live in households in receipt of CTB, 18% of the city's population. This comprises of 36,915 adults, 12,445 dependent children of which 11,830 are aged under 18. This is 17% of the city's adult population and 22% of children aged under 18.</p> <p>All current and potential CTB claimants are protected by the Equality Act 2010 in relation to their protected characteristics. Therefore in developing the new, local scheme we aim to avoid disproportionate negative impact related to protected characteristics.</p> <p>The work to consult on the changes and then communicate the chosen option will include explanation of the rationale and evidence that every effort has been made to develop a fair system. This enables us to explain our legal duty to give 'due regard' to the</p>	<p>The primary concern from consultation has been to protect vulnerable groups and make the scheme as fair as possible and communicate it effectively so that people understand it. There have been no concerns expressed that relate to community cohesion.</p> <p>The only potential cohesion issue has been in relation to students (not a protected group in their own right): pre-consultation via the CVSF revealed concern about students not paying council tax, however there is indirect payment via rent levels and landlord's obligations. Information about this may be included in any publicity about the new scheme to avoid</p>	<p>When introducing a new scheme it is important to ensure that it is fair and is perceived to be fair by people with a stake in it. This EIA is part of the process of evidencing that we have considered the needs of all groups covered in law and others who may be affected by the change, to ensure that no group faces disproportionate impact. Communicating this process and the reasoning behind the scheme agreed at the end of the process will be an important element in increasing acceptance of it across communities.</p> <p>Concerns have been expressed in the consultation about the fairness of the national government proposals and suggestions made that they should be contested. Whilst not a role for local government officers, policy-makers and members should be aware of these concerns and able to respond to them</p>	<p>Our preferred option aims to limit the impact of the government's reduction on the most vulnerable households and keep the switch as simple as possible. The preferred scheme distributes the funds available as widely as possible, will mean people who are less well off will pay the least, and puts a limit on how much existing claimants will pay in the first year.</p> <p>It will be important locally to provide accurate factual information to encourage an informed debate on this subject and to prevent a negative impact on community cohesion.</p> <p>A similar process of accurate information provision will need to occur to ensure that no positive or negative bias is identified based on 'protected characteristic' (these are the groups covered by the Equality Act 2010 and listed below).</p>

	Data that you have	Community engagement	Impacts identified	Potential actions
	<p>needs of 'protected characteristics' groups.</p> <p>Geographical distribution of CTB is also potentially important to community cohesion, in relation to the possible impact on large percentages of ward populations. Distribution of households in receipt of CTB is not evenly distributed across the city. More than two out five households in East Brighton ward (42%) get CTB compared to only one in ten households in Hove Park ward (10%). See Table 6 at the end of this document.</p>	misconceptions.	appropriately.	
Age (people of all ages)	<p>Age data is only available for the CTB claimant and their partner (32,825, 89% of all adult household members).</p> <p>The government has decided that people of pension age are protected from the changes which means that there is no adverse impact on them. The table below shows only claimants aged under 65 years (total 19,830 people).</p> <p>For details of the impact on children please see the families and children</p>	<p>At the CVSF conference significant weight was given to the effect of the overall welfare reforms on young people (aged 16-35). Reference was made to single young people now being one of the most vulnerable groups. On the day feedback indicated that a large proportion of attendees felt that younger people would be more affected by</p>	<p>Feedback from the community and voluntary sector suggests a shift in which benefit claimants may be considered vulnerable. As well as impacts on disabled people and out of work families with children the CVS consultees suggested that single job seekers are also likely to experience negative impacts.</p> <p>Single job seekers do not receive levels of protection afforded in terms of</p>	<p>Discretionary fund of £100,000 to be established to help those in exceptional hardship. Guidance will be given to staff administering the scheme to ensure that claims from under 35's are supported appropriately.</p> <p>We will also work with relevant CVS organisations to ensure information about the scheme is communicated effectively.</p> <p>Increase in the earnings disregard for single people from £5 to £10 per week</p>

	Data that you have	Community engagement	Impacts identified	Potential actions																		
	<p>section below.</p> <table border="1"> <caption>Table 1: CTB claimant age profile – under 65 years</caption> <thead> <tr> <th>Age</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>16 to 18</td> <td>8</td> <td>0.05%</td> </tr> <tr> <td>18 to 24</td> <td>1,304</td> <td>7%</td> </tr> <tr> <td>25 to 34</td> <td>3,823</td> <td>19%</td> </tr> <tr> <td>35 to 49</td> <td>8,038</td> <td>30%</td> </tr> <tr> <td>50 to 64*</td> <td>8,691</td> <td>43%</td> </tr> </tbody> </table> <p>With the likely cumulative impact of the wider welfare changes affecting young people (under 35) the impact of changes to CTB is of particular concern. Nearly 30% of people affected by the change are under 35.</p> <p>*(not all families in this category will be affected because of the shifting pension age, 2,442 are unaffected due to one or member of the household being pension age)</p>	Age	Number	%	16 to 18	8	0.05%	18 to 24	1,304	7%	25 to 34	3,823	19%	35 to 49	8,038	30%	50 to 64*	8,691	43%	the change than some other groups.	<p>premiums, earnings disregards, child care assistance and a generally sympathetic approach from discretionary schemes, which may benefit disabled people and out of work families with children. Therefore they are particularly vulnerable to relatively small reductions in income.</p> <p>Present levels of unemployment amongst individuals who are under 25 in this group are also limiting the option of finding work as a way of mitigating against these changes.</p>	Transitional Protection for the first year fixed at £3 extra per week, which may allow some young people more time to adjust to the new system.
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Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term	Disability data is only available for the CTB claimant and their partner (32,826 or 89% of all adult household members). In this instance a person is defined as disabled if they are in receipt of Disability Living Allowance	People with mental health problems and people with learning difficulties were identified as two groups that would potentially be affected by the change. Concern was raised about communicating	<p>Research² suggests that the cumulative impacts of this change and other national benefits changes will have a disproportionately larger impact on disabled people (and carers, see below) than others.</p> <p>Disabled people are</p>	<p>There is no change to the government requirement of a 100% exemption on grounds of severe mental impairment.</p> <p>Communicating these changes as early and as clearly as possible will allow disabled people and their families time to prepare and adapt.</p>																		

	Data that you have	Community engagement	Impacts identified	Potential actions																																													
adverse effect on their ability to carry out normal day-to-day activities ¹)	<p>(DLA), Severe Disability Allowance and / or Attendance Allowance.</p> <p>Table 2: CTB claimant by age and disability</p> <table border="1"> <thead> <tr> <th></th> <th colspan="2">Disabled</th> <th colspan="2">Severely disabled</th> </tr> <tr> <th>Age</th> <th>N</th> <th>% of age group</th> <th>N</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>16 - 18</td> <td>2</td> <td>18%</td> <td>2</td> <td>18%</td> </tr> <tr> <td>18 - 24</td> <td>147</td> <td>10%</td> <td>102</td> <td>7%</td> </tr> <tr> <td>25 - 34</td> <td>479</td> <td>10%</td> <td>315</td> <td>7%</td> </tr> <tr> <td>35 - 49</td> <td>1,702</td> <td>18%</td> <td>1,049</td> <td>11%</td> </tr> <tr> <td>50 - 64</td> <td>2,048</td> <td>28%</td> <td>1,227</td> <td>17%</td> </tr> <tr> <td>65 and over</td> <td>2,269</td> <td>22%</td> <td>1,714</td> <td>17%</td> </tr> <tr> <td>Total</td> <td>6,647</td> <td>20%</td> <td>4,409</td> <td>13%</td> </tr> </tbody> </table> <p>A fifth of adult living in a CTB household (6,647, 20%) are disabled with 4,409 (13%) severely disabled.</p> <p>One in ten adults (626, 10%) aged 18 to 34 living in a CTB household are disabled (417 (7%) severely disabled).</p> <p>More than a quarter of adults aged 50 to 64 (2,048, 28%) living in a CTB household are disabled. Proportionally this is more than for adults aged 65 and over (2,269, 22%).</p> <p>Among the 7,278 CTB households with at least one dependent child, 577</p>		Disabled		Severely disabled		Age	N	% of age group	N	%	16 - 18	2	18%	2	18%	18 - 24	147	10%	102	7%	25 - 34	479	10%	315	7%	35 - 49	1,702	18%	1,049	11%	50 - 64	2,048	28%	1,227	17%	65 and over	2,269	22%	1,714	17%	Total	6,647	20%	4,409	13%	with vulnerable groups especially in families with multiple vulnerability.	<p>particularly affected by the difficult economic climate as a result of lower income, higher costs, fewer support services, and unpredictable health conditions.</p> <p>Reductions in funding affecting both statutory and CVS services can leave disabled people without support.</p> <p>People with mental health issues and/or Learning Disabilities are likely to need additional support to understand these changes and how to appropriately respond to them, through support workers, carers and families.</p>	Discretionary fund of £100,000 to be established to help those in exceptional hardship.
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	households (8%) have at least one dependent child who is who is receipt of disability related benefits.																	
Gender reassignment (a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. A person does <u>not</u> need to be under medical supervision to be protected)	<p>No information is collected on the gender reassignment status of CTB claimants.</p> <p>Local Count Me In Too research and national data show that Trans people experience higher levels of disadvantage and social / financial exclusion.</p>	Survey circulated via LGBT Health Inclusion Project (LGBT HIP) and through the Equalities Network – comments and suggestions included in the EIA.	Trans people experience high levels of disadvantage and vulnerability. They are more likely to be on low incomes and therefore likely to be in receipt of benefits including CTB.	<p>Ways to request and collect equalities data on all ‘protected characteristics’ will be explored as part of the development of the new system.</p> <p>Discretionary fund of £100,000 to be established to help those in exceptional hardship.</p> <p>We will work with relevant CVS organisations to ensure that Trans people are aware of this scheme and able to apply.</p>														
Race (this includes ethnic or national origins, colour or nationality, including refugees and migrants; and Gypsies and Travellers)	<p>There is no robust and or comprehensive data available from the CTB database about a claimant’s ethnicity.</p> <p>Estimated resident population by broad ethnic group mid-2009:</p> <table border="1"> <thead> <tr> <th rowspan="2">Table 3</th> <th colspan="2">Brighton and Hove ethnicity</th> </tr> <tr> <th>number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>All persons</td> <td>256.4</td> <td></td> </tr> <tr> <td>White: British</td> <td>208.1</td> <td>81%</td> </tr> <tr> <td>All BME</td> <td>48.3</td> <td>19%</td> </tr> </tbody> </table>	Table 3	Brighton and Hove ethnicity		number	%	All persons	256.4		White: British	208.1	81%	All BME	48.3	19%	<p>Survey circulated via Black and Minority Ethnic Community Partnership (BMECP) and through the Equalities Network – comments and suggestions included in the EIA.</p> <p>Feedback also from FFT (Friends, Families and Travellers)</p>	<p>Members of some ethnic groups are less likely to be well networked and therefore less easily able to learn about changes like this. They are also less likely to find it easy to access support schemes or advice. Where people have English as an additional language completing official forms can be a significant barrier.</p> <p>The Council Tax change will</p>	<p>Ways to request and collect equalities data on all ‘protected characteristics’ will be explored as part of the development of the new system.</p> <p>Discretionary fund of £100,000 to be established to help those in exceptional hardship. We will work with relevant CVS organisations and through other means to ensure that BME people are aware of this scheme and able to apply.</p>
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Religion or belief (religion includes any religion with a clear structure and belief system. Belief	Over a quarter of our residents said they had no religion in response to the 2001 census. 59% of our residents (146,466) were Christian, 1.5% were Muslim (3,635), 1.4% were Jewish (3,558), 0.7% were Buddhist (1,747), 0.5% were Hindu (1,300) and 0.1%	Survey circulated via the 'religion and belief' rep on the Equalities Network – comments and suggestions included in the EIA.	As with ethnicity some religious groups are more effectively linked into statutory and support services and therefore will know more about the changes and be able to	<p>Ways to request and collect equalities data on all 'protected characteristics' will be explored as part of the development of the new system.</p> <p>Discretionary fund of £100,000</p>																		

	Data that you have	Community engagement	Impacts identified	Potential actions																																												
means any religious or philosophical belief. The Act also covers lack of religion or belief.)	<p>were Sikh (237).</p> <p>We have no data on the religion or belief of CTB claimants locally and the census data for 2011 will not be available in time for this project. However, as for ethnicity, some religious groups experience different levels of disadvantage</p>		access support better.	<p>to be established to help those in exceptional hardship. We will work with relevant CVS organisations to ensure that people from different faith groups and of no faith are aware of this scheme and able to apply.</p> <p>Communicating these changes as early and as clearly as possible will allow people of all faiths and none time to prepare and adapt.</p>																																												
<p>Sex (both men and women are covered under the Act)</p>	<p>Gender data is only available for the CTB claimant and their partner (32,805, 89% of all adult household members)</p> <table border="1"> <thead> <tr> <th rowspan="2">Table 4 Age</th> <th colspan="2">Male</th> <th colspan="2">Female</th> </tr> <tr> <th>n</th> <th>%</th> <th>n</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>16 - 18</td> <td>4</td> <td></td> <td>7</td> <td></td> </tr> <tr> <td>18 - 24</td> <td>479</td> <td>32%</td> <td>1,032</td> <td>68%</td> </tr> <tr> <td>25 - 34</td> <td>1,751</td> <td>37%</td> <td>2,980</td> <td>63%</td> </tr> <tr> <td>35 - 49</td> <td>4,141</td> <td>44%</td> <td>5,234</td> <td>56%</td> </tr> <tr> <td>50 - 64</td> <td>3,504</td> <td>49%</td> <td>3,591</td> <td>51%</td> </tr> <tr> <td>65 and over</td> <td>3,888</td> <td>39%</td> <td>6,200</td> <td>61%</td> </tr> <tr> <td>Total</td> <td>13,763</td> <td>42%</td> <td>19,037</td> <td>58%</td> </tr> </tbody> </table> <p>Among CTB claimants and their partners, 58% are female and 42% male. This compares to a city profile of residents aged over 16 of 50% males</p>	Table 4 Age	Male		Female		n	%	n	%	16 - 18	4		7		18 - 24	479	32%	1,032	68%	25 - 34	1,751	37%	2,980	63%	35 - 49	4,141	44%	5,234	56%	50 - 64	3,504	49%	3,591	51%	65 and over	3,888	39%	6,200	61%	Total	13,763	42%	19,037	58%	<p>Lone parents are a group that loses a particularly large amount from tax and benefit changes to be introduced after 2012–13. Because more than 90% of lone parents are women this drives the overall difference in the impact of reforms between single men and single women. Much of the remaining difference between single men and women without children arises because of</p>	<p>There are differences in women's employment and earnings patterns including the continuing national gender pay gap. This as well as the fact that women head up around 90% of lone parent families can lead to a socio-economic disadvantage and increased reliance on state support.</p> <p>Women also still tend to hold the main responsibility for child care and other caring responsibilities which can limit their ability to seek employment.</p>	<p>Communicating these changes as early and as clearly as possible will allow women and their families time to prepare and adapt.</p> <p>We will ensure that all Children Centre staff are well informed of the changes and work with partners to offer appropriate advice and share knowledge of support services.</p> <p>We will work with women's sector organisations in the city and men's groups to publicise these changes and the support available.</p> <p>Discretionary fund of £100,000</p>
Table 4 Age	Male		Female																																													
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	Data that you have	Community engagement	Impacts identified	Potential actions
	<p>and 50% females.</p> <p>Nearly two-thirds of adults in CTB households aged under 35 yrs are women (64%).</p> <p>The vast majority of single parent families in receipt of CTB in the city are headed by women: 94.4%. In one in twenty single parent households (263, 5.4%) the single parent is male.</p> <p>See also the section below on Families and Children.</p>	<p>differences in the average income of men and women living alone: women tend to do fewer hours of paid work than men, on average, and earn less per hour of paid work.</p> <p>Domestic violence which disproportionately affects women was highlighted as an additional vulnerability</p>		<p>to be established to help those in exceptional hardship.</p>

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	Data that you have	Community engagement	Impacts identified	Potential actions
<p>Sexual orientation (the Act protects bisexual, gay, heterosexual and lesbian people)</p>	<p>We have no data on the sexual orientation of CTB claimants locally.</p> <p>Brighton & Hove's State of the City report estimated that at least 14% (38,000 of the 2011 census population) of Brighton & Hove's adult residents are lesbian, gay, bisexual or transgender.</p>	<p>Count Me In Too research and national data demonstrate that many LGB people experience higher levels of disadvantage and financial exclusion than other groups.</p> <p>Survey circulated via LGBT Health Inclusion Project (LGBT HIP)</p>	<p>Many LGB people experience significant social exclusion and vulnerability due to hate crime and harassment. This can have an impact on their education, employment and earning ability and can therefore increase their likelihood of social-economic disadvantage.</p> <p>It can also increase their vulnerability to mental health issues and impact upon their capacity to work, thereby increasing their likelihood of claiming benefits.</p>	<p>Ways to request and collect equalities data on all 'protected characteristics' will be explored as part of the development of the new system.</p> <p>Discretionary fund of £100,000 to be established to help those in exceptional hardship. We will work with relevant CVS organisations to ensure that LGB people are aware of this scheme and able to apply.</p> <p>Communicating these changes as early and as clearly as possible will allow LGB people and their families time to prepare and adapt.</p>

	Data that you have	Community engagement	Impacts identified	Potential actions	
Marriage and civil partnership (only in relation to due regard to the need to eliminate discrimination)	NB: figures below for single households where the person is aged over 65 (therefore will not be affected by the CTB changes are shown separately and for reference only.				
	Table 5: Household composition				
		N	% of all households		
	Single person households aged under 65 yrs	9,540	34%	Issues for single parents are addressed in the 'families and children' section below. No impacts are identified relating to marriage or civil partnership status.	No actions identified.
	<i>Single person households aged over 65 yrs</i>	6,432	23%		
	Two or more adults with at least one dependent child	2,437	9%		
	Single parent with at least one dependent child	4,845	17%		
	Two or more adults with no dependent children	4,559	16%		

	Data that you have	Community engagement	Impacts identified	Potential actions
	More than a half (57%) of all households in receipt of CTB are single person households, of which 6,104 (22%) are single pensioner households.			
Pregnancy and Maternity	Among all household in receipt of CTB, for 72 households at least one person is also in receipt of statutory maternity pay.		Issues related to single parents and families and children are identified and addressed in other sections of this document.	See other relevant sections.
Other relevant groups eg: Carers, people experiencing domestic violence, substance misusers, homeless people, looked after children etc	<p>Among all household in receipt of CTB, for 1,071 households (4%) at least one person is also in receipt of Carers Allowance.</p> <p>Research suggests that the cumulative impacts of this change and other national benefits changes will have a disproportionately larger impact on disabled people (see above) than others. This has an impact on carers too.</p> <p>We have no data locally on these issues for CTB claimants.</p>		Issues such as caring responsibilities, substance misuse, domestic violence, being ex-armed forces, or an ex-offender can also have a significant impact on income and other aspects of financial exclusion.	<p>Discretionary fund of £100,000 to be established to help those in exceptional hardship. We will work with relevant CVS organisations to ensure that all potentially vulnerable people are aware of this scheme and able to apply.</p> <p>Communicating these changes as early and as clearly as possible will allow potentially vulnerable people and their families time to prepare and adapt.</p>
Effect on Families and Children (including	The latest figures for children living in poverty (2009) show 22% of children in Brighton and Hove live in poverty; approximately 10,555 children. Of those 72.8% live in lone parent	The Brighton & Hove Child Poverty Needs Assessment 2011 and the Brighton & Hove Child Poverty	The Brighton & Hove Child Poverty Commissioning Strategy identifies welfare reform as a key imminent pressure on family income	<p>Operational actions:</p> <ul style="list-style-type: none"> • Welfare reform briefings for key Children Centre staff • Children's Centre programme with Brighton

	Data that you have	Community engagement	Impacts identified	Potential actions
Child Poverty)	<p>households and 77.5% live in out of work families.</p> <p>East Brighton ward has the highest poverty with 46.9% percent of children living in poverty. The Brighton & Hove Child Poverty Needs Assessment 2011 shows in addition that some families have a higher risk of living in poverty, most notably families with a child or parent with a disability, families with larger numbers of siblings, and some BME families.</p>	<p>Commissioning Strategy 2012-15 included an extensive consultation on the drivers and the experience of poverty in the City with statutory and CVS organisations supporting children and families and through CVS organisations with families and young people.</p>	<p>and family health. This was based upon both local consultation as detailed previously. There is also significant national research about both the effects of poverty and persistent poverty on children and families (there are medium and long term impacts of deep and persistent poverty on children's cognitive development, their educational attainment and their health and wellbeing); and specifically the disproportionate impact of welfare reform on children and families.</p> <p>JSNA highlights links between child poverty and families with disabled children e.g. higher proportion of children with disability in East Brighton and Moulsecoomb and Bevendean</p>	<p>Housing Trust advice team to advise on money issues</p> <ul style="list-style-type: none"> • Money Matter campaign pilot using the Family Information Service and health professionals • Family Information Service pilot of health visitor referral for targeted families. • Children's Centre Programme to undertake joint training with Housing and Social Exclusion staff to improve joint knowledge of services. • Promote uptake of free school meals and breakfast clubs in most affected areas. • Promotion of Brighton and Hove Living Wage. <p>Strategy and Planning actions:</p> <ul style="list-style-type: none"> • Identification of vulnerable children and families as a group facing significant pressures as a result of welfare reform within: EIAs, Strategies, Plans and Actions that seek to mitigate the impact of welfare reform. • Considering cumulative impacts of changes, and medium/long term impacts of deep and persistent poverty.

	Data that you have	Community engagement	Impacts identified	Potential actions
Health Impact Assessment	<p>The social model of health (see diagram below) emphasises the impacts that socio-economic factors have on peoples living and working conditions and their health, wellbeing and lifestyles. The current financial recession, welfare reforms and implications for household income and resulting health inequalities are of public health concern.</p> <p>Evidence shows that level of household income affects household health. A review of the impact of the economic downturn and policy changes indicated that the key issues are:</p> <ul style="list-style-type: none"> • Relationship between poverty and mental ill health, particularly among women. The relationship is bi-directional: those with mental health problems are more likely to get into debt and debt is associated with increased risk of mental ill health. • Impact of child poverty on the health and development of children. Including increased risk of mortality in first year of life, lesser personal social emotional development at school start; significantly increased risk of behaviour disorders. These factors consequently impact on educational attainment and mental health throughout the life course. • Impact of low income on healthy living. Households on low incomes are more likely to have insufficient resources to live a healthy life e.g. <ul style="list-style-type: none"> ○ food options/choices – may be inclined to buy more of the many highly processed ‘unhealthy’ foods which are sold at reduced prices ○ reductions in money spent in physical activity pursuits e.g swimming, ○ reductions in expenditure on hobbies, creative pastimes and social activities which have protective effects ○ increase use of unhealthy coping mechanisms to (seemingly) alleviate stress: alcohol, tobacco and drugs <p>Within the population, groups such as disabled people, those with long term conditions and households in fuel poverty are vulnerable to being disproportionately affected.</p>			
	<ul style="list-style-type: none"> • Association between income, debt and mental health (bi-directional) • Brighton and Hove Joint Strategic Needs Assessment (JSNA) highlights higher than average prevalence of mental health problems in City • JSNA and mental health needs assessment identifies needs highest in East of City where proportion of residents affected by changes is highest 		<p>Debt associated with increased risk of mental health problems e.g. stress and anxiety</p> <p>Additional stress on those already managing mental health problems</p> <p>Increased risk of unhealthy coping mechanisms e.g. alcohol, substance misuse, tobacco.</p>	<p>Communication with key health workers i.e. primary care mental health workers, Integrated Primary Care Teams, GPs, health trainers to alert them to potential impacts on people with mental health problems and the areas and population groups most affected.</p> <p>Communication on sources of advice and support, including</p>

	Data that you have	Community engagement	Impacts identified	Potential actions
	<p>JSNA identifies health and wellbeing inequalities and needs in groups identified as most affected by the implementation of council tax support scheme including:</p> <ul style="list-style-type: none"> • Vulnerable groups including LGB people, disabled people, carers • Inequalities associated with socioeconomic deprivation and areas of deprivation (e.g. East Brighton) 		<p>Stress on family relationships</p> <p>Potential increase in need / demand for primary care mental health services.</p> <p>Effect of budgeting – reductions in income forces people to invest time and effort in managing the ramifications and means they have less to spend on supportive behaviours, positive health choices for example:</p> <ul style="list-style-type: none"> • food options/choices – may be inclined to buy more of the many highly processed ‘unhealthy’ foods which are sold at reduced prices • reductions in money spent in physical activity pursuits e.g. swimming, 	<p>debt management, to key health workers.</p> <p>MIND, CRI, Carers Centres East Brighton public health commissioned services informed of changes and sources of further information.</p> <p>In longer term ensure future Mental Health Promotion Strategy under development recognises socioeconomic impacts, including debt, and targets action accordingly.</p> <p>In addition to the actions identified in the EIA, ensure effective targeting of healthy living services to most affected groups and areas e.g. active living, food projects, healthy eating on a budget information, stop smoking services.</p> <p>Integrate with other initiatives e.g.</p> <ul style="list-style-type: none"> • families with complex and multiple needs • carers needs assessments. • Promotion of free swimming for under 16s.

	Data that you have	Community engagement	Impacts identified	Potential actions
			<ul style="list-style-type: none"> • reductions in expenditure on hobbies, creative pastimes and social activities which have protective effects • increase use of unhealthy coping mechanisms to (seemingly) alleviate stress alcohol, tobacco and drugs <p>Long term impact on increased risk of development of long term conditions including diabetes and cardiovascular disease, potentially increasing health inequalities</p>	

3. Prioritised Actions:

NB: you should also highlight here if there is potential for cumulative impact across the service or for a specific group.

Action	Timeframe	Lead Unit	Evidence of progress	Success measure
ADDITIONAL / FULL DETAILS WILL BE ADDED AFTER COUNCIL APPROVAL ON 13 DEC 2012				
Case by case support for the most significantly affected.	Dec 2012 – April 13	CTS Project team	Providing advice provision	
Provide general publicity and communications, staff and third sector training.		CTS Project Team Comms Revs & Bens		
Agree and provide advice and support signposting information with the Advice Services Network.		Revs & Bens		
Use the EIA information to help create the specification for the procurement of advice services to address some of the specific changes.		Equalities & Inclusion Revs & Bens		
We will also work with relevant CVS organisations to ensure information about the scheme is communicated effectively to enable informed decision-making.	Underway	Revs & Bens		
The Revenues department within the Council will review its collection and recovery processes to make sure they fit with this type of bill profile. This will mean a review of internal processes and methods of communications and working with collection partners in the City, for example the magistrates courts.	Underway	Revs & Bens		

Explore ways to request and collect equalities data on all 'protected characteristics' as part of the development of the new system.		Equalities & Inclusion Revs & Bens		
Provide accurate factual information to encourage a constructive debate on this subject, ensure that no positive or negative bias is perceived, and to prevent a negative impact on community cohesion.	Underway	Revs & Bens Comms		
Discretionary fund of £100,000 to be established to help those in exceptional hardship. Guidance will be given to staff administering the scheme to ensure that claims are supported appropriately.		Revs & Bens	Work will be undertaken in conjunction with the CVSF on the administration of the discretionary fund.	
Actions addressing potential impacts of wider welfare reform				
Continue welfare reform briefings for key children centre staff to ensure trusted workers that link with vulnerable families are aware of the arriving and expected financial pressures upon families and may better sign post to advice agencies for benefits and debt.	Complete	Sure Start	All key staff in children's centres are aware of key Welfare Reform changes	The additional knowledge has led to new initiatives e.g. initiation of Fareshare food pick up point at Moulsecoomb Children's Centre
Money Matter campaign pilot (Tarnar Children's Centre) using the Family Information Service and health professionals to gateway booked appointment with advice agencies at the Centre and in the local area.	Complete	Sure Start	Marketed campaign complete. FIS continuing to gateway advice needs with additional support from Brighton Housing Trust Advice Team in Autumn 2012	Evaluation from clients shows reduction/management of debt, additional benefits gained, reduced stress as a result.
Family Information Service pilot has tested a health visitor referral for targeted families. FIS offering a range of support, advice and signposting to advice on money matters, benefits, housing and cost of living issues.	Complete for Tarnar now extended for East Brighton to commence October 2012	Sure Start	FIS completed 3 month pilot offering targeted families using Tarnar Children's Centre services a range of support centred around	Very positive results. The work is now being extended to Roundabout Children's Centre in Whitehawk. Feasibility of expanding it to all parts of

			debt, housing, cost of living and benefit issues	the City now being considered
Children's Centre Programme to undertake joint training with Housing Needs and Social Inclusion. Staff to facilitate better joint knowledge of services and develop deeper knowledge around financial inclusion and money matters – Autumn 2012	November 2012	Sure Start Housing Needs and Social Inclusion		
Communication with key health workers i.e. primary care mental health workers, Integrated Primary Care Teams, GPs, health trainers and other health and wellbeing services to alert them to potential impacts and available support, including debt management.	January 2013	Public Health		
Mental Health Promotion Strategy under development recognises socioeconomic impacts, including debt, and targets action accordingly.	March 2014	Public Health		
Integrate with other initiatives e.g. <ul style="list-style-type: none"> • families with complex and multiple needs • Carers' needs assessments. • Promotion of free swimming for under 16s • Promote uptake of free school meals among those currently eligible 				

Signing of EIA:-

Lead Equality Impact Assessment Officer:

Tracey Wallace

Date: 9th Oct 2012

Head of Unit

Valerie Pearce

Date: 10th Oct 2012

Communities and Equality Team

Sarah Tighe- Ford

Date: 9th Oct 2012

NB: Actions must now be transferred to service or business plans

You must also complete and submit a summary of the EIA in the Publication Template (see below)

4. Attach data and/or engagement lists as appendices.

Title (of data or engagement)	Date	Main findings	Gaps in data	Contact

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Table 6

This shows that the distribution of households in receipt of CTB is not evenly distributed across the city. More than two out five households in East Brighton ward (42%) get CTB compared to only one in ten households in Hove Park ward (10%).

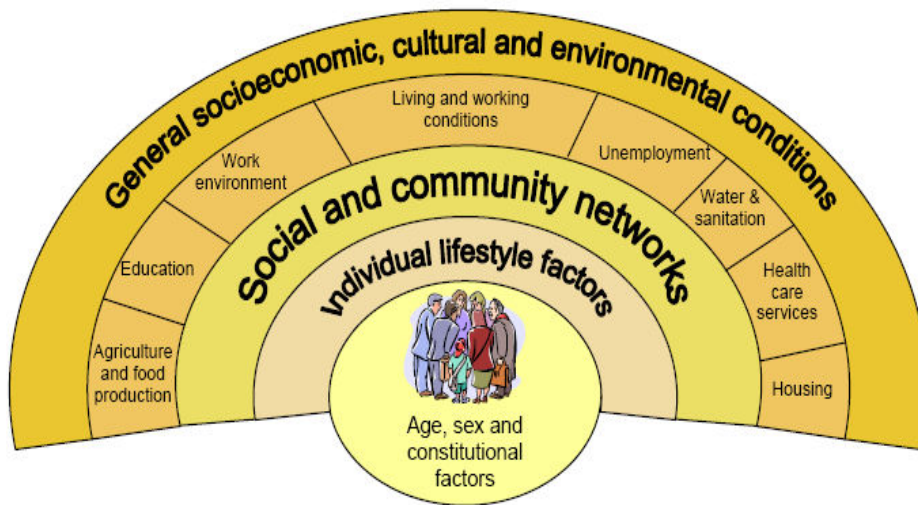
Data Source: Data extract 1578 from the CTB Database, 7 June 2012						
	Households in receipt of CTB	All household (2001 Census)	Percentage of all households	Claimants aged 65 and over	Claimant aged under 65	Percentage of households affected
East Brighton	2,706	6,468	42%	750	1956	30%
Moulsecoomb and Bevendean	1,991	5,601	36%	504	1486	27%
Hollingdean and Stanmer	1,847	5,029	37%	533	1313	26%
Queen's Park	2,580	7,408	35%	877	1702	23%
St. Peter's and North Laine	1,866	7,154	26%	388	1477	21%
Hangleton and Knoll	1,813	5,931	31%	721	1092	18%
Hanover and Elm Grove	1,449	6,101	24%	361	1088	18%
South Portslade	1,011	3,830	26%	350	660	17%
North Portslade	1,051	4,155	25%	363	688	17%
Regency	951	4,980	19%	189	762	15%
Brunswick and Adelaide	1,085	5,426	20%	260	824	15%
Westbourne	953	4,315	22%	303	650	15%
Woodingdean	957	3,822	25%	398	559	15%
Central Hove	986	5,052	20%	284	701	14%
Goldsmid	1,516	7,368	20%	496	1019	14%
Wish	865	3,899	22%	355	510	13%
Preston Park	1,032	6,142	17%	294	738	12%
Patcham	1,041	5,790	18%	430	611	11%
Rottingdean Coastal	812	5,907	14%	333	479	8%
Withdean	749	6,139	12%	294	455	7%
Hove Park	386	3,961	10%	153	233	6%
Not known	162			53	108	
Total	27,809			8689	19111	

Note: the Index of Multiple Deprivation (IMD) 2010 is considered the official measure of deprivation for England. IMD 2010 is based on the small area geography known as Lower Super Output Areas (LSOAs). There are 164 LSOAs in Brighton & Hove. 37 (22%) of Brighton & Hove's LSOAs are in the 20% most deprived areas in England.

Over a third of households (10,553, 38%) in receipt of CTB live in one of these 37 LSOAs.

The Social Model Of Health

The social model of health emphasises the impacts that socio-economic factors have on peoples living and working conditions and their health, wellbeing and lifestyles. The current financial recession, welfare reforms and implications for household income and resulting health inequalities are of public health concern.



Reference: Whitehead and Dahlgren³

Appendix 7 – transitional and scheme principles

Transition Principles

- the council will provide clear and accessible information to all those affected by the ending of Council Tax Benefit
- the council will ensure those affected by the ending of Council Tax Benefit can access additional advice and support
- those people who are currently receiving Council Tax Benefit will have their eligibility for Council Tax Support assessed without having to reapply to the council*
- eligibility for Council Tax Support in 2013/14 will be determined on the basis of the same factors as for Council Tax Benefit in 2012/13
- there will be a cap on the maximum detriment that any household faces in the transition period*

* assuming no other changes in their circumstances

Scheme Principles

- Council Tax Support entitlement will be assessed by a means test so that those with the least ability to pay will receive the highest levels of assistance.
- Council Tax Support resources will be distributed as widely as possible amongst those eligible to claim the discount
- There will be a discretionary discount fund to ensure that the most vulnerable can access additional support in exceptional circumstances
- The Scheme will support people moving into, and on low paid, work.

Council	Agenda Item 64
13 December 2012	Brighton & Hove City Council

Subject:	Gambling Act 2005 – Revised Policy		
Date of Meeting:	13 December 2012		
	22 November 2012 – Licensing Committee		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Tim Nichols	Tel: 29-2163
	E-mail:	Tim.nichols@brighton-hove.gov.uk	
Wards Affected:	All		

FOR GNERAL RELEASE

<i>Action Required of Council:</i> To receive the item referred from the Licensing Committee (Licensing Act 2003 Functions) for approval:
Recommendation:
That the Committee agrees that the final version of the Statement of Gambling Policy (included with the report appended hereto) be referred to Full Council for adoption.

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

3.00PM 22 NOVEMBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hawtree, Hyde, J Kitcat, Marsh, Pidgeon, Shanks, Simson and C Theobald

14. GAMBLING ACT 2005 - REVISED POLICY

- 14.1 The Committee considered a report of the Head of Planning and Public Protection requesting that they agree the council's updated Statement of Gambling Policy, for which there was a legal requirement for it to be reviewed and published every three years.
- 14.2 It was explained that The Gambling Act 2005 required Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they proposed to apply when exercising their functions. The statement had to be published following the procedure set out in the Act, including whom should be consulted. That consultation process had commenced on 16 July 2012 and had lasted 12 weeks. The existing Statement of Gambling Policy had been sent to consultees and had been made available on the council's website.
- 14.3 Eight responses had been received, including responses from Sussex Police, the Racecourse Association, Brighton Racecourse, the National Casino Industry Forum, a medical practitioner, The Quakers Society, Sussex Deaf Association and The Campaign for Fair Gambling. The responses had been evaluated and all respondents had been in favour of them as framed. No proposals had been made for any changes and it was therefore proposed to maintain the council's existing policy as set out in Appendix 1 to the report.
- 14.4 Councillor Hawtree stated that he was concerned regarding the number of betting shops located across the city having observed that there were several in the George Street area of Hove, a new premises having opened recently in close proximity to those which were already in existence. The Licensing Manager, Mrs Cranford stated that the number of premises across the city varied between, 90-100 and that this figure was fairly constant. The Head of Regulatory Services, Mr Nichols stated that in some parts of the country problems had arisen where takeaways, off licences and gambling establishments were located in close proximity to one another. However, such problems had not been experienced Brighton and Hove and in consequence the Policy itself was concise and had recognised this issue, however, any future policy review should, if necessary, address emerging situations where gambling becomes a source of disorder.
- 14.5 Councillor Simson enquired regarding the process to be observed when a premises applied for a betting shop licence. The Head of Regulatory Service, Mr Nichols explained that there was a consultation process and that included consultation within the local community where a premises was to be located. However such premises attracted very few objections. In the past these had been from other gambling premises licence holders and on one occasion the Gambling Commission.
- 14.6 **RESOLVED TO RECOMMEND** - That the Committee agrees that the final version of the Statement of Gambling Policy (included with the report appended hereto) be referred to Full Council for adoption.

13 December 2012

Brighton & Hove City Council

Subject:	Gambling Act 2005 – revised policy		
Date of Meeting:	13 December 2012 22 November 2012 – Licensing Committee		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Tim Nichols	Tel: 29-2163
	Email:	tim.nichols@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees to refer the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following Gambling Commission guidance, the council's current Gambling Statement was sent to all statutory consultees.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation commenced 16 July 2012 and lasted 12 weeks. The existing statement of gambling policy was sent to consultees and was available on the council's website.
- 4.2 Eight responses were received including Sussex Police, the Racecourse Association, Brighton Racecourse, the National Casino Industry Forum, a medical practitioner, The Quakers Society, Sussex Deaf Association and The Campaign for Fair Gambling. The responses were evaluated. Respondents were in favor. No proposals were made for any changes and therefore it is proposed to maintain our existing policy. (See appendix 1).

- 4.3 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must
- a) Specify the date on which the statement is to be published
 - b) Specify the date on which the statement will come into effect
 - c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
 - d) Be published on the authority's website and in or on one or more of the following places
 - A local newspaper circulating in the area covered by the statement
 - A local newsletter, circular or similar document circulating in the area covered by the statement
 - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 22 November 12
- Full Council 13 December 2012
- Advertised and published during December 2012.
- January 2013 Revised Statement comes into effect

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of producing the Statement of Gambling Policy have been met from within existing revenue budgets. There are no additional financial implications arising from this report.

Finance Officer Consulted: Karen Brookshaw

Date: 18/10/12

Legal Implications:

- 5.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted: Rebecca Sidell

Date: 19/10/12

Equalities Implications:

- 5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the

assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Gambling Commission Inspectors will have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

Risk and Opportunity Management Implications:

5.6 Gambling licensing objectives are:
(a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
(b) Ensuring gambling is conducted in a fair and open way
(c) Protection children and other vulnerable persons from being harmed or exploited by gambling.

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The Council must publish a policy.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To refer and present the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of responses received.
2. Proposed Revised Gambling Statement

Documents in Members' Rooms

1. None

Background Documents

1. None

Summary of responses to Gambling Consultation 2012

Responders: Trade

From:	Response	whether accommodated or reasons not
Racecourse Association	<p>I am writing on behalf of the Racecourse Association, the trade association for horse racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for Brighton and Hove City Council, to which we would like the opportunity to respond on behalf of our members.</p> <p>Separate Licenses for Certain Facilities (paragraph 2.8) – The RCA is supportive of the Council's view that arrangements regarding separate premises licenses for off-course operators will be at the discretion of the racecourse and the betting operator.</p> <p>Location (paragraph 4.2 page 11) - The proposed location of gambling premises may be taken into account when assessing the application. The RCA is supportive of The Council's recognition that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.</p> <p>Door Supervisors (paragraph 2.5 page 8) - The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the stipulation that the Council will seek to avoid duplication with other regulatory regimes, the Councils should not impose any further provisions relating to door supervisors.</p> <p>Betting machines (paragraph 2.17 pages 10-11) - The Councils are asked to</p>	Support for current policy

	note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfill any conditions with regard to the provision and supervision of these machines.	
Brighton Racecourse	By telephone – in total support of existing policy.	Support for current policy
Campaign for Fairer Gambling	<p><u>Introduction</u> The Campaign for Fairer Gambling has been concerned about B2 machines, also known as Fixed Odds Betting Terminals (FOBTs), in Licensed Betting Shops (LBOs) for some time. The maximum stake of £100 with a spin nearly every 20 seconds on addictive roulette content, in easy-access minimal-control LBOs is totally illogical. By comparison the maximum stake on a casino slot machine is generally £2. The vast majority of the turnover on FOBTs is on roulette, which is a faster pace than casino roulette, resulting in faster FOBT gambler losses.</p> <p><u>Concentration of betting shops</u> Analysis should commence with reflecting on what the LBO sector would look like if FOBTs had not been introduced. It is logical to assume there would have been similar trends as in many other sectors. These are a reduction in the total number of units and an increase in the size of the units. Inevitably this would have resulted in a far lower concentration than is currently the case.</p> <p>Simply, it is FOBTs that have led to an increase in the number of units – which has led to clustering – because of a limitation of 4 machines maximum per shop. A 15% increase in the number of LBOs since 2000 (1,100) is also accompanied by an increase in retail floor space as bookmakers re-site traditional over-the-counter (OTC) betting shops onto High Street mini-casino locations with larger floor space.</p>	<p>Already law</p> <p>N/A</p>

	<p>The recent DCMS select committee report recommended an increase in the maximum number of FOBTs per LBO as an anti-clustering measure. But the reality is that there would just be more FOBTs and more clustering of FOBTs and no impact on LBO concentration.</p> <p>Slot machines on the Las Vegas Strip are open 24 hours a day and take around £450 per machine each week. By contrast, trading for far less hours, William Hill takes around £900 a week per FOBT. Bookmakers could easily justify doubling the number of FOBTs nationally, but in areas with higher volumes of activity than the UK average there is every reason to think that a trebling of FOBTs would be viable for bookmakers.</p> <p>Under current legislation there will continue to be a growth in both LBO numbers and LBO concentration stimulated by FOBTs, unless there is appropriate action by Local Authorities (LAs). The replacement of Amusement Machine Licensing Duty (AML D) with Machine Game Duty (MGD) in January 2013 will exacerbate the problem of clustering. AML D works as a fixed charge per LBO, but this will be replaced with a 20% “profit share” style tax (MGD). Higher end shops will pay more under the new regime, but the change will improve the viability of lower end LBOs, resulting in an increase in LBOs.</p> <p>The prevention of problem gambling and harm to young and vulnerable persons are both licensing objectives. Where those objectives are not being attained then this should provide grounds for denial of licensing. The clustering of LBOs results in problem gamblers moving from FOBT to FOBT, from shop to shop in order to satisfy their addiction.</p> <p><u>Extension of opening hours</u></p> <p>Bookmakers will argue that they want to cater for demand. But the accessibility, marketing and addictive nature of FOBT roulette creates the demand. Extended opening hours means minimal staff providing minimal oversight of increased</p>	N/A
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	<p>FOBT gambling and increased consequential addiction, harm and crime.</p> <p>Bookmakers may purport they want to attract wagering on overseas or esoteric sports at unusual hours. Yet there is very little consumer interest in these products, certainly not enough to justify extended opening hours. Also bookmakers have a long history of refusing wagers at advertised prices if being placed by known competent gamblers. They even refuse wagers at advertised prices by unknown persons if wagers are to win above certain amounts. So bookmakers do not cater for the existing demand for OTC betting and should be denied any extension of hours of operation.</p> <p><u>Crime and disorder in betting shop vicinity</u> FOBTs have resulted in an increase in abuse of staff and crime on premises. Damage to FOBTs is going unreported in some cases. Accepting wagers from under-age gamblers is common on FOBTs. With the lack of sobriety verification of FOBT gamblers there is likely to be crime in the vicinity as a consequence of under-the-influence FOBT gambler losses. But with the impracticality of LAs or police regularly monitoring betting shops and inadequate staff numbers and with no staff willingness to challenge FOBT gamblers, these problems will escalate. Bookmakers are failing in yet more of their licensing obligations.</p> <p><u>Primary use of the betting shop</u> By virtually every factor the primary use of the LBO is FOBT gaming not OTC betting.</p> <table border="1" data-bbox="611 1129 1397 1315"> <thead> <tr> <th></th> <th><u>OTC Betting</u></th> <th><u>FOBT Gaming</u></th> </tr> </thead> <tbody> <tr> <td>Gross gaming yield</td> <td>50%</td> <td>50%</td> </tr> <tr> <td>Turnover</td> <td>20%</td> <td>80%</td> </tr> <tr> <td>Transactions</td> <td>20%</td> <td>80%</td> </tr> <tr> <td>Wagers</td> <td>5%</td> <td>95%</td> </tr> </tbody> </table>		<u>OTC Betting</u>	<u>FOBT Gaming</u>	Gross gaming yield	50%	50%	Turnover	20%	80%	Transactions	20%	80%	Wagers	5%	95%	<p>N/A</p> <p>N/A</p>
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	<p>The gross gaming yield was slightly less than 50% for FOBTs in the year to Sept 2011. But this is of course now a year out-of-date. Bearing in mind that just over 10 years ago the FOBT yields was at 0%, as they had not been introduced, there is every expectation that FOBT yield will soon exceed 50%.</p> <p>The turnover ratios are obtainable from bookmakers' annual accounts. The transactions estimate is based on a similar amount per OTC and FOBT transaction. The wager estimate is in the knowledge that an OTC transaction is usually for a limited number of bets, but that a significant number of different numbers are bet per FOBT roulette transaction. The Gambling Commission (GC) for Great Britain claims in its August Special Bulletin to LAs that space allocation should be a consideration. This is a fallacy as different forms of gambling just require different amounts of space.</p> <p>Further the Bulletin claims that turnover is a misleading factor because: “[FOBTs] rely on players repeatedly re-staking their winnings.”</p> <p>This is exactly how a problem gambler would behave. The propensity to re-stake winnings is also a play style that roulette engenders.</p> <p><u>Summary</u> The GC's Bulletin seeks to support the status quo and minimize the powers of LAs, if the GC's interpretations are adhered to. LAs should not comply with this blatant abuse by the unelected administrators at the Gambling Commission.</p>	
National Casino Industry Forum	<p>I am writing to you as Chairman on behalf of the National Casino Industry Forum (NCiF) the body that represents over 90% of UK land based casino operators.</p> <p>As we know you're aware there is a requirement, under Section 349 of the Gambling Act 2005, for your Authority to publish a Gambling Policy Statement every three years, the next Policy Statement being due to come into force on 31st January 2013, following consultation. As you also know, under the Gaming Act 1968 your Authority is one of the 53 'Permitted Areas' in Great Britain where</p>	

casinos may operate.

As the representative body for the casino industry we would welcome the opportunity to contribute to your consultation process.

Casinos play an important part in the provision of entertainment and hospitality, bringing mature and responsible patrons to our town and city centres. Casinos are an attractive and positive addition to the overall offer of our evening economies, without any of the negative experiences of anti-social behaviour sometimes sadly attributable to late night venues. Last year casinos in the UK hosted almost 19 million visits, and provided an important source of local revenue, which could translate to:

- New £15 million **construction investment** in local authority areas to help to restore confidence locally
- Possibility of Section 106 Agreements to **boost local services**
- Local Authority **business rates boosted** by £250,000 pa
- Areas benefit from **£4-5 million of added value** in the local economy

It is also worth noting that as a, quite properly, highly regulated industry it is also a labour intensive business, providing disproportionately high employment opportunities with typically 100 to 200 staff on a premises. Some current casino venues provide up to 450 jobs (depending on the size of the casino). Employment is met at a local level, often to the young; also the lack of academic qualifications is not a barrier to employment.

Where based, casinos are an important and positive contribution to the night-time economy of an area. They do not contribute to, but instead help to mitigate problems by offering different types of entertainment in the late night economy not centred around social drinking. Casinos add attraction, vigour and variety to our town and city centres and encourage tourism.

	We would welcome and encourage dialogue with your authority to ensure that any casino premises in your area is viewed positively as contributing to the variety of offer in the night-time economy.	
Responders: Residents	None	
Responder: Charity		
Sussex Deaf Association	<p>Would you be able to add in a general exemption statement regarding “low risk club bingo” events for which all proceeds (especially in our case) are distributed fairly between winners, therefore not requiring a gambling licence.</p> <p>The reason for this is because I contacted your department to receive some clarification on whether we required a license or not. I was told that we did not as we did not go over the limit. Are there different costs for gambling limits associated with the licences?</p>	Already law
Religious Society of Friends	Thank you for including us in the council’s triennial review process. We share the concerns so clearly expressed in the January 2010 handbook; we value the council’s continued attention to gambling issues and look forward to receiving any future communication.	Support for current policy
Sussex Police	Having read through your policy I have no suggestions or amendments I wish to make.	Support for current policy
Medical practitioner	As a medical practitioner my principal concern is for the health of the community but, it seems, the effect of gambling on individuals, family welfare and the environment are excluded from consideration when an application for a licence is considered. At paragraph 8.3 I would recommend the addition of a Public Health doctor to those with whom the gambling authority should liaise. I have nothing further to add.	Support for current policy



**Brighton & Hove
City Council**

**Brighton & Hove City Council
Gambling Statement**

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1. Brighton and Hove City Council: Gambling Statement

1 Introduction

1.1 This statement has been prepared in accordance with the provisions of the Gambling Act 2005. Its purpose is to promote the gambling objectives, give weight to views of consultees listed below and set out a general approach to making gambling decisions. Brighton & Hove City Council as the licensing authority in relation to gambling must carry out its functions with a view to promoting the gambling objectives and this statement is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this Policy covers the following:

- Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation
- Demand for gaming premises
- Principle to be applied in exercising functions under Section 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings
- Principle to be applied to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence
- Consideration of applications
- Statement regarding casino resolution
- Information exchange
- Statement of principles

1.2 The gambling objectives are:-

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way, and;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The statutory consultees are:-

- (a) the chief officer of police for the authority's area;
- (b) such persons as the licensing authority considers to represent the interests of persons carrying on gambling businesses in the authority's area;
- (c) such persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

1.4 In addition to consultees in 1.3 above, a list of the persons or bodies consulted can be found at (12) on page 12.

Due consideration was given to all those who responded – the consultation period commenced 16 July 2012 and lasted 12 weeks.

1.5 This policy will come into force on 1 January 2013 by resolution of Full Council during December 2012 and will be reviewed and published at least every

three years.

Revision 2 – valid from 1 January 2013

The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

- 1.6 The City of Brighton & Hove provides many gambling facilities. There are two racetracks. Brighton Racecourse on Whitehawk Down has been a site of organised public racing since the late eighteenth century. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades (family entertainment centres or adult gaming centres).
- 1.7 The types of applications covered by the licensing authority of Brighton & Hove City Council and relevant to this statement are:-
- To license premises for gambling activities
 - To consider notices given for the temporary use of premises for gambling
 - To grant permits for gaming and gaming machines in clubs
 - To regulate gaming and gaming machines in alcohol licensed premises
 - To grant permits to family entertainment centres for the use of certain lower stake gaming machines
 - To grant permits for prize gaming
 - To consider occasional use notices for betting at tracks
 - To register small societies' lotteries
- 1.8 Family Entertainment Centres
Applicants for permits for family entertainment centres will be required to submit enhanced criminal records bureau certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.
- 1.9 Gambling decisions and functions may be taken or carried out by the licensing committee of Brighton & Hove City Council or delegated to the licensing sub-committee or in appropriate cases by officers of the authority. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of			X

1.10 The licensing authority shall foster ownership, co-ordination and partnership. Work shall include consultation with business managers to encourage understanding and ownership of policy and good practice.

1.11 Nothing in this policy shall undermine any person from applying for a variety of permissions under the Act and appropriate weight will be given to all relevant representations. Such representations will not include those that are frivolous or vexatious.

1.12 **Human Rights**

In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-

- Article 1, Protocol 1 - peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.

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- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and
- Article 10 – right to freedom of expression.

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

2 Fundamental Principles

2.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.
- 2.3 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 2.4 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems e.g. with organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.
- 2.5 Consideration may be given to imposition of conditions concerning:
- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
 - As set by regulation.
- 2.6 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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2.7 Ensuring that gambling is conducted in a fair and open way

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

2.8 In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.

2.9 Conditions may be imposed as set by regulation.

2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being "harmed or exploited by gambling" which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

- 2.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

- 2.14 The licensing authority recognises the Children and Young People's Trust as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Chair of Brighton & Hove ACPC, Children Families & Schools, King's House, Hove, BN3 2LS in its capacity as the responsible authority.
- 2.15 Children are permitted to enter family entertainment centres and may play category D machines.
- 2.16 Consideration may be given to imposing conditions concerning
- Installation of cash dispensers (ATMs) on premises (e.g. location)
 - As set by regulation.
- 2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

3. Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation

- 3.1 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation. Where appropriate, matters for consideration in gambling applications will not duplicate matters considered as part of any planning application.
- 3.2 The Licensing Committee should provide regular reports to the Planning Committee on the situation regarding licensed premises in the area. Such reports may include: the general impact of gambling related crime and disorder, numbers and types of applications per ward, results of applications/appeals, details of closing times, such other information as the committee deems appropriate.

4. Demand for gaming premises

- 4.1 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.
- 4.2 The licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. The general principals that will be applied when determining whether the location of proposed gambling premises is acceptable (with or without conditions) will reflect the licensing objectives. So for example, the authority will consider very carefully whether applications for premises licences in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be

granted in light of the third licensing objective. (Many betting offices are located near schools or in residential areas but under 18's are not permitted on the premises. The location of racecourses will not have altered and cannot be transferred to another location). However, each application will be considered on its merits and will depend on the type of gambling that it is proposed will be offered in the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.

5. Interested parties

- 5.1 Section 158 of the Act defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) have business interests that might be affected by the authorised activities; or
 - c) represent persons who satisfy a) or b).

Persons who fall into c) above may include trade associations, trade unions, residents associations and tenants associations, and ward councillors or MPs.

Whether a person is an interested party with regard to particular premises will be considered on a case-by-case basis, judging each on its merits. The size of the premises and the activities taking place will be taken into account. Larger premises may affect people over a broader geographical area compared to smaller premises offering similar facilities.

6. Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings

- 6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.

7 Statement regarding casino resolution

Revision 2 – valid from 1 January 2013

- 7.1 The licensing authority has not taken a decision to pass a resolution not to issue casino licences. The effect of a resolution would be not to issue new casino licences in Brighton & Hove.
- 7.2 The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the authority may take into account any principle or matter, not just the licensing objectives. Where a resolution is passed, it must be published by the authority in this licensing statement.
- 7.3 The resolution must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. This will only affect new casinos. It will not have any effect on casino premises licences or provisional statements issued prior to the date the resolution comes into effect. Similarly, a resolution will not affect the ability of casinos with preserved entitlements from the 1968 Act from continuing to operate as casinos.

- 7.4 The Council's response to the Casino Advisory Panel stated that there would be no objection to one additional large casino and one additional small casino but there is no interest in any proposal for a regional casino.
- 7.5 Brighton & Hove City was not selected as one of the areas where a new casino (or casinos) would be located,

8 Information Exchange and Integration of Strategies

- 8.1 The Commission may require authorities to provide information about applications covered by the gambling authority. This information will be provided in the format requested by the Commission.
- 8.2 This Policy will follow corporate guidelines regarding data protection and freedom of information. Where valid representations are received, a copy is sent to the applicant in order to facilitate discussions on the matters raised.

Please note: *names and addresses of those making representations will usually be disclosed to applicants.*

- 8.3 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives and following the guidance in community safety and crime and disorder strategy,
 - Liaising and consulting with the planning authority,
 - Liaising and consulting with tourism, stakeholder groups, business groups such as the City Centre Business Forum and the economic development functions for the Council.
 - Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- 8.4 The Statement of Gambling Policy will support the aims of the tourism strategy recognising the benefits for the tourism economy by creating a safer and more attractive City centre and improving competitiveness with other European Cities.
- 8.5 The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area, the employment situation of the area and the need for new investment and employment where appropriate to ensure that it considers these matters.
- 8.6 Planning permission is not a guarantee that permission to provide gambling will be granted. The two regimes work separately.

9. Standard Conditions

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that

Revision 2 – valid from 1 January 2013

conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities. The authority should take decisions on individual conditions on a case-by-case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

10. Enforcement

- 10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.
- 10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.
- 10.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

11. Contact Details, Advice and Guidance

- 11.1 Further details for applicants about the gambling and application process, including application forms, can be found:
- By contacting the Health & Safety and Licensing Team at: Bartholomew House, Bartholomew Square, Brighton BN1 1JP
 - By telephoning them on 01273 294429
 - By faxing on 01273 292169
 - E-mail ehl.safety@brighton-hove.gov.uk
 - Via www.brighton-hove.gov.uk (search under Licensing Act 2003 and follow the gambling links)
 - Via Customer Service Centre
 - Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
 - Police Licensing Unit, Police Station, John Street, Brighton BN2 0LA Tel: 01273 665523
 - Fire Authority East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety, Office, Hove Fire Station, English Close, Hove, BN3 7EE, Tel: 01323 462130

Revision 2 – valid from 1 January 2013

- Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT, Tel: 01273 290000
- Environmental Health, Environmental Protection Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP, Tel: 01273 290000
- Child protection - Chair of Brighton & Hove ACPC, Children Families and Schools, King's House, Hove, BN3 2LS
- HM Revenue & Customs, 12th Floor Alexander House, 21 Victoria Avenue, Southend on Sea, SS99 1BD Tel: 0845 010 9000.

12. Consultation was undertaken with the following:-

- the chief officer of police for the authority's area; and HM Revenue & Customs
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association, Brighton Business Forum;
- persons who represent the interests of persons who are likely to be affected by the Act including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions.

NOTICE OF MOTION**CONSERVATIVE GROUP****IMPACT OF PARKING CHARGES ON THE LOCAL ECONOMY**

“This Council notes with grave concern that visitor numbers in Brighton & Hove fell by 10.8% year on year in the first seven months of 2012 and agrees with the many local traders on the seafront and in the main shopping areas of the city who say that one of the predominant reasons for this drop in numbers was the largest increase in parking charges ever implemented. This is borne out by:

- a) figures from other seaside resorts such as Eastbourne, where visitor numbers dropped by only 3%, and Bournemouth, where numbers actually increased by over 13% during the same period.
- b) The fact that visitor numbers to Brighton & Hove decreased significantly more (over 14%) after the new parking charges were introduced in April.
- c) Targeted Budget Management figures that project a large shortfall on the extra £1.3 million income that the Administration sought from parking charge increases

Furthermore, this Council regrets that the remit of the ongoing citywide parking review does not include issues of charging and notes the concerns of local traders and businesses who feel that they have not been properly consulted as part of the review.

This Council recognises the significant environmental benefits of encouraging the use of trains, buses, bicycles and walking but also agrees that using high parking charges as a tool to force people out of their cars damages the local economy and gives the dangerous impression that Brighton & Hove is a ‘rip off’ city that takes both visitors and residents for granted.

Therefore, this Council resolves to call on the Transport Committee to ensure:

- a) As part of the ongoing citywide parking review, to undertake detailed financial modelling to determine the impact on the local economy of different parking charge levels both on-street and off-street (including the decision to delete certain tariffs, thus forcing residents and visitors to pay for parking for longer than they need);

- b) As part of this work, to present options to deliver a real terms decrease in parking charges particularly in the areas of the city where local businesses are suffering the most from the impact of high charges. These decreases should bring charges back in line with the level they were at in 2011/12;
- c) To carry out a specific targeted consultation with local traders and their representative organisations about the impact of the Administration's parking charge increases together with the substantial increases in Trader and Business Permits and to act on the findings of that consultation;
- d) To examine ways of making better use of the city's under-occupied car parks such as Norton Road for the benefit of both local businesses and residents;
- e) That a report covering the whole parking situation comes back to the Transport Committee meeting on 15th January to enable the findings to be fed into the Council's 2013/14 Budget."

Proposed by: Cllr Graham Cox

Seconded by: Cllr. Geoffrey Theobald

Supported by: Cllrs Peltzer Dunn, Cobb, A Norman, K Norman, C Theobald, Brown, Simson, Mears, Hyde, Smith, Wealls, Janio, Barnett, Wells, Pidgeon and Bennett.

NOTICE OF MOTION**JOINT CONSERVATIVE AND LABOUR & CO-OPERATIVE GROUPS****RUGBY WORLD CUP BID**

“This Council warmly welcomes the long listing of the AMEX Community Stadium to host matches in the 2015 Rugby World Cup. It notes that if the bid by Brighton & Hove Albion FC is successful this will bring a significant boost to tourism sport and the economy in our City. The bid has the full backing of Brighton & Hove City Council and we will undertake to provide our support throughout the selection process, and beyond, if successful.”

Proposed by: Cllr Geoffrey Theobald Seconded by: Cllr Gill Mitchell

Supported by: Cllrs Peltzer Dunn, Cox, Cobb, A Norman, K Norman, C Theobald, Brown, Simson, Mears, Hyde, Smith, Wealls, Janio, Barnett, Wells, Pidgeon, Bennett, Meadows, Morgan, Hamilton, Gilbey, Pissaridou, Marsh, Fitch, Carden, Lepper, Robins, Wilson and Farrow.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****SUPPORT PROPERLY FUNDED EARLY YEARS EDUCATION AND
CHILDCARE**

“This council believes that all families in Brighton and Hove should have access to good quality, affordable early years education and childcare. It praises the work of the city’s early years providers and pledges to continue to support their valuable work. It recognises that access to childcare and early education is a vital part of maintaining a strong local economy that enables parents who wish to work to do so and where children can be helped to get off to a good start in life.

Furthermore, the council believes that properly funded family support projects and early intervention schemes such as Surestart are essential to help support struggling families and, by intervening early, to reduce future costs. It supports the free early learning places for 2 year olds being further extended to those on low incomes.

However, the council deplores the actions of the Coalition Government to effectively scrap the Early Intervention Fund in order to fund the free early learning places for 2 year olds, as confirmed by DCLG, and to also pass £300m from this fund to the Treasury for purposes that remain unclear. It notes that as a result of these actions this council will lose approximately £3m in 2013/14 from its own Early Intervention Grant funding.

This council also raises the concern that whilst there will be a statutory duty placed upon it to provide the 600 early years places needed for 2 year olds living in areas of disadvantage from September 2013, with at least 1,300 similar places needing to be provided the following year, the Government is failing to give assurances that the necessary capital funding will be made available to create the places in the areas that need them most.

This council therefore;

- Expresses its strong concern that cuts to the Early Intervention Grant will impede the council’s ability to properly support vulnerable families and children in Brighton & Hove and calls on the government to fund the early years places for 2 year olds with new money;
- Supports the actions of the Conservative Leader of the LGA who has written to Ministers asking that the Government returns to councils the

£300m cut from the EIG budget that represents a 1m cut per council and;

- Calls on the Chief Executive to write to relevant Ministers requesting that they provide adequate capital funding for the provision of the additional early years places for 2 year olds so that the Council can properly fulfil the statutory duty placed upon it.”

Proposed by Cllr Penny Gilbey

Seconded by Cllr Gill Mitchell

Supported by: Cllrs Mitchell, Morgan, Hamilton, Pissaridou, Meadows, Marsh, Fitch, Carden, Gilbey, Wilson, Lepper, Robins, and Farrow.

NOTICE OF MOTION**GREEN GROUP****COUNCIL TAX BENEFIT SUPPORT**

“This Council believes that the Government’s devolution of responsibility for Council Tax Benefit support to local councils in the name of ‘localism’ is a cynical attempt to make councils take the blame for centrally-driven Benefit cuts. By arbitrarily reducing the amount of money transferred to councils to administer the scheme by ten per cent, it ensured that some of the most vulnerable and impoverished people in local communities up and down the country would suffer. The Government further legislated that the new "local" schemes that councils devised had to ensure that pensioners were not adversely affected by the changes, leaving councils no choice but to pass on even bigger cuts in benefits to non-pensioners. This is neither fair nor localist, and taken with the other proposed Government changes to the Benefits System, represents a vicious attack on the less well off in our community. At the same time, Government cuts to local government funding of 25% over 4 years leave this council facing other tough choices on priorities. This council is disappointed that the localised scheme's first year of government funding assumes declining numbers of benefit claims, when all indicators suggest that numbers will be increasing. There will be no additional funding in future years for council tax support, which means that councils will be alone in bearing the costs of more benefits claims as a direct result of the government's economic mismanagement and welfare cuts. This council also deplores the government's reduced support for the administration costs councils bear when delivering the council tax support, further adding to the financial pressures facing local government.

The Council notes that unlike many councils across the country, we have agreed to reduce the cuts to benefits by transferring £1m of general funds and the establishment of a hardship fund.

In its 2013/14 budget provisions, through this and other schemes, the Council will ensure that targeted financial support is available to those households most badly affected by the Government’s council tax benefit cuts.

The Council calls on the Government to restore the 10% cut made to council tax benefit and appeals to all elected representatives (councillors and MPs) in Brighton & Hove to lobby the Government to restore the full amount of council tax funding.”

Proposed by Cllr Phillips

Seconded by Cllr Duncan

NOTICE OF MOTION**JOINT GREEN AND CONSERVATIVE GROUPS****FREE CHILDCARE FOR DISADVANTAGED TWO-YEAR-OLDS**

“This council welcomes the government initiative to extend the current entitlement of 15 hours a week free childcare for three and four olds to disadvantaged 2 year olds.

The proposal to extend to the most disadvantaged two year olds from September next year and then to the most disadvantaged 40% from September 2014 should make a real difference to these children’s lives. It will also enable parents to re engage with education and/or employment (paid or voluntary).

The importance of the first few years of a child’s life cannot be overstated. Children who have the right support in the foundation years enjoy better health, wellbeing, and achievement in school and later life. [1]

However, while we welcome this extension we ask the government to give us clarity on funding to support this, particularly for future years. We are concerned that the shortfall could mean in adequate provision of high quality free early education, particularly in the disadvantaged areas of our city.”

Proposed by: Cllr Shanks

Seconded by: Cllr Wealls

Supported by: Cllrs Bowden, Buckley, Davey, Deane, Duncan, Follett, Hawtree, Jarrett, Jones, Kennedy, A Kitcat, J Kitcat, Littman, Mac Cafferty, Phillips, Powell, Rufus, Sykes, Wakefield, West, G Theobald, Cox, Peltzer Dunn, Cobb, A Norman, K Norman, C Theobald, Brown, Simson, Mears, Hyde, Smith, Janio, Barnett, Wells, Pidgeon and Bennett

[1] *Supporting Families in the Foundation Years: Proposed Changes to the Entitlement to Free Early Education and Childcare Sufficiency*, Department for Education.

NOTICE OF MOTION**LABOUR & CO-OPERATIVE GROUP****SUPPORT EXTRA FUNDING FOR THE
LOCAL DISCRETIONARY SOCIAL FUND**

“This Council notes that the government, as part of its welfare reform programme, will abolish the Crisis Loans and Community Care Grants scheme from April 2013, thereafter delegating responsibility and implementation to Local Authorities of a new scheme, the Local Discretionary Social Fund.

This Council also notes that the government is to dramatically reduce the amount of money available to local authorities for this new scheme with funding based on 2005/2006 levels of demand for the current Crisis Loan programme. As household budgets are squeezed across the city and the government’s welfare reforms become a reality, the fear is that more and more people will turn to legal and illegal loan sharks in order to make up the shortfall in the help available.

This Council therefore calls on the Chief Executive to write to the Minister for the Department of Work and Pensions to ask that more money is available for the new scheme, based on current demand and the anticipated increase as a result of the government’s welfare reforms.”

Proposed by Cllr Fitch

Seconded by Cllr Farrow

Supported by: Cllrs Mitchell, Morgan, Hamilton, Pissaridou, Meadows, Marsh, Carden, Gilbey, Wilson, Lepper and Robins.

Council

13 December 2012

Agenda Item 66

Brighton & Hove City Council

Subject: Two Year Old Free Early Learning Entitlement**Date of Meeting:** 13 December 201212 November 2012 – Children & Young People
Committee**Report of:** Interim Director of Children's Services**Contact Officer:** Name: Vicky Jenkins Tel: 29-6110

E-mail: vicky.jenkins@brighton-hove.gov.uk

Wards Affected: All**FOR GENERAL RELEASE****Action Required of Council:**To receive the item referred from the Children & Young People Committee for
information:**Recommendation:**

That the extract and the report be noted.

BRIGHTON & HOVE CITY COUNCIL**CHILDREN & YOUNG PEOPLE COMMITTEE****4.00pm 12 NOVEMBER 2012****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES****Present:** Councillors Shanks (Chair) Buckley (Deputy Chair), Brown, Gilbey, A Kitcat,
Lepper, Pissaridou, Powell, Simson and Wealls**Non Voting Co-optees:** Andrew Jeffery, Parent Forum; Bethan Prosser, Amaze/ Voluntary
Sector Forum; Geraldine Hoban, Clinical and Commissioning Group; Alan Bedford, Chair,
Local Safeguarding Children Board; Peter Belluscio, Youth Council and Soad Eboyok,
Youth Council

PART ONE**36. TWO YEAR OLD FREE EARLY LEARNING ENTITLEMENT**

- 36.1 The Committee considered a report of the Interim Director of Children's Services updating on the position set out in an earlier report which had been considered at the Children and Young People's Cabinet Member meeting on 5 March 2012.
- 36.2 Disadvantaged two year olds had received free early learning since September 2009. Currently this applied to around seven per cent of two year olds in Brighton & Hove (200 children). The government was extending this entitlement as a statutory duty to 20 per cent of two year olds from September 2013 (600 children in Brighton & Hove) and 40 per cent from September 2014 (1,300 children). Besides providing an update the report was intended to draw the committee's attention to significant risks associated with the statutory duty, both financial and in relation to the provision of places and to draw its attention to the findings of the Childcare Sufficiency Assessment, completed in May 2012 which detailed current childcare supply in Brighton & Hove.
- 36.3 From September 2013 provision of free early learning for eligible two year olds would become a statutory duty. From that date eligible families would be those in receipt of out of work benefits, and the entitlement would cover an estimated 600 children in Brighton & Hove. From September 2014 eligibility would be extended to include low income working families and would cover 1,300 children in the city. The government was currently consulting on also including more disabled children and those who leaving care through adoption.
- 36.4 The council had a statutory duty to complete a Childcare Sufficiency Assessment (CSA) and the main findings of the latest assessment were set out in Appendix 1 to the report, the full CSA had been placed in the members' rooms. The CSA showed the number of childcare places available in the different areas of the city, and data from this had been used, along with child poverty data, to show where place expansion will be needed.
- 36.5 In order to provide places for children in their local communities, some expansion would be needed for September 2013, and then significant extra places will be required to provide for all eligible children from September 2014. Most additional places would be needed in Moulsecoomb, Whitehawk and the city centre. Although the government had announced that £100m of capital funding would be provided to expand childcare provision information had not yet been received regarding when this would be made available and how it would be allocated. The level of funding envisaged would not be sufficient to provide the number of additional places needed and there was no immediately identifiable site to provide more places in Whitehawk where the greatest increase in provision was needed.
- 36.6 Councillor Wealles expressed the view that he hoped that private sector providers would be encouraged to create additional places. The Head of Service, Sure Start, stated that this was being supported and encouraged, however, although, the private sector was still reasonably buoyant these settings were located in more advantaged areas and were targeted at working parents and were therefore unlikely to provide places in

significant numbers. The voluntary sector might be able to respond if capital funding was provided.

- 36.7 In answer to questions by Councillor Pissaridou it was explained that although places were provided by childminders and whilst work was continuing to support and encourage expansion of this sector, parents tended to prefer nurseries or playgroups, currently there were fewer childminders operating in those areas of the city where places were most needed.
- 36.8 Councillor Pissaridou stated that whilst she supported the concept of free childcare provision to this group she was gravely concerned, regarding the consequences for other areas of service provision in the absence of adequate provision from central government.
- 36.9 Councillor Lepper stated that voluntary sector was currently operating under severe financial pressures similar to those being experienced by local authorities. She was appalled that the authority was being required to make provision without the necessary levels of funding having been made available to it, this would raise parents expectations without there being sufficient places.

36.10 **RESOLVED:**

- (1) That the Committee notes the revenue funding required to meet the duty to provide free childcare places for up to 1,300 two year olds, and that revenue will come from the Dedicated Schools Grant, the amount of which is not yet known; and
- (2) That the Committee notes the Childcare Sufficiency Assessment. Data from this indicates that across the city there are enough places for two year olds in September 2013, but that there are insufficient places in the areas where they are needed. The city does not have enough places for the expanded offer in September 2014. There is not sufficient capital funding available for the local authority to expand places, and it is unlikely that private, voluntary and independent providers will respond by increasing places where needed.

13 December 2012

Brighton & Hove City Council

Subject:	Two Year Old Free Early Learning Entitlement		
Date of Meeting:	13th December 2012 12 th November 2012 - Children & Young People Committee		
Report of:	Interim Director of Children's Services		
Contact Officer:	Name:	Vicky Jenkins	Tel: 296110
	Email:	vicky.jenkins@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 Disadvantaged two year olds have received free early learning since September 2009; this currently applies to around seven per cent of two year olds in Brighton & Hove. The government is extending this entitlement as a statutory duty to 20 per cent of two year olds from September 2013 (600 children in Brighton & Hove) and 40 per cent from September 2014 (1,300 children). This paper updates proposals regarding this provision which were set out in a paper to the Children & Young People's Cabinet Member Meeting on 5th March 2012. It draws the committee's attention to significant risks associated with the statutory duty, both financial and in relation to the provision of places. It also draws the committee's attention to the Childcare Sufficiency Assessment, completed in May 2012, which sets out current childcare supply in Brighton & Hove.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the revenue funding required to meet the duty to provide free childcare places for up to 1,300 two year olds, and that revenue will come from the Dedicated Schools Grant, the amount of which is not yet known. However, this move to the DSG is likely to mean a significant reduction in the Early Intervention Grant for 2013 – 14.
- 2.2 That the committee notes the Childcare Sufficiency Assessment. Data from this indicates that across the city there are enough places for two year olds in September 2013, but there are insufficient places in the areas where they are needed. The city does not have enough places for the expanded offer in September 2014. There is not sufficient capital funding available for the local authority to expand places, and it is unlikely that private, voluntary and independent providers will respond by increasing places where needed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Introduction and Eligibility

- 3.1 The government aims to support young children's development by encouraging high quality early years provision and maximising participation, particularly for disadvantaged and disabled children. Since September 2009 the government has funded the most disadvantaged two year olds in a free early learning place. In Brighton & Hove this funding now supports up to 218 children to receive 15 hours of early learning 38 weeks per year (a total of 570 hours per year).

- 3.2 Eligible children are those with parents in receipt of prescribed means-tested benefits *and* identified by their health visitor as in need of a place.
- 3.3 Eligible childcare providers must meet quality criteria, and there are currently 46 settings (including childminders) contracted to provide places.
- 3.4 From September 2013 provision of free early learning for eligible two year olds will become a statutory duty. From this date eligible families will be those in receipt of out of work benefits, and the entitlement will cover an estimated 600 children in Brighton & Hove. From September 2014 eligibility will be extended to include low income working families and will cover 1,300 children in the city. The government is currently consulting on also including more disabled children and those who leave care through adoption.

Provision of Childcare Places

- 3.5 The council has a statutory duty to complete a Childcare Sufficiency Assessment and the main findings of the latest assessment are in Appendix 1 with the full CSA in members' rooms. The CSA shows the number of childcare places available in the different areas of the city, and data from this has been used, along with child poverty data, to show where place expansion will be needed.
- 3.6 In order to provide places for children in their local communities, some expansion will be needed for September 2013, and then significant extra places will be required to provide for all eligible children from September 2014. Most additional places will be needed in Moulsecoomb, Whitehawk and the city centre.
- 3.7 The government has recently announced £100m capital funding to expand childcare provision. There is no information on when this will be made available or how it will be allocated by local authority. However, should it be allocated per place Brighton & Hove could receive approximately £400,000. There is also some funding within the EIG this financial year which will be used for place expansion (see Paragraph 3.9). This funding is insufficient to provide the additional places needed. Also there is no immediately identifiable site to provide more places in Whitehawk, where the greatest increase in provision is needed.
- 3.8 The government believes that the private, voluntary and independent sector will respond to increased demand. However, the childcare sector in general is averse to financial risk and very few providers carry significant cash reserves, assets, loans or debts. The private sector is still reasonably buoyant but these settings are located in more advantaged areas and are targeted at working parents and unlikely to provide places in significant numbers. The voluntary sector may be able to respond if capital funding is provided.
- 3.9 Places are, and can continue to be, provided by childminders, and we work will continue to expand provision by them. However parents tend to prefer nurseries or playgroups, and also there are fewer childminders operating in areas of the city where the places are needed.

- 3.10 The EIG funding currently available in this financial year will be used to develop childcare places where possible, and to improve settings so that they best meet the needs of two year olds. This work will be focussed on central Brighton as well as Moulsecoomb and Whitehawk.

Funding

- 3.11 From April 2013 the DfE expects local authorities to have a funding formula in place to pay childcare providers for places. The formula may be similar to that used to fund providers for three and four year olds' free early learning at present although a simpler formula is being looked at which focuses solely on quality of provision. This would ensure that there is a minimum quality standard in order for providers to participate in the scheme, with increased payments for settings with higher levels of quality and improved staff qualifications.
- 3.12 It will be up to providers to decide whether or not they wish to offer places under the scheme, and a sufficient level of place funding needs to be in place in order for their to be an appropriate incentive to ensure that provision is of good quality.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Early Years Funding Group is being consulted on the funding formula.
- 4.2 An outreach and publicity strategy will be put in place from next spring so that eligible parents are aware of their entitlement.
- 4.3 Childcare providers have been made aware of the government's consultation documents on funding for two year olds. There will be a conference for childcare providers in March 2013 to launch the scheme and encourage them to meet the quality requirements through participation in a quality assurance module for two year olds.

5. FINANCIAL & OTHER IMPLICATIONS:

- 5.1 The current budget available for two year old early education entitlement is £0.548m, which is sufficient to support 199 children. The estimated increase in take up of places will require additional funding, rising to £1.529m in 2013/14 and potentially as high as £3.000m in future years. The indication from the DfE is that the financial responsibility will transfer to the Dedicated Schools Grant and an estimated £2.136m will be added to the DSG in 2013/14 for this purpose.

The funding in 2012/13 forms part of the Early Intervention Grant (EIG), an un-ring fenced grant which is treated as a corporate resource. As part of the planned changes to local authority funding from central government, EIG will be top-sliced for government priorities and the funding for 2 year olds education entitlement. The latest estimates from CLG show a potential reduction of £3m in EIG with only a reduction in cost of £0.548m leaving a net funding reduction of approximately £2.45m. The Council will not know the likely funding allocations until the local government settlement in mid December. Any reduction in EIG will be treated as a corporate funding pressure and dealt with as part of the final budget package presented to Council in February 2013.

- 5.2 It is a possibility that there will be insufficient new capital funding available to the local authority to provide sufficient places in disadvantaged areas, as noted in Paragraph 3.7.

Finance Officer Consulted: David Ellis

Date: 11/10/12

Legal Implications:

- 5.3 Section 1 of the Education Act 2011 has amended the relevant provisions of the Childcare Act 2006 to extend the early education entitlement to two year olds who meet eligibility criteria laid out in the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012. As set out in the body of the report this new extended duty comes into force in September 2013.

Lawyer Consulted: Natasha Watson Name

Date: 26/10/12

Equalities Implications:

- 5.4 An Equality Impact Assessment is in the process of being completed was completed for extending the two year old scheme.

Sustainability Implications:

- 5.5 The scheme supports sustainable communities by reducing poverty as it will reduce childcare costs of parents on benefits who wish to work.

Crime & Disorder Implications:

- 5.6 There are no specific crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.7 The main risks are
- 5.9.1 a significantly higher amount of funding will be taken out of the EIG and moved into the DSG than is currently being spent on two year olds. This is outlined in Paragraph 5.3
- 5.9.2 insufficient places, as noted in Section 3, particularly in the city centre and the east of the city.

Public Health Implications:

- 5.8 The scheme will support the health and well being of young children and have a positive impact on equalities by improving outcomes for disadvantaged two year olds.

Corporate / Citywide Implications:

- 5.11 The scheme will contribute to the council's corporate priority of tackling inequality and will support the outcome to ensure that children have the best start in life. The scheme will improve the financial sustainability of childcare providers in disadvantaged areas.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Provision of free childcare for two year olds will be a statutory duty from September 2013.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The government has made provision of free childcare for two year olds a statutory duty from September 2013 and will move funding to support this from the EIG to the DSG.

SUPPORTING DOCUMENTATION

Appendix:

1. Childcare Sufficiency Assessment May 2012 Main Findings

Documents in Members' Rooms

1. Childcare Sufficiency Assessment May 2012



CHILDCARE SUFFICIENCY ASSESSMENT

MAY 2012

MAIN FINDINGS

Childcare Quality

- Childcare in Brighton & Hove is high quality compared with England as a whole, with 87 per cent of settings on the early years register judged good or outstanding by Ofsted, compared with 73 per cent nationally.

Childcare Use

- While there was an increase in parents' use of formal childcare in 2011, this dropped slightly in 2012.

Childcare Ownership

- There has been a small increase in the percentage of full day care settings privately owned, and a small decrease in the number of full day care settings in the voluntary sector. In terms of pre-schools and playgroups, there has been a reduction in those which are privately owned and an increase in those in the voluntary sector.

Childcare Providers and Places

- There has not been a significant change in the number of childcare providers since the last CSA.
- There continues to be growth in full day and sessional care places.
- There has been an increase in holiday play scheme places, with a very small reduction in after-school club places.
- There has been a small increase in the number of registered childminding places.
- Childcare provision is not spread evenly over the city, with some areas having more than others.
- There has been an increase in the number of providers offering free early learning.
- Almost half the city's three and four year olds receive their free early learning at a private sector setting.
- There is very little formal childcare for young people aged 12 to 14 years.
- There is very little childcare available during a-typical hours, that is outside 8 am to 6 pm Monday to Friday. Those who are able to provide this offer home-based care, namely childminders and at home childcarers.

Childcare Vacancies

- All childcare providers in the city have full-time vacancies.
- Childminders have the highest number of vacancies as a percentage of total registered places at 28.5 per cent, although this figure includes part-time vacancies.



- Vacancy levels have reduced in the past year in all setting types.
- Vacancies are not spread evenly across the city.

Childcare Costs

- Full day care costs in Brighton & Hove are on average £4.52 an hour for a child under two and £4.28 for a child over two. This is an increase of approximately 7 per cent on last year's costs.
- Childminding costs in Brighton & Hove are on average £4.69 an hour, which is a 6.6 per cent increase on last year.
- After-school clubs in Brighton & Hove cost on average £8.99 per session, which is 8.3 per cent more than last year.
- Holiday play schemes in Brighton & Hove cost on average £24.42 per day, which is an increase of 14.6 per cent on last year.
- The average cost of a breakfast club session is £1.96.



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