





**Brighton & Hove  
City Council**

# Overview & Scrutiny Commission

Title:	<b>Overview &amp; Scrutiny Committee</b>
Date:	<b>28 January 2013</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Morgan (Chair)  Cox Brown Buckley Farrow Follett Hawtree Marsh K Norman Phillips
Contact:	<b>Mary van Beinum</b> Overview & Scrutiny Support Officer 01273 291110 tom.hook@brighton-hove.gov.uk

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**29.** Apologies and Declarations of Interest**30.** Minutes**1 - 8**

To consider the minutes of the last meeting held on 5 November 2012 (copy attached).

**31.** Chairs Communications**32.** Public Involvement

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

- (a) **Petitions:** to receive any petitions presented by members of the public to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the (insert date);
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the (insert date).

**33.** Member Involvement**34.** Trans Equality Scrutiny Panel report**9 - 88**

*Contact Officer: Julia Riches, Scrutiny Tel: 01273 29-1084*  
*Support Officer*

*Ward Affected: All Wards*

**35.** Budget Scrutiny Panel Report (Covering Report)**89 - 152**

*Contact Officer: Kath Vlcek, Scrutiny Tel: 01273 290450*  
*Support Officer*

*Ward Affected: All Wards*

**36.** OSC Draft Work Plan/Scrutiny Update**153 -  
156**

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For further details and general enquiries about this meeting contact Tom Hook, (01273 291110– email [Tom.Hook@brighton-hove.gov.uk](mailto:Tom.Hook@brighton-hove.gov.uk)) or email [scrutiny@brighton-hove.gov.uk](mailto:scrutiny@brighton-hove.gov.uk)

Date of Publication 18 January 2013



**BRIGHTON & HOVE CITY COUNCIL**  
**OVERVIEW & SCRUTINY COMMITTEE**  
**2.00pm 5 NOVEMBER 2012**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor Morgan (Chair)

**Also in attendance:** Councillor Cox (Deputy Chair), Brown, Buckley, Farrow, Hawtree, Marsh and Cobb

**Other Members present:** Councillors Leo Littman

**PART ONE**

**22. APOLOGIES AND DECLARATIONS OF INTEREST**

22.1 The Chair welcomed everyone to the meeting especially Councillor Amy Kennedy and including Colin Vincent, representative of the Older People's Council.

22.2 Councillor Ben Duncan was substituting for Councillor Matt Follett. Councillor Amy Kennedy was substituting for Council Alex Phillips. Councillor Denise Cobb was substituting for Councillor Ken Norman.

**23. MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2012**

23.1 The minutes of the meeting held on 10 September were agreed and signed by the Chair.

**24. CHAIRS COMMUNICATIONS**

24.1 Councillor Warren Morgan said he was angered and upset by the recent ill-advised and unhelpful local and national media coverage of the work of the Trans Equality Scrutiny Panel. He was a Member of this Panel.

24.2 An injudicious discussion with a journalist by a Panel member had led to 'awful' consequences, he said. This was despite the fact that the Panel had worked actively from the start to build trust with the Trans community and had agreed that particularly careful media handling would be needed on such a personal and sensitive subject.

24.3 The Trans Equality scrutiny report was still being drafted and would be brought to 28 January OSC to be endorsed. The Panel had a continuing commitment to tackling trans

inequalities, discrimination and transphobia. As part of this it was essential that there was fair and accurate media reporting about this and the Panel would be working together to achieve this.

24.4 All scrutiny panels needed some privacy to enable their draft findings and recommendations to be discussed before being agreed, and only then released. So a written protocol on handling the media would now be drawn up for all Panel Members to agree at the scoping stage of all scrutiny reviews.

## **25. PUBLIC AND MEMBER INVOLVEMENT**

25.1 No letters had been received.

## **26. CITYWIDE PARKING REVIEW**

26.1 Programme Manager and Policy Development Officer Owen McElroy gave a detailed slide presentation of the Citywide Parking Review (CWPR). He outlined the history of Decriminalised Parking Enforcement from 2001 when Brighton & Hove became one of the first local authorities to introduce DPE. Owen McElroy set out the purpose of the review, terms of reference, 3-stage consultation process, some of the main issues raised with officer responses, the results of a local highways authorities best practice survey, current parking arrangements in the City.

26.2 The terms of reference of the CWPR were set out in the agenda papers; it was for Transport Committee scheduled for 15 January 2013 to agree recommendations for parking policy and a new resident parking scheme consultation timetable.

26.3 The CWPR included extensive community engagement followed by the main consultation phase followed by the current stage of analysing all correspondence and the results of postal questionnaires sent to 6,000 households.

26.4 The Programme Manager gave details of the reasons for discontinuing parking vouchers and the drawbacks of the 'light touch' parking areas U and W. The 116,000 penalty notices issued during 2011/2012 brought in an income of £18million, resulting in a £9 million surplus after costs, that was mostly allocated to concessionary bus passes for the elderly & supported bus services, he said.

26.5 The Transport Committee report was not yet drawn up because analysis the consultation and surveys was still under way but to date, some of the main geographical areas of concern to residents were: Bakers Bottom; Hanover and Elm Grove where 75% of residents had previously voted against controlled parking; Hove Park ward especially north of Hove Park and up to Woodruff Avenue; Lewes Road triangle; Portslade South, south of the railway line; Preston Park Triangle including Stanford Avenue and Preston Drove; and West Hove, west of existing zones Z and W up to Boundary Road.

26.6 An indication of some of the main subjects raised by residents have so far included (with examples);

- Verge and pavement parking, especially in Patcham, Varndean and Mile Oak. Some local authorities ban parking on wide amenity verges using new DfT-approved signing.

- Waiting lists for parking permits, eg Zones Y and Z have 12 month waiting lists. Residents meetings in Brunswick and Adelaide have considered merging zones with adjoining zones, or using the seafront for resident parking, though this would adversely affect the visitor economy.
- Displacement parking from existing schemes and under-use of streets. The City has few natural parking boundaries, though (to some extent) railway lines, the Downs and dual carriageways can act as boundaries. Some streets are under-utilised eg in light touch areas or where people do not wish to leave their cars because of security concerns.
- Light touch schemes and controlled hours. There has been no evidence so far to suggest any change to current policy. Light touch schemes are unlikely to be extended. They tend to lack flexibility, can be detrimental to businesses, clinics, surgeries; do not enable pay and display options, are not self-financing and cost as much as other schemes. Similarly there is little demand to change the hours of controlled parking, although in some areas people returning home after 8pm can have difficulty finding a parking place.
- Enforcement. Some residents are asking to increase enforcement activity in outlying areas, particularly on zig-zag lines around schools and shopping areas. Technology such as automatic number plate recognition and CCTV as used by some other local authorities is one potential option.
- Sustainability and Parking. It has been estimated that some 17 – 20% of all traffic movements around the city are in search of parking places. There are suggestions for encouraging car clubs and low-emission vehicles; electric vehicles are not currently in common use and can be more costly to buy.
- Technology and Parking. In response to demand the council has introduced parking payment via credit card eg on the seafront and Grand Avenue, Hove. Some other local authorities have introduced mobile phone payment. 'Smart' GPRS-enabled phones for Civil Enforcement Officers, with links to permit databases, would enable the integration of technologies and increase value for money.
- Disabled access issues. Individuals and disability access groups have asked for individualised residents permits and exclusive bays. A few local authorities have introduced these though they can be costly and take some time to implement.

26.7 This was the most extensive parking review ever undertaken in the City; in addition to responding to on-going public opinion, officer advice would be to undertake a minor review after 5 years and a major review after 10 years.

26.8 Views of OSC, ward councillors and party leaders would be taken into account in drafting the Transport Committee report.

26.9 It was noted that at report paragraph 5.2 the penultimate line 'Eastwards' should read 'Westwards.'

26.10 The Programme Manager and Lead Commissioner City Regulation and Infrastructure Mark Prior answered questions:

A) Re: The value of using consultants; there were considerable demands on officer time and resources in consultation with residents on parking schemes. Mott McDonald had a long history of working with Brighton & Hove City Council and other local authorities in support of residents' consultations. They brought experience from other highways authorities and novel approaches to parking. Total spend included the postal survey and the is likely to be close to the original budget of £25,000, much less than some other local authorities had spent on their reviews.

B) Re: Novel approaches and blue skies thinking; suggestions including from previous scrutiny workshops on the CWPZ had all been investigated, such as removal of all controlled parking zones (CPZ), making the entire city a CPZ, buffer zones and measures to manage congestion and demand for parking spaces. Any pilot had to be resourced; and would need to be self-financing when a final scheme was implemented. Other local authorities operated at 80% parking space capacity; most of Brighton & Hove schemes were at 100%.

C) Re: Completing the CWPR before introducing new parking schemes; 2011 Environment Cabinet Member meeting had agreed to treat certain areas as urgent within the timetable existing at that time, in parallel with the CWPR process. Owen McElroy said that the CWPR had taken on a life of its own, with residents, Members and stakeholders raising issues that mattered most.

D) Re: The extent of the residents' questionnaire survey; this has been the largest ever parking review, involving 'almost everyone.' The 6,000 addresses were selected at random and the outcome would be statistically significant. There would be little utility in sending out more questionnaires. Moulsecoomb residents had the opportunity to reply to the consultation on the football stadium parking survey as well as the CWPR and this was clear in the publicity.

E) Re: Enforcement and times of parking enforcement; most parking schemes applied only up to 8pm. NSL was contracted to enforce parking restrictions between 7am and 12 midnight including eg double yellow lines.

F) Re: Parking on verges; Ward Councillors had been asked about parking on verges; some did not wish to ban parking on verges where there was no alternative for local residents.

G) Re: Motorcycle Bays; these would be included at Transport Committee.

H) Re: Traffic and congestion; these were dealt with through the Local Transport Plan process. Journey planning and new technology for traffic signals could be looked at as part of this.

I) Re: Consistency across the City in finding pay and display spaces; it is important that signage is clear; however every street has different circumstances eg road width and buildings layouts.

J) Re: Parking near schools, doctor surgeries and parking over dropped kerbs used by disabled people and people pushing buggies and wheelchairs; there was a potential option to for strengthening enforcement in these circumstances. Schools can apply for one permit per 6 teaching staff. Some other local authorities allow for parking permits for patients of doctor's surgeries.



26.11 Some members felt that the proposed scheduled of 5-yearly minor- and 10-yearly major-reviews would be inadequate, and proposed a rolling review.

26.12 The Chair Councillor Warren Morgan asked how displacement parking can best be prevented.

26.13 Another Councillor noted that parking was at the top of residents' concerns, the subject of more e-mails as all other topics put together; and that everyone can make their views known.

26.14 Key issues to be referred to Transport Committee;

- the importance of preventing displacement parking
- use of mobile phone technology eg for making payments and to identify localities of car parking spaces
- better use of other new technologies in line with other innovative highways authorities
- enforcement of restrictions including outside of parking zones
- republicising that non-car-owning-residents are entitled to buy scratch cards for visitors
- more information on the number of cars owned in each Ward, and how people use their cars ie whether for short distances and if there are alternatives.
- the schedule for future parking reviews and links with parking policy development

26.15 The Chair Councillor Warren Morgan thanked the officers for their work on the CWPR and thorough presentation of the main issues.

**26.16 RESOLVED** that comments and suggestions above be referred to Transport Committee.

## **27. COUNCIL TAX SUPPORT SCHEME SCRUTINY PANEL**

27.1 Councillor Graham Cox presented the Council Tax Support Scheme Scrutiny Report as a Panel Member. He thanked the Panel Chair Councillor Alex Phillips, who had given her apologies for this meeting. Thanks were also due to the other Panel Members; Councillor Anne Pissaridou and Rosemary Friggens, President of the East Sussex Credit Union who was an invaluable co-optee, plus all those who submitted their evidence.

27.2 The Panel was set up at as requested by the Council Leader Councillor Jason Kitcat to consider draft proposals for a new council tax support scheme from next April.

27.3 This was a controversial subject but the Panel was able to agree an all-party report after hearing from a range of witnesses, looking at other Councils' proposals and debating our proposed scheme.

27.4 The proposed scheme was summarised at report paragraph 1.6. Councils had limited flexibility in the design of their schemes, not least because pensioners currently receiving CTB will continue to receive their existing entitlement.

27.5 The Local Government Finance Bill was now in its final stages so this was a moving situation with significant new developments announced since the report was drafted eg on a

possible £100 million of new government funding for the scheme. This was now being looked at by the officers.

27.6 The Panel's first recommendation was that consideration be given to funding the gap (that was then £1.5 million) from savings elsewhere in the Council's budget. The latest developments could in fact reduce that funding gap and make that recommendation more easily achieved.

27.7 The Panel did agree that the suggested scheme could not be significantly improved upon within the existing constraints, despite concern about the negative impact on vulnerable residents due the extent of the funding shortfall – then £1.5million - at that time.

27.8 The Panel acknowledged the importance of financial and digital inclusion. Digital inclusion was especially a double-win situation that would help not only those applying for council tax support and other forms of benefits but also job-seekers; because 90% of jobs now required IT skills.

27.9 As the Council Tax scheme was only a relatively small part of welfare reforms the Panel recommended a further scrutiny review, when the wider changes are implemented.

27.10 Other recommendations referred to:

- communicating the changes clearly and thoroughly, especially to 'hard to reach' groups
- monitoring the impact of the changes once implemented
- making further representations over more local flexibilities within the council tax framework as a whole.
- closer involvement of landlord representatives in the City's welfare reform group.

27.11 The Chair Councillor Warren Morgan thanked the Panel Members and officers. He referred to the June 2012 OSC workshop that had emphasised the need for a joined-up approach to the impact of welfare reform, debt prevention measures and support for vulnerable residents who may otherwise be tempted to turn to loan sharks.

27.12 Councillor Graham Cox answered questions on: the challenges of giving early advice, answering queries and collecting small amounts from residents who had not previously paid council tax; the ability of people to pay; how the scheme affects employment policy; the impact of the scheme that would only be known after it had been introduced; and helping people who do not have internet access.

27.13 The Chair of OSC Councillor Warren Morgan confirmed that the review would come back for monitoring at a future meeting of the Committee .

**27.14 RESOLVED;** 1) that the report be endorsed and referred to Policy and Resources Committee.

2) that the impact of wider welfare reforms including financial and digital inclusion, be the subject of a further scrutiny review, once implemented.

## **28. OSC DRAFT WORK PLAN/SCRUTINY UPDATE**

28.1 The Head of Scrutiny Tom Hook updated OSC on current scrutiny reviews and the committee's draft work programme.

28.2 The Alcohol scrutiny review would start this municipal year.

The meeting concluded at 4.00pm

Signed

Chair

Dated this

day of



<b>Subject:</b>	<b>Report of the Scrutiny Panel on Trans Equality Issues</b>		
<b>Date of Meeting:</b>	<b>28 January 2013</b>		
<b>Report of:</b>	<b>Monitoring Officer/Head of Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Julia Riches</b>	<b>Tel: 29-1110</b>
	<b>Email:</b>	<b>Julia.riches@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 In 2012 a scrutiny panel was established to investigate issues of concern to the city's transgender community, focusing particularly on the obstacles and inequalities experienced by trans people when accessing a range of services.
- 1.2 The scrutiny panel report, including recommendations for making improvements in services directed to the city council and key local partners, is included as **Appendix 1** to this report.

#### 2. RECOMMENDATIONS:

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

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In January 2012 Cllr Mac Cafferty wrote a letter to the Chair of the Overview & Scrutiny Commission (OSC) requesting that a scrutiny panel be established to look at inequalities experienced by trans people in the city. OSC agreed this request, and a panel was subsequently constituted with Cllr Mac Cafferty as Chair and Cllrs Cobb and Morgan representing their groups. Two co-optees, Jay Stewart of Gendered Intelligence and Michelle Ross, Trans Awareness Consultant and Counsellor at the Terence Higgins Trust, both of whom are experts, agreed to join the panel. The Panel carried out a 'listening exercise' to hear from as many trans individuals, support groups, friends and family as possible. The panel also held three meetings to hear from service providers - **more details may be found in the scrutiny panel report (Appendix 1)**
- 3.2 Defining what is meant by the term 'trans' is a complex and sometimes sensitive matter, and is covered more fully in the scrutiny panel report (Appendix 1). In short though, 'trans' is used as an umbrella term for transgender. Trans individuals feel inherently that the gender they were assigned at birth does not correspond to their gender identity. It is important to clarify that gender identity is entirely separate from sexual orientation.
- 3.3 The number of trans people living locally is unknown, although given Brighton & Hove's reputation as an LGBT friendly city, we may, relatively speaking, have a larger trans community than most areas. However, trans people are, on average, significantly disadvantaged in terms of their physical health, mental health, and housing needs; suffer high levels of discrimination in employment or when attempting to access public services; and are disproportionately the victims of assault and anti-social behaviour.
- 3.4 As with any other group suffering such high levels of inequality, there is a pressing need to look at how we support and interact with local trans people. To this end the scrutiny panel has produced a series of recommendations which reflect the experience of trans people in the city, and which seek to improve services for this community.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 The panel worked very closely with both the Equalities and Communities Team and with the LGBT Health Involvement Project (LGBT HIP).
- 4.2 As detailed in the report at Appendix 1, the panel also held a 'listening exercise' to hear the views of the trans community and support groups.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

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

*Finance Officer Consulted: Anne Silley*

*Date: 29/06/12*

#### Legal Implications:

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

*Lawyer Consulted: Oliver Dixon*

*Date: 29/06/12*

#### Equalities Implications:

- 5.3 An EIA has been undertaken in relation to the work of the scrutiny panel and the panel has worked closely with colleagues from the Equalities and Communities Team throughout the review process.

#### Sustainability Implications:

- 5.4 None identified

#### Crime & Disorder Implications:

- 5.5 None directly, although it should be noted that trans people are disproportionately the victims of assault and anti-social behaviour.

#### Risk and Opportunity Management Implications:

- 5.6 None specifically identified

#### Public Health Implications:

- 5.7 Trans people typically have poorer physical and mental health than the general population and also report problems accessing health services. The recommendations in this report are intended, in some part, to remedy these issues and will therefore have a positive impact upon health inequalities and positive population health implications.

#### Corporate / Citywide Implications:

- 5.8 The recommendations in this report seek to help realise the core corporate goal of reducing inequalities.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The scrutiny panel report (**Appendix 1**) gives details of the evidence gathered by the panel which may include suggestions for service improvements not formally captured as panel recommendations. In general the panel focused on recommendations that were: a) unanimously agreed; b) readily capable of implementation.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The scrutiny panel report makes recommendations which seek to improve services for trans people. If agreed, the recommendation of this cover report will ensure that the scrutiny panel recommendations are considered by the appropriate decision-making bodies.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Appendix 1 – Report of the Trans Equality Scrutiny Panel

### **Documents in Members' Rooms**

*None*

### **Background Documents**

Volume 2 with minutes and written evidence will be available on the website in due course.





**Report of the Overview and  
Scrutiny Committee**

**January 2013**

**Trans Equality Scrutiny Panel**

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## Panel's Foreword

This Panel was set up to highlight the challenges and inequalities facing transgender people in Brighton & Hove and to make some recommendations for change.

We set out to find answers to the question: what needs to be done to make things fairer for trans people to live, work and socialise in the city?

The answers are manifold: a step change is required before trans people can feel they are able to live their lives as they wish in Brighton & Hove. Nonetheless, we hope that as a result of this inquiry, steps can be taken that will result in significant change. Brighton & Hove is a diverse and vibrant city – we want it to be a place where everyone, irrespective of their gender or gender expression, can enjoy what the city has to offer.

During the Panel's inquiry, there was a substantial amount of incorrect and offensive media comment about trans people. The Panel released a strong statement that this sort of comment would not be tolerated. It is hoped that the work of this Panel will help address this misrepresentation and foster better relationships.

Nonetheless, there are many things the city does well, and many individuals and organisations working to mitigate the inequalities experienced by trans people. In addition, changes have begun since we started this inquiry in May 2012. As a result of our questions, and from listening to trans people in the City, the NHS Clinical Commissioning Group (CCG) have committed to a trans needs assessment in early 2013. They will also be organising trans awareness training for all CCG staff, clinical leads and GPs. Housing officers have started to commission trans awareness training and the sports and leisure team are looking at offering trans only swimming sessions. City Services are looking to introduce more flexibility on honorific titles (such as Mr, Ms etc) within on-line forms. The Panel warmly welcome all these actions. In addition, as a Panel we were honoured to receive an award from the Brighton & Hove City Council LGBT Workers Forum for our work on equalities.

The Panel would like to express their gratitude to all those who gave their time, and often very personal experiences, to help us in our inquiry. We have reflected on the evidence we received – although all recommendations remain those of the Panel.

We are very conscious that as a council we have not been as trans-aware or trans inclusive as we should be and should endeavour to rectify this situation. We commit to monitoring the recommendations in this report and to ensure that things do change.

In addition, the collaborative working behind this Panel, with the Scrutiny Team working in partnership with the Equalities and Communities Team and

LGBT Health Involvement Project (LGBT HIP) should be seen as a model of good practice.

**Councillor Phélim Mac Cafferty, Councillor Warren Morgan, Councillor Denise Cobb, Jay Stewart, and Michelle Ross.**

## Terms and definitions

There is a full glossary at the end of this report but some frequently used terms are listed here. The definitions provided below are drawn from a number of sources. These can be found in the references section at the end of this report.

“Trans” is used in this report as an umbrella term for transgender. Trans individuals feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term trans man (or female to male - FTM) is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have completed transition to live as a man. Trans woman (or male to female - MTF) is a term used to refer to a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

“Acquired gender” refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were registered at birth.

“Gender Dysphoria” is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

“Gender Identity” refers to a person’s internal perception and experience of their gender.

“Gender expression” refers to the way a person lives, behaves, and interacts with others based on their gender identity.

The term ‘transitioning’ is used for the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

The term ‘Real Life Experience’ (RLE) refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE usually lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

‘Cisgender’ is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

Further information on the Equality Act 2010, the Gender Recognition Act 2004, and Gender Recognition Certificates is available in the glossary at the end of this report.



## Executive Summary

There has been inadequate awareness of the lives of trans people for too long. Sensationalist media reporting coupled with a lack of understanding has led to trans people suffering undue discrimination, problems accessing services, and harassment.

This Panel has tried to engage actively with as many members of the trans community, support groups, and service providers as possible and has made a number of recommendations aimed at making life fairer for trans people.

There is a lack of hard data on the numbers of trans people accessing services in Brighton & Hove, with the result that service providers are not necessarily aware of the needs of trans people. This report recommends that, as a matter of some urgency, a needs assessment should be undertaken to identify the size of the trans community and its needs. This should involve trans people at every stage of the process in order to inspire the trust of the trans community. Following this, a city-wide trans equalities strategy should be developed by the council and its partners, including an action plan with clear leads and responsibilities led by a council 'Trans Champion'.

There are a number of recommendations in this report aimed at increasing awareness of the lives of trans people. Basic principles such as the importance of using appropriate pronouns to refer to someone need to be explained: mistakes in gender-related speech can be very upsetting and can be easily avoided. The need for trans awareness training runs through this report. Brighton & Hove City Council should be at the forefront of changing the perception of trans people in the city and there are a number of recommendations in this report to make this a reality.

Given the importance of health and health issues, this report makes a number of recommendations for health bodies, in particular the local Clinical Commissioning Group. Problems over accessing local appropriate and timely healthcare need to be addressed and the Panel trust that the relevant health bodies will take these recommendations on board.

During this Inquiry, the Panel asked "What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?" It is hoped that this report is the first step on a journey towards providing answers.

## List of Recommendations

(Please note the recommendations are in the order they appear in the report not in order of importance – the page numbers refer to where the recommendations are in the report. These recommendations should be read within the context of the report.)

***Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service (p24).***

***Recommendation 2 : There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so (p24).***

***Recommendation 3: The council should ensure that all Councillors undertake trans awareness training (p24).***

***Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the Local Area Team (LAT) of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the LAT and the trans community (p27).***

***Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the CCG, offer guidance on the correct procedures (p30).***

***Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, the Panel recommend that an action plan must be put in place to ensure that real change occurs (p30).***

***Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems (p30).***

***Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical***

**Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans aware and understand their role in supporting patients on the care pathway (p30).**

**Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the Clinical Commissioning Group commissions an online resource and print resource to provide information for patients (p30).**

**Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition (p31).**

**Recommendation 11: The Joint Strategic Needs Assessment (JSNA) should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support (p32).**

**Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning Board LAT and CCG to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics (p32).**

**Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information (p34).**

**Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report (p35).**

***Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken (p39).***

***Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords (p39).***

***Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council (p40).***

***Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents (p43).***

***Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team (p44).***

***Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training (p48).***

***Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions (p50).***

***Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and***

**accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people (p51).**

**Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity (p51).**

**Recommendation 24: The council's Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new Toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition (p53).**

**Recommendation 25: B&HCC Human Resources, in partnership with the LGBT Workers' Forum and the Communities and Equalities Team, need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The B&HCC LGBT Worker' Forum is to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this (p54).**

**Recommendation 26: The particular impacts on trans people of the government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council's strategy on financial inclusion (p55).**

**Recommendation 27: When appointed, the Council's Trans Champion (see recommendation 36) should contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers (p56).**

**Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people (p58).**

**Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis. (p59).**

**Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly (p59).**

**Recommendation 31: Infrastructure services and the Transforming Local Infrastructure project should continue to consider how to engage the city's trans community groups to ensure they have an active voice in decision making (p60).**

**Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36) (61p).**

**Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion (p63).**

**Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens (p63).**

**Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them (p65).**

**Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within the Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a councillor should be nominated as the council's Trans-Champion (as distinct from the existing LGBT champion) (p66).**

**Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in**

***response to the expected call for evidence after the Trans Gender Equalities Action Plan (p67).***

## Introduction

### What do we mean by 'Transgender' or 'Trans'?

- 1.1 Transgender people have often been subjected to misunderstanding, harassment and discrimination. Social attitudes assume that there are only two genders (male and female) and make the presumption that a person's gender can not be changed. The lives of transgender people are often blighted by other people's ignorance. Indeed, even within the LGBT community, the 'T' is not always understood or accepted. Transgender people experience extreme discomfort and distress caused by the discrepancy between their sense of themselves as male or female and the gender they were assigned at birth (with all that goes with it).
- 1.2 **It is important to make clear at the very start of this report that gender identity is entirely separate from sexual orientation. Transgender individuals may be heterosexual, bi-sexual, lesbian, gay or asexual.**

### Terminology

- 1.3 The terms 'transgender' and 'trans' are both used as umbrella terms for people whose gender identity and/or expression differs from their gender assigned at birth. In this report, the term 'trans' is used in place of transgender. Whilst acknowledging that not everyone is comfortable with the term 'trans', or may not want to identify with any gender terminology, this report is using the term broadly.
- 1.4 It is important to note that for some people their gender identity can be complex or fluid. Trans people may identify as transsexuals, cross-dressers or gender-variant people. They may identify as trans women (male-to-female/MTF) or trans men (female-to-male /FTM) or gender queer. They may choose to alter their bodies hormonally or surgically, or they may not. (There is a brief glossary of the terms used in this report on p5 and a fuller glossary at the end on p70.)

### Why was this Panel set up?

- 1.5 Brighton & Hove has a reputation for inclusion and diversity, yet the trans community in the city faces significant discrimination, problems accessing services, and often health problems. In addition, trans people are significantly more likely to face mental health problems. The most recent analysis of the lives of trans people in Brighton &



Hove was *Count Me In Too* in 2008.<sup>1</sup> This report found that trans people:

*“are consistently one of the groups of LGBT people who are most vulnerable to marginalisation and exclusion on a number of measures”.*<sup>2</sup>

1.6 One of the starkest statements in this report was that:

*“those who identify as trans are twice as likely to have had serious thoughts of suicide, more than three times as likely to have attempted suicide in the past five years, and over five times as likely to have attempted suicide in the past twelve months as non-trans people”.*

1.7 The Department of Health report *Trans: A practical guide for the NHS* says that 34% of 872 trans people responding to a survey had considered suicide one or more times before receiving professional assessment and support.<sup>3</sup> The guide goes on to say that this is considerably higher than the risk in other groups and:

*“ should serve to underline that trans people would not subject themselves to such experiences unless, for them, there was no better option..... there is nothing trivial or capricious about permanently changing gender role”.*<sup>4</sup>

1.8 A recent report *Trans Mental Health Study 2012*<sup>5</sup> found that out of 889 people, 84% had, at some point, thought about ending their lives.

1.9 Nationally, steps have been taken recently with the introduction of the new Public Sector Equality Duty (see later in this report) and with the publication by the Government of their paper *Advancing transgender equality: a plan for action*.<sup>6</sup> However, there is more to be done. There has been no recent local needs analysis, no coherent attempt to understand the issues facing trans people locally, and consequently no reflection of their specific requirements in service design and delivery. In addition, given that gender reassignment only recently became a protected characteristic, there is no baseline of work to draw upon.<sup>7</sup> This Panel was set up to try and understand the specific needs of this one part of the city’s population and to take steps towards addressing

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<sup>1</sup> *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008

<sup>2</sup> *Count Me In Too*, LGBT Lives in Brighton & Hove by Dr Kath Browne with Dr Jason Lim December 2008 (Pii)

<sup>3</sup> Figures from *Engendered Penalties* (Whittle S, Turner L, and Al-Alami M, The Equalities Review, February 2007)

<sup>4</sup> *Trans A practical guide for the NHS*, Department of Health 2008, p6

<sup>5</sup> *Trans Mental Health Study 2012*, Jay McNeil, Louis Bailey, Sonja Ellis, James Morton, & Maeve Regan, September 2012

<sup>6</sup> *Advancing transgender equality: a plan for action*. December 2011

<sup>7</sup> Equality Act 2010 – see page 58 of this report for more information

the inequalities they face. This reflects not only a commitment to equality and human rights for trans people, but is intended to help to meet the legal obligation placed upon Brighton & Hove City Council as a public body under the Equality Act 2010.<sup>8</sup>

- 1.10 In addition, there has been a substantial amount of mis-representation of trans people and the issues they face in the media. In this report, the Panel attempts to redress the balance.

## Facts and figures

- 1.11 There are no reliable figures available nationally or locally on the size of the trans population. Nor is there any central data on how many people request or receive gender reassignment services in England.<sup>9</sup> How to obtain an accurate measure of the size of the trans population is a sensitive issue: some people do not wish to identify as trans, or once transitioned<sup>10</sup> no longer identify as trans. Some people do not wish to be asked. However, the lack of information on the number of trans people accessing services makes it more difficult to ensure services meet needs (see Section 8 on monitoring).

- 1.12 The report *Engendered Penalties* stated that despite considerable work on estimating the numbers of transgender and transsexual people in the UK:

*“Nevertheless, there is no substantive knowledge of how many people in the UK identify as transgender or transvestite, or use any other gender identity descriptor, but estimates vary considerably...”<sup>11</sup>*

## About the Panel

- 1.13 On 23 January 2012, at the meeting of the Overview and Scrutiny Commission (OSC) Councillor Phélim Mac Cafferty requested that a Scrutiny Panel was set up to look at issues around trans equalities, discrimination and access to services. It was agreed that a report would be produced to enable OSC to make a decision on the need for, and potential focus of, a scrutiny panel on trans equality. At the following meeting on 27 March 2012, OSC agreed to set up a Scrutiny Panel to look at the issues facing trans people in the city.

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<sup>8</sup> Equality Act 2010 –see page 68 of this report

<sup>9</sup> A review of access to NHS gender reassignment services (England only) Updated version – November 2011, Equality and Human Rights Commission p3

<sup>10</sup> Transition refers to the process of moving from one gender identity or expression to another. See glossary

<sup>11</sup> *Engendered Penalties: Transgender and Transsexual People’s Experiences of Inequality and Discrimination*. Stephen Whittle, Lewis Turner and Maryam Al-Alami. The Equalities Review P7

- 1.14 The members of the Panel from the Council were Councillor Phélim Mac Cafferty, Councillor Warren Morgan and Councillor Denise Cobb. The Councillors were delighted that two co-optees, Jay Stewart of Gendered Intelligence<sup>12</sup> and Michelle Ross, a Trans Awareness Consultant & Counsellor at the Terence Higgins Trust, both of whom are noted national experts, agreed to join the Panel.
- 1.15 It is worth recording, that despite the invaluable expertise shared with the Panel by both Jay Stewart and Michelle Ross, they were not paid for their time. Often meetings were held outside office hours and this report acknowledges with thanks the time volunteered by all those who participated in the inquiry.
- 1.16 The Panel held its first scoping meeting on 31 May 2012, where Councillor Mac Cafferty was appointed Chair. The Panel agreed their remit was to look at the key issues facing the trans community in the city with a view to making recommendations for action. It was also agreed that, in order to ensure that the Panel heard from as many trans individuals as possible, a facilitator would be appointed to assist the Panel. Nick Douglas, of the LGBT Health and Inclusion Project (LGBT HIP) kindly agreed to help the Panel to engage with trans individuals and support groups.<sup>13</sup> The Panel were very keen to use as many ways as possible of hearing the views of trans individuals in the city and devised a 'listening exercise' to enable them to do so. The Panel would like to record their thanks to Nick Douglas for all his excellent work in facilitating these meetings.
- 1.17 Before the Panel formally started this inquiry and in advance of the 'listening exercise', the Panel had an excellent private trans awareness training session.
- 1.18 During this inquiry, the Panel were supported by Brighton & Hove City Council (B&HCC) Scrutiny Team who worked in partnership with the B&HCC Equalities and Communities Team and LGBT HIP. This should be seen as an example of good practice in collaborative working.

### **'Listening Exercise'**

- 1.19 The Panel were very keen to hear from as many trans individuals, support groups, friends and family as possible. A press release was

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<sup>12</sup> Gendered Intelligence is a community interest company that runs arts programmes, creative workshops, and trans youth group sessions that looks to engage people in debates about gender

<sup>13</sup> A number of organisations in the city have commissioned a project known as LGBT Health and Inclusion Project (HIP) to conduct engagement activities with local LGBT people. (See <http://lgbt-hip.org>)

issued<sup>14</sup> and Panel members attended the annual Idahobit event on 16 May 2012 - the international day against homophobia, biphobia and transphobia. Nick Douglas set up an online survey which ran until November 2012 to allow people to contribute anonymously. The results of this survey have informed this report.

1.20 An open session for the Panel to hear from trans people, friends and family was arranged and facilitated by Nick Douglas on 10 July 2012. This was widely advertised on Twitter, by fliers distributed around the city, with an advert in the magazine GScene and on the council's and LGBT HIP's websites. This session was very well attended with around 50 people coming to give their views.

1.21 In first part of the session people were divided into six groups to discuss the question:

*“What needs to be done to make things fairer for trans people who live, work, study or socialise in the city?”*

1.22 Each group talked about what are the issues, what is wrong, and what needs to change. This was carried out in a private safe space to ensure that those attending felt comfortable discussing their experiences and opinions and could be confident that they would not be publicly identified as trans if they did not wish to be.

1.23 Following this discussion, Panel members joined the meeting to listen to the feedback from the groups and ask (or answer) questions. This format of the initial private safe space followed by the Panel's attendance was repeated in four more sessions where support groups in the city kindly agreed for Nick Douglas to ask the same question to those attending their meetings. These took place as follows:

MindOut (the mental health project for lesbians, gay men, bisexual and trans people in Brighton & Hove) on 11 July 2012;

The Clare Project (a support group open to anyone who wishes to explore issues around gender identity) on 17 July 2012;

FTM Brighton (Female to Male support group) on 21 July 2012;

Transformers (the trans youth network) on 25 July 2012.

1.24 These five sessions gave the Panel a unique and detailed insight into the issues facing trans individuals in the city. **The Panel would like to record their thanks to all those who participated in these sessions and those who gave up their time for free.**

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<sup>14</sup> Volume 2 of this report contains the press notice, emerging themes paper and minutes of meetings. This will be available on B&HCC website.

- 1.25 Following these sessions, it was clear that a number of themes were emerging. A paper was put together and published on the Brighton & Hove City Council's (B&HCC) and LGBT HIP's websites.<sup>15</sup>
- 1.26 The key themes arising were (in no particular order): health; mental health; education; housing; homelessness; leisure and sports facilities; diversity and awareness; forms; hate crime; employment; domestic violence; confidentiality; information and misinformation; toilets; bullying; gender fluidity; counselling and support; grants; complaints; benefits, and intersectionality.<sup>16</sup>
- 1.27 Personal quotes taken from these five meetings are included in this report but, in order to ensure anonymity, it is not recorded who spoke or at what meeting.

## **Service provider meetings**

- 1.28 The Panel held three further evidence gathering sessions on 20 September 2012, 25 September 2012, and 27 September 2012. The issues raised by trans individuals and support groups were discussed with health providers, the police, B&HCC officers from housing, schools support, community safety, public health, sports and leisure and human resources. During these meetings, the Panel also heard from support groups and from trans individuals with particular expertise in employment, disabilities, older people, and intersectionality.

## **B&HCC Staff**

- 1.29 The Panel were informed at one meeting that council staff who identified as trans did not feel comfortable addressing the Panel in any of the meetings. Whilst there are obvious reasons why trans people may be wary of coming forward to discuss their issues, the Panel were concerned that council staff did not want to talk to them. The Panel were keen to try and ensure that the views of council staff could be fed into the inquiry – and their concerns communicated directly to the council's Human Resources team. This resulted in a separate facilitated meeting being held on 1 November 2012 for council staff

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<sup>15</sup> To view this report follow the link: <http://present.brighton-hove.gov.uk/Published/C00000741/M00004371/AI00030090/TransGroupsVisitsThemesAug2012pdf.pdf>

<sup>16</sup> Intersectionality is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a Black or minority ethnic identity, or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.

who identified as trans. Working with the LGBT Workers' Forum, Nick Douglas arranged and facilitated this session. Unfortunately, despite wide publicity, this meeting was not well attended. It is worth noting that only 10 people identified as trans in the council's most recent staff survey. Whilst this is a low number, it is of concern to the Panel that staff did not formally come forward to take part in the meetings. The report looks at this later.

- 1.30 The full details of these meetings and the meeting notes can be found in volume 2 of this report.<sup>17</sup>

## **Structure of the report**

- 1.31 This report is structured to follow the key areas that arose from the 'listening exercise', namely:

Training and awareness

Health

Housing

Community Safety and Hate Crime

Education and Schools

Leisure and recreation (including facilities)

Employment

The responsibilities of Brighton & Hove City Council (B&HCC)

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<sup>17</sup> Volume 2 will be published on B&HCC's website in due course.

## Section 1 - Training and awareness

- 2.1 One of the main issues to arise out of the Panel's inquiry was the urgent need for trans awareness training, both within the council and elsewhere. Basic principles such as stressing the importance of using appropriate pronouns to refer to someone need to be explained. Mistakes involving pronouns and gender-related speech can be most upsetting for a trans person. If a person has altered their gender presentation they are asking to be regarded as the gender in which they are presenting. If there is uncertainty on how someone may wish to be addressed, then people need to act with sensitivity, asking the individual how they wish to be addressed. Of all the things that are likely to upset and offend a trans person and make them feel misunderstood and distrustful, mistakes (intentional or not) involving gender-related speech are amongst the most upsetting. Yet, as noted by the guidance published by the NHS, they are potentially the easiest to pay attention to getting right.<sup>18</sup>
- 2.2 Training needs to go far beyond gender-related speech, however. Trans awareness involves not only using terms preferred by the individual, but not making assumptions about a person's gender, and showing respect.
- 2.3 Comments to the Panel included:
- "Training is needed generally so that the general public can interact normally with all trans people and recognise that trans people are a part of the constituency."*
- "Training for all staff and services is needed. Trans people seem invisible in policies and services and need to be integrated and 'on the agenda' throughout."*
- "People don't understand our lives or experiences and don't know how to respond. This is probably to do with training – people need to have information on how to talk to trans people to save the awkwardness."*
- "There can be very subtle discriminations, such as a raised eyebrow. There should be mandatory training for council staff".*
- "When I explained (to a utility company call centre) that I had transitioned and wanted to change my contact details, they told me to call back 'when he comes home.'"*
- 2.4 Several people made the point that they feel that they frequently have to educate others about trans issues, which can add to the stresses of

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<sup>18</sup> Trans: A practical guide for the NHS (p12)

transition. If the first point of contact a trans person meets gives the wrong or unclear information, things become unnecessarily difficult.

2.5 In all the service areas the Panel considered, the issue of training was central. If front line staff in organisations, be that the council or elsewhere, are not appropriately trained then trans people will never receive the service they require and deserve. **The issue of training arises in each section of this report.**

2.6 Charlotte Thomas, Head of Human Resources and Organisational Development, B&HCC, told the Panel that Human Resources officers received training in 2009 from the Gender Trust but have had no subsequent trans awareness training. The council has a Trans Toolkit and this is available for managers and staff.<sup>19</sup> However, the Trans Toolkit is not actively promoted and there had been very few inquiries about it from managers. Charlotte Thomas told the Panel:

*“If managers were asked they would not be aware of the Trans Toolkit but when they had an issue that is when they would go to the Wave [the council’s intranet site]: this is how the council’s managers deal with most HR policies.”<sup>20</sup>*

2.7 The Trans Toolkit is due to be revised shortly. The Panel have expressed concern at some parts of the Trans Toolkit and trust that this revision takes note of this report. This report looks further at this in Section 7 (Employment).

2.8 Mary Evans, Head of Communities and Equality, B&HCC, told the Panel that the council does not have a dedicated resource for trans awareness training. Each team in the council decides what training they require and then the Learning and Development team will liaise with the Equalities and Communities team to deliver the required training.<sup>21</sup>

2.9 It is also worth noting that there is an issue around that fact that training is often LGBT rather than specific trans awareness training. As one person put it:

*“The training is often LGBT with the T lumped in and the training is not necessarily specialist”.*

2.10 Specific trans awareness training would focus more closely on the complex issues that face trans people, rather than general equalities training.

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<sup>19</sup> The Trans Toolkit is the HR guidance for managers in B&HCC. See later in this report.

<sup>20</sup> By the time of publication, Charlotte Thomas had left B&HCC

<sup>21</sup> Evidence 25 September 2012. By the time of publication, Mary Evans had left B&HCC



## Intersectionality

- 2.11 The issue of 'intersectionality' was raised with the Panel. Intersectionality' is the concept that people have more than one identity with which to relate to the world. Some people's primary identity may be trans, while others combine this with identities that are equally significant such being LGB, having a black or minority ethnic identity or living with mental health issues, or with a disability or any other combination of identities. As a concept, it draws attention to the multi-faceted nature of social and political identities and the different forms of exclusion, oppression and inequality that may result from those identity categories.
- 2.12 Whilst considering training requirements, it is important to bear in mind that people have complex and varied ways in which they interact with others. Camel Gupta of Queers of Colour<sup>22</sup> told the Panel that there had been some credible training models in Scotland for intersectionality. Good work on intersectionality takes time but it can be done structurally or in one area at a time, building awareness of the multiplicity of identities as time goes on.

## Available Information

- 2.13 The Panel heard repeatedly that there is little information on the numbers of trans people using services. Equalities information often shows that there is no data in relation to trans service users. However, the Panel are pleased to note that since the inquiry began, there have been four occasions when teams carrying out Equalities Impact Assessments in relation to budget changes, have specifically considered the impact on trans groups. In addition, for the first time the Community and Voluntary Sector Forum are setting up a specific trans group on the budget proposals. This is a welcome move.<sup>23</sup>
- 2.14 This lack of data can make it difficult to tailor trans awareness training appropriately. Council departments could usefully carry out an audit of trans services users - with an assessment of their needs - in order to inform any future trans awareness training. This must, however, be done in an appropriate and sensitive way (see Section 8 of this report looking at monitoring). As part of this, work needs to be undertaken with the trans community to raise awareness of the need for monitoring

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<sup>22</sup> 'Queers of Colour' is a small community group for people of colour and LGBT,Q. 'Queer' is a term preferred by some gender-questioning people. The term 'people of colour' is an American term but it is regarded by some as a more inclusive one than Black and Minority Ethnic (BME) which is often used.

<sup>23</sup> Information supplied by Equalities and Communities team.

and why they should participate in it. Confidentiality and anonymity will be paramount.

***Recommendation 1: Public service providers (including those contracted by the council) need to ensure that they have, as far as possible, relevant and up to date information on the number of trans people using their services and what they require of that service.***

- 2.15 It is important that specific trans awareness training is commissioned from providers with experience and expertise in trans awareness training. It should also involve trans people directly.

***Recommendation 2: There is an obvious need for specific trans awareness training for front line staff both in the council and in partner organisations. The council should take the lead in both providing specific training for its own staff, including senior officers, and encouraging other local agencies to do so.***

- 2.16 In addition to staff training, the council should ensure that all democratically elected members also receive relevant and up-to-date trans awareness training.

***Recommendation 3: The council should ensure that all Councillors undertake trans awareness training.***

## Section 2 – Health

- 3.1 There are a number of health-related issues facing trans people. The pathway for health care is long and cumbersome; there is a lack of awareness by some GPs of trans people and their needs. The mental health pathway is not generally felt to be the most appropriate; there are no local gender re-assignment services and the waiting lists for the West London Gender Identity Clinic (also known as Charing Cross GIC) are lengthy.
- 3.2 Some of the things people told the Panel are reflected in the following case study.

### **Case Study - Health**

*“On health issues, I have no problems with medical professionals but I do have a problem with administrators. I was told I could not change my NHS number, though the PCT said I could. I was told I had to leave the practice and then re-register. The administrator did not know what to do. I had to have these conversations in public at the receptionist’s window.”*

*“The Health services seem to me like gate-keepers and I’m always made to feel as if I’m trying to queue-jump. As a guy I can’t self-medicate because testosterone is not available and I could be arrested for possession. But oestrogen can be taken. We know the health risks. But there is no proper system of informed consent and we have to try to jump through hoops. It took 6 months for me to receive consent forms but my paperwork was lost and now I probably have to wait at least until the end of next year. I can’t self-medicate and can’t alleviate my feeling of dysphoria. It is very frustrating.”*

*“It would be an amazing day if Brighton were ever to get its own clinic. We would not have to take a whole day off work (to travel to London), have to explain reasons for absence etc. There is also the issue of the cost to the local economy of travelling – we wouldn’t have to take a whole day off.”*

*“Yes people do self-prescribe because GPs block progress and being seen at Charing Cross takes so long. But that means you can’t get the 6 monthly blood test that shows if the liver is functioning properly.”*

*“We understand ourselves best. We don’t need someone to tell us who we are. To have our own GIC would be great. There are a lot of gender experts in Brighton & Hove and they could do something.”*

- 3.3 To understand fully the health issues faced by trans people, the existing processes and systems need to be examined.

## National background – commissioning of services

- 3.4 The Health & Social Care Act (2012) abolished the current statutory NHS commissioners, the Primary Care Trusts (PCTs – that is, NHS Brighton & Hove), and replaced them with Clinical Commissioning Groups (CCGs). PCTs will be abolished from 1st April 2013. Until then, PCTs retain statutory responsibility for the bulk of NHS commissioning, contract management, quality assurance and local strategic leadership. CCGs will not become statutory organisations until April 2013 at the earliest. However, in order to achieve a smooth transition, CCGs have already been established in every local area. Technically they are operating as sub-committees of PCTs; but in practical terms they have actually taken over many PCT responsibilities for planning and commissioning services. CCGs are not mirror images of PCTs and will not undertake all the work that PCTs do – they will not, for example, commission primary or specialist healthcare, and they will not have quite the same role in systems leadership as PCTs.
- 3.5 Many of these non-CCG functions are currently still being undertaken by PCTs. In addition, PCTs have been ‘clustered’ on a sub-regional basis, with, for example, the four Sussex PCTs combining to form NHS Sussex.
- 3.6 The recently established national NHS Commissioning Board (NCB) is currently implementing a regional structure, and the sub-regional arm of the NCB, the Surrey & Sussex local Area Team will take on many of the roles currently residing within NHS Sussex. Formally, this will not happen until April 2013, but in practical terms the Area Team should replace the PCT cluster by late Autumn 2012.
- 3.7 Following a written question on the future strategy, Jo Scott (the then Assistant Director Mental Health, South East Coast Specialist Commissioning Team) explained that the local Area Teams will commission gender identity services and will facilitate the local relationship with CCGs. However, many other questions the Panel had asked were unable to be answered at this stage – the NCB strategy is not yet in place.
- 3.8 The written submission from NHS Sussex and Brighton and Hove Clinical Commissioning Group makes the point:

*“It is essential to note when considering the gender reassignment pathway that the processes, assessments, requirements and core services included are agreed and designed on a national basis, and contracted on a regional basis. Prior to the current restructuring of the NHS, Primary Care Trusts in the South East contributed funding to the commissioning of the pathway, and this commissioning was delivered by the South East Coast Specialist Commissioning Group. In the new NHS structures, a national contract and*

*service specification for gender reassignment services is being developed by the NHS National Commissioning Board (NCB) and services will be commissioned and contracted for by regional offices of the NCB.”*

3.9 The Panel heard from Geraldine Hoban, Chief Operating Officer for the Clinical Commissioning Group, and Jo Scott, the Associate Director Mental Health, South East Coast Specialist Commissioning Team and lead on Gender Identity Clinical Reference Group (CRG). At the same meeting, they heard from Dr Tim Ojo, Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist and Phil Seddon, Equality and Diversity Manager, NHS Sussex.

3.10 Geraldine Hoban explained to the Panel:

*“The NCB would be responsible for gender services, primary care and GPs; CCGs will have a more generic role with responsibility for mental health, hospital and community services but not screening.”<sup>24</sup>*

3.11 Brighton & Hove has a unique status in the Sussex and Surrey area. The Panel heard that, because of the city’s reputation for diversity and inclusion, a greater proportion of the population is likely to be identifying as trans than elsewhere in the region. The Panel believe that it is imperative that local concerns are fed into the commissioning process. Whilst the Panel recognise that there will be a local Health and Wellbeing Board, it is important that the views of trans people living in Brighton & Hove can feed directly into the Sussex and Surrey LAT. There is a real fear that regionally commissioned services for specialised services will not be sensitive to local needs.

***Recommendation 4: Given the state of uncertainty around the future commissioning of gender identity services, it is imperative that there is a local Brighton & Hove professional within the local Area Team of the NHS Commissioning Board to ensure the views of the local trans population are fed into those who commission services. This named individual should be experienced in working with the trans community and be given explicit responsibility for ongoing engagement between the local Area Team and the trans community.***

## **The NHS care pathway**

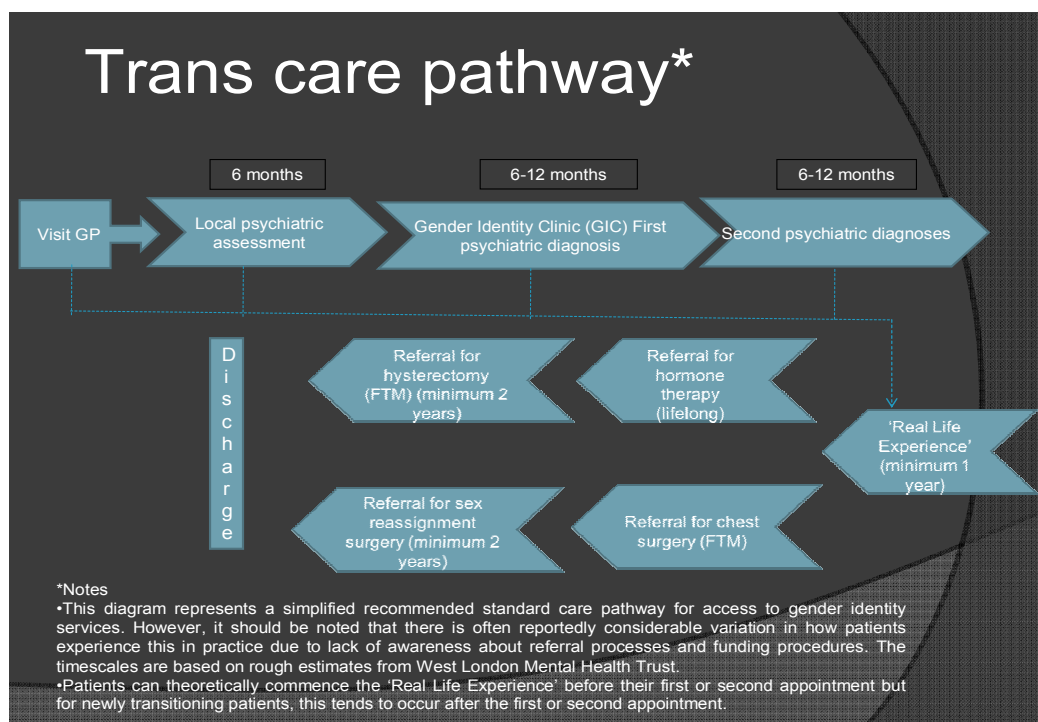
3.12 A number of people raised concerns over the existing NHS care pathway. The submission from the NHS Sussex and Brighton and Hove Clinical Commissioning Group (CCG) summarises the health and wellbeing issues that relate to the gender reassignment process as:

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<sup>24</sup> Mins 20 September 2012

location of specialist Gender Identity Clinic and lack of local provision; length of time on the gender reassignment pathway; lack of agreement as to which procedures are considered 'core' to the pathway; satisfaction, experience and trans engagement in the pathway; and psychological support and psychological assessment.<sup>25</sup>

- 3.13 The existing NHS pathway for a trans individual is shown below. However, it should be noted that due to inconsistency and lack of awareness among healthcare providers, there is often reportedly variation in how patients experience this in practice.



- 3.14 As detailed above, the first point of contact for an individual who is questioning their gender identity is their GP. The Panel were told that there were mixed standards for GPs – some are fantastic, some are not helpful. One person told the Panel that they felt that some GPs do not want to get involved and can get 'freaked out'. There was a general feeling that GPs could benefit from specific trans awareness training – as could front line staff. One person commented:

*“There are often inappropriate reception processes and people are often not handled in a sensitive or respectful manner. Trans people often find themselves arguing in a public place with someone who doesn't understand”.*

- 3.15 The written submission from the NHS Sussex and the CCG states that as a result of local engagement and national research, the NHS is aware that:

<sup>25</sup> Written submission

*“Trans people report often encountering difficulties in their interactions with health professionals that range from lack of awareness and understanding of their identities and gender status to outright hostility and prejudice from staff who have difficulty accepting gender reassignment or gender dysphoria as legitimate.”<sup>26</sup>*

- 3.16 In addition one person noted: *“Doctors and GPs have no understanding of trans bodies and trans issues”*. Geraldine Hoban told the Panel that the CCG had a responsibility to offer support to GPs and could arrange and encourage training. Following the Panel meeting, a number of written follow-up questions were asked. In response to a question on training, Geraldine Hoban wrote:

*“The CCG will be organising awareness sessions for CCG staff and clinical leads from a range of equalities groups in early 2013. This will include trans awareness.”*

- 3.17 The Panel welcome this commitment arising as it does from the Scrutiny Panel’s inquiry.
- 3.18 In response to written questions, NHS Sussex informed the Panel that the CCG was developing Equality and Diversity strategies for 2012-14. These are not yet published but:

*“This strategy includes actions to improve the collection of patient protected characteristic data at both GP practice level and provider trust level in order to ensure that service development and commissioning is fully informed by the needs of local communities.”<sup>27</sup>*

- 3.19 The Panel look forward to seeing the strategies once they are published. The collection of patient protected characteristic data should be used to improve the experiences of trans patients.
- 3.20 Recording, monitoring and privacy are core issues for improving services for trans people yet the Panel has heard evidence from many trans people that information handling (including by health professionals) is often problematic for both the individual and for the service provider.
- 3.21 Trans people have clear legal protection from disclosure of their trans status and previous gender identities upon the receipt of a Gender Recognition Certificate (GRC). However, NHS Sussex stated they were aware that some NHS providers and GP practices are often unclear as how to store information on trans people prior to the receipt of the GRC and how information can be provided when required

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<sup>26</sup> Written submission for NHS Sussex and Brighton and Hove Clinical Commissioning Group,

p4

<sup>27</sup> Answer to written question

without revealing a person's trans status. This can cause anxiety for trans people and NHS staff.

***Recommendation 5: The local Area Team should review current practices on how personal information is gathered and stored and, through the Clinical Commissioning Group, offer guidance on the correct procedures.***

- 3.22 The point was also made to the Panel that trans people will sometimes face the assumption that their health needs are inextricably linked with their trans status and find it difficult to access generic advice and treatment without their gender identity being considered a causal factor in their health needs.<sup>28</sup>
- 3.23 Clarity around these issues should be addressed through appropriate training and subsequent monitoring. It is not sufficient to provide training without then having the mechanism to ensure that real change occurs as a result.

***Recommendation 6: The Clinical Commissioning Group (CCG) needs to mandate a rolling programme of trans awareness training for all CCG and GP practice staff and specifically improve the trans patient experience on the scorecard for GP surgeries. As part of this, an action plan must be put in place to ensure that real change occurs.***

- 3.24 The issue of check-in at GPs surgeries was also raised: on arrival, people have to input their date of birth and indicate if they are male or female with no option for non-binary gendered people. The Panel can see no reason why this cannot be amended to so people do not have to indicate a gender, or for this part of the check in to be removed entirely.

***Recommendation 7: The GP electronic check-in should be changed to remove the need to identify as Male or Female on arrival at the surgery, using alternatively surname and date of birth. In addition, patients should be provided with the option to use a non-gender specific honorific or to decline to provide one on NHS systems.***

***Recommendation 8: Given the importance of GPs as the first point of contact for trans or gender-questioning people, the Clinical Commissioning Group needs to ensure that all GPs in the city are fully aware of the appropriate care pathways for gender identity services and health needs of trans individuals. As part of this, GPs must ensure all their staff are trans-aware and understand their role in supporting patients on the care pathway.***

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<sup>28</sup> Written submission NHS Sussex and CCG



**Recommendation 9: Patients and others will need access to information about the gender identity care pathway. The Panel recommend that the CCG commissions an online resource and print resource to provide information for patients.**

**Recommendation 10: The Clinical Commissioning Group should set up a feasibility study and pilot to develop a central Brighton practice as a centre for GPs with special interest in gender identity healthcare. This should ensure best practice is developed and meets the needs of patients undergoing gender identity transition**

- 3.25 Traditionally, the NHS pathway for trans individuals has been the mental health pathway. A number of people expressed concern that this pathway is too narrow and can be inappropriate. There was a perception that this leads to trans being seen as a mental illness. Dr Tim Ojo (Executive Medical Director, Sussex Partnership NHS Foundation Trust and Lead Psychiatrist) was very clear that trans is not a mental health issue – he made this categorical statement. He went on to explain that whilst some people may have had a worse service than they should expect, when looking at health conditions it is important to ensure there are no underlying psychiatric issues.
- 3.26 Historically, the lead clinician in the trans care pathway has been a psychiatrist. However, Dr Tim Ojo was of the opinion that in a properly resourced service, this did not necessarily have to be the case. Mental health services do have an important role to play but there is no reason why it is solely a mental health pathway to gender services. Nonetheless, Dr Tim Ojo emphasised that the effect of the Real Life Experience on trans people should not be underestimated.
- 3.27 In addition, Dr Tim Ojo explained that trans people contacted the mental health services for different reasons. There are those people who wanted to go through the pathway to gender re-assignment ('instrumental' contact), those suffering depression due to discrimination and harassment, and those experiencing stress after transition (social issues).
- 3.28 The Panel heard that trans people on the trans care pathway are not always getting the mental health support they need. Gender Identity Clinics are oversubscribed and local services aren't meeting demand. All too often trans people are falling through the gaps in service provision. Mental health support provided locally for people on the trans care pathway – and those needing support prior to embarking on the pathway – needs to be considered.
- 3.29 The Brighton & Hove Joint Strategic Needs Assessment (JSNA) states that trans people were twice as likely to have thoughts of suicide and five times more likely to have attempted suicide in the past year than

LGB people.<sup>29</sup> The section of the JSNA looking at suicide prevention states that future local priorities will draw on the national draft strategy which identifies six key areas for action.<sup>30</sup> One of these areas is work to improve the health of groups at risk of mental health problems. The list in the JSNA includes “Lesbian, gay & bisexual people” but does not include trans people. It is important that the JSNA explicitly mentions trans people as a group at risk and not just LGB people.

***Recommendation 11: The JSNA should more accurately reflect the needs of trans people, particularly regarding suicide prevention. As part of this, health bodies in the city need to clarify what mental health support there is for people both on the trans care pathway and people who are not on the pathway but need support.***

## **Gender Identity Clinic (GIC)**

- 3.30 Following a local psychiatric assessment, trans individuals are then referred on to a Gender Identity Clinic. For people in Brighton & Hove the nearest is the West London Mental Health Trust. There is no local provision. This need to travel to London creates an additional financial burden and, for those in work, more medical leave time. In addition, a number of people reported that there were lengthy delays for appointments.
- 3.31 It had been suggested to the Panel that a specialist from the West London GIC could travel to Brighton & Hove – for example, hold appointments locally once a month. This would mean that people did not have to travel to London so often, with the associated costs in time and money. In response to a question, Jo Scott, Assistant Director Mental Health, told the Panel that Brighton & Hove spends around £34,000pa on the West London GIC which is not enough to bring a specialist to Brighton. There is also a national shortage of clinicians so it would exacerbate the problem to spread them wider geographically. The problem of needing to carry medical records for trans people in paper form, rather than electronically, was also mentioned.
- 3.32 All things considered, the Panel do not think that it is unreasonable for the NCB to consider providing a local service at regular intervals in Brighton & Hove. The Panel appreciates that funding is problematic, but steps could be taken to bring some services locally.

***Recommendation 12: Given the concerns of the trans community over the lack of local gender identity services, a feasibility exercise should be conducted by the National Commissioning***

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<sup>29</sup> JSNA. Count Me In Too found that those who identify as trans are over five time more likely to have attempted suicide in the past twelve months than others.

<sup>30</sup> <http://www.dh.gov.uk/health/files/2012/09/Preventing-Suicide-in-England-A-cross-government-outcomes-strategy-to-save-lives.pdf>

**Board (NCB) local Area Team and Clinical Commissioning Group (CCG) to commission a Gender Identity Clinic to provide a satellite service to operate from Brighton & Hove on a regular basis. This must be informed by consultation with the trans community. In addition, the CCG needs also to show it is being pro-active in bringing influence to bear on the NCB to ensure improvements are made in Gender Identity Clinics.**

- 3.33 A number of other concerns were raised with the Panel, including the problems of self-medicating, access to appropriate screening, and problems with NHS records and administration. There are also a lot of inconsistencies, for example, one trans man told the Panel that he was unable to get a hysterectomy from the local hospital without a letter from the GIC which delayed matters; a trans man at the same meeting had been referred directly by their GP with no problems. Single-sex hospital wards were cited as problematic for trans people who would prefer to be able to choose where they feel most comfortable.
- 3.34 Trans people need to have access to screening and services appropriate to their birth gender. However, trans individuals reported problems in accessing relevant screening services, for example, breast screening for trans men or prostate screening for trans women. This is an area that needs to be addressed by health professionals: there is no easy answer. A number of people reported problems with changing NHS numbers to reflect their gender identity. Geraldine Hoban told the Panel that a new NHS number effectively 'wipes' a patient's health history. This could be an issue for anyone with chronic health problems.

### **Accurate data**

- 3.35 As mentioned at the start of this report, there is a lack of up-to-date data on the numbers of trans people in the city. In response to a written question, Dr Tim Ojo told the Panel:

*"We currently do not have accurate data about those waiting to transition. However we do know that about 86 people on average each year have been accepted as referrals from our Trust to the West London GIC."*

- 3.36 The Public Health Joint Strategic Needs Assessment (JSNA) relies on Count Me In Too (2008). In response to written questions following a Panel meeting, Geraldine Hoban of the CCG told the Panel:

*"The CCG has committed to work in partnership with the City Council to commission a trans needs assessment for the city, to take place in early 2013."*

- 3.37 The Panel welcome this commitment as a pleasing result of this scrutiny inquiry. However, some joined-up working will be required as it is important that the needs assessment is not restricted purely to health but also covers the areas of housing, leisure and employment needs.

***Recommendation 13: The Panel welcome the Clinical Commissioning Group's commitment to work with the council on commissioning a trans needs assessment for the city. The Panel recommend that as a matter of some urgency a needs assessment needs to be undertaken to identify the size of the trans community and its needs. Trans people must be involved at every stage of this process from design, commissioning, implementation, analysis, reporting and influencing in order to inspire the trust of the trans community. The current public health Joint Strategic Needs Assessment (JSNA) must be updated to reflect this information.***

## **Public Health**

- 3.38 The Panel heard from Becky Woodiwiss, Health Promotion Specialist in Public Health. The responsibility for public health is moving from the PCT to the council from April 2013. The majority of this public health role involved the commissioning of health and wellbeing services. Becky Woodiwiss told the Panel:

*"It was important to get past the bi-classification of male and female. All general health population needs apply to trans people with some additional specific health issues that need addressing such as mental health, access to physical activities, maintenance of a healthy weight."*

- 3.39 The Public Health team were keen to have a better dialogue and better monitoring throughout the commissioning process to enable all people to be able to access all services.

- 3.40 The JSNA 2012 states that one of the recommended future local priorities is to:

*"Await the outcome of the Brighton & Hove City Council Trans Equality Scrutiny review, which will examine aspects of health, safety, housing, employment & leisure services."*<sup>31</sup>

- 3.41 The Panel welcome this statement and recommend that the Public Health team first identify the health status of the trans population. As local authorities are now responsible for reducing health inequalities, in order to know whether they achieve this outcome for trans people, they

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<sup>31</sup> <http://www.bhlis.org/jsna2012>

must first know what the health status of the trans population is, what inequalities they face, and what actions are likely to address them.

***Recommendation 14: The Panel recommend that the public health team take action to identify the health status of the trans population, and put in place a robust plan for reducing any health inequalities for trans people in the city. As part of this the Joint Strategic Needs Assessment (JSNA) needs to be updated to address the health inequalities noted in this report.***

## Section 3 – Housing

- 4.1 Access to appropriate and affordable housing was raised repeatedly with the Panel. Some young trans people or people who are transitioning may not feel safe in shared accommodation or with shared facilities. The Housing Options service completed an Equalities Monitoring Analysis in early 2012 - more information will be available from this later in the year. Initial headlines include the statement “*the transgender community have reported that they would not feel comfortable living in many of the supported projects that are currently available.*”<sup>32</sup> Barriers for trans people accessing supported housing need to be explored in the LGBT Housing Strategy.
- 4.2 In addition, the Single Room Rate (SRR) restricts the maximum housing benefit certain claimants in the private sector can receive to the rate for a single room in a shared house (as opposed to a self-contained studio flat or one-bedroom property). Since January 2012 this has applied to claimants aged 35 and under – a change from the previous rules of applying to under 25s.<sup>33</sup> This change in the rules will have a particularly negative effect on trans people due to issues around privacy and safety. The Advice Strategy Partnership told the Panel that the Brighton Housing Trust had two recent cases where clients identifying as trans had reported this as a key barrier.
- 4.3 Although the SRR restriction is a matter of legislation, the Panel have been told that the council has an, albeit limited, ability to ‘top up’ local housing allowance payments for a period with ‘discretionary housing payments’. Housing officers need to be fully aware of the needs of trans people.
- 4.4 There is also the question of where people are housed – some trans people are being housed in areas of the city where they do not feel safe but find it difficult to move. The Panel heard that the high level of supported housing, the high student population, and the vibrant private rented sector, have led to high prices. People are then forced for financial reasons to the margins of the city, where they may not have chosen to live. One person said:
- “It’s very very difficult to live as a trans person in some places, for example, you can get unpleasant things put through your letterbox.”*
- 4.5 Another person told of “*problematic neighbours who had an unhelpful attitude during transition*”.

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<sup>32</sup> Written submission para 12.3

<sup>33</sup> Written submission Advice Strategy Project

- 4.6 The comment was also made that trans people are discriminated against when looking for rental accommodation. Private landlords and housing associations are not always welcoming to trans tenants.
- 4.7 Stephanie Scott of the Clare Project told the Panel that Brighton is seen as a 'haven' for trans people and every month people contact the Clare Project wishing to move here. However, if a person does not have a 'local connection' then they can only access the private rental sector which is expensive and in many cases inaccessible to those on benefits.<sup>34</sup> James Crane, Service Improvement Manager in the housing team, B&HCC, told the Panel that the local connection issue would be addressed in the upcoming Single Homelessness Strategy. The criteria used to review housing need and for assessment for the provision of assistance should be informed by the specific housing vulnerabilities that trans people report. This includes: transphobic discrimination and harassment and exclusion from the private sector due to low income engendered by employment discrimination and structural inequality.
- 4.8 Trans people reported to the Panel that if there was a need to move house post-transition, the existing process is not sufficiently flexible for people to be able to either move, or move up to a housing band that would enable them to be re-housed. The Panel were told that the Housing Act sets out certain criteria that local authorities have to give 'reasonable preference' to, including homelessness, overcrowding or unsanitary accommodation, and to ex-servicemen/women. In addition, the Panel were told it is a political decision on which categories of people are housed as a priority.<sup>35</sup>
- 4.9 Housing officers told that Panel that (at the end of July 2012) 21 tenants had thus far recorded that they were trans – although it was felt that this is likely to be an under-representation. Other figures provided by the Housing Options team, based on equalities monitoring, gave a figure of 16 people who had identified as trans who were threatened with homelessness. Once again, the data for the numbers of people who identify as trans is inconsistent. The written submission from the Housing Commissioning team stated the Housing Options/Homeless team does consider requests under gender if someone "does now or have ever identified as trans or gender variant." It goes on to say:
- "Base line equalities data for the trans community is difficult to obtain. Data is not collected routinely in either the Housing Register or Housing Benefits Sections of the council and therefore a base line is difficult to establish".*
- 4.10 The Panel was told that the housing benefits team do ask people if they identify as trans, but then do not record that data on the system as

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<sup>34</sup> Evidence 25 September 2012

<sup>35</sup> Evidence 27 September 2012

there is no legal requirement to do so. The review of housing services needs to include a robust mechanism to enable housing need among trans people to be identified and quantified.

## Training

- 4.11 The issue of training for front line staff, those entering people's homes, and landlords was raised. Nick Hibberd, Head of Housing and Inclusion, B&HCC, told the Panel that they were aware that they needed to do more staff training, specifically on trans awareness. Housing officers and providers need to be aware of the vulnerability of some trans people and their specific needs. **As a result of the Scrutiny Panel process and the issues and awareness it has raised, housing officers have started commissioning trans awareness training. This is to be welcomed and must be made available to all housing staff.**

## B&HCC

- 4.12 The council owns and manages nearly 12,300 homes in Brighton, Hove and Portslade (including 23 sheltered housing schemes), around 11% of all housing in the city. The council is also by far the biggest landlord in the city with 2,300 leasehold flats. Tenants are involved in the development of the housing service. However, the housing team recognise that they engage with tenants who do not reflect the totality of the tenant profile and that more needs to be done to encourage trans tenants to come forward and be involved in service development. **The Panel look forward to hearing what progress has been made on this in due course.**
- 4.13 B&HCC has an LGBT Housing Options officer, a role that was developed out of the LGBT Housing Strategy and *Count Me In Too*. It would be interesting to have further information on this work, and how it feeds into the housing strategies. *Count Me In Too* found that 29% of trans respondents lived in social housing, 39% owned their own homes, and 24% lived in the private rented sector. At that time, 36% of trans respondents had experienced homelessness. The report found that trans people had particular vulnerabilities with transphobic landlords in the private rented sector and in council supported housing.<sup>36</sup> There is no up-to-date information on the current situation.
- 4.14 The Housing team need to know what proportion of council tenants are trans and should have base line figures with regular monitoring in

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<sup>36</sup> Count Me In Too, LGBT Lives in Brighton & Hove, Dr Kath Browne with Dr Jason Lim, Trans People, Additional Findings Report, December 2008,pvii



place. Only with reliable information will the service be able to fully meet the needs of all its service users.

- 4.15 Housing officers are due to embark on a new Homelessness Strategy in 2013 with the review taking place late in 2012. The Panel heard that the most recent homelessness consultation was 2007 and involved an LGBT event. The LGBT Housing and Support Workers Group no longer exists but the Panel were told that this may be reconstituted.<sup>37</sup> The Panel would like to see a thorough and widespread community engagement programme in advance of the development of the new housing strategies. This should ensure that trans tenants and trans individuals are given the opportunity to take part. The concept of “nothing about us without us” needs to be embedded as part of the process informing the new strategies.

***Recommendation 15: During the upcoming revision of housing strategies (homelessness, LGBT housing) the views of the trans community should be actively sought. Specifically, the Housing Options service should be reviewed to ensure that it is widely known about and used by trans people in housing need. A programme of outreach to the trans community to publicise the assistance available from the housing department should be undertaken.***

***Recommendation 16: The Housing department should also commence a programme of awareness raising about the legal protections for trans people in housing provision and promote good practice within social and private landlords.***

## Older trans people

- 4.16 The Panel heard from Ruth Rose, of the UK Advisory Panel on Ageing. Some trans people report feeling very isolated from those around them and this can increase with age. There is a perception that people may go into sheltered housing or a hospice and then find themselves further isolated, in particular because other residents can have very uninformed views about trans people. **The council needs to look at what positive steps can be taken to bring a better social acceptance of trans people among the communities of older residents in sheltered accommodation and residential homes.** As with other areas of housing, there has been no specific training for those working in sheltered housing since the training that followed *Count Me In Too*. A recent East Sussex County Council report looking at social care for LGBT people noted that for older trans people:

*“There are also particular physical and personal care matters that must be acted on appropriately - proper attention to*

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<sup>37</sup> Evidence 27 September 2012

*hormone replacement regimes; intimate care, skin and hair care; appropriate attention to personal choice of clothing and style and privacy. There are legal requirements about confidentiality of personal identity that providers need to be aware of and ensure their staff comply with.*<sup>38</sup>

- 4.17 The isolation that older trans people can experience could be addressed by ensuring that older people's services contracted by the council have robust processes in place to ensure that older people can access appropriate services. Stephanie Scott made the point to the Panel that trans people often want to move to Brighton & Hove but there are no plans in place to deal with an ageing LGBT population. **The Panel feel that discussions should be taking place to plan for a likely increase in number of older LGB and T people in the city.**
- 4.18 In addition, it seems likely that trans people may find themselves more likely to be in a position where they do not have family to look after them as they age. Without people they know to take care of them, there is a concern that carers may not understand trans bodies or trans needs. With the provision of in-home care, people may also be worried about others coming into their homes who do not understand them and who therefore won't look after them appropriately. **The council must take steps to ensure that older trans people can be confident they will receive appropriate care and that those who provide care on behalf of the council are rigorously monitored. In particular, during the role-out of personal budgets, the council needs to be doing what it can to encourage carers who will be sensitive to the needs of trans people.**

***Recommendation 17: Further work should be undertaken to address the transphobia and discrimination faced by older trans people such as in accessing adult social care services, supported housing and care homes (for example, personal care). As part of this, training on trans awareness and the needs of older trans people needs to be put in place for care homes and sheltered housing providers contracting with the council.***

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<sup>38</sup> An assessment of the needs of lesbian, gay, bi-sexual and transgender (LGB and T) people in the East Sussex area using or needing to use Adult Social Care's services, p19 <http://www.eastsussexjsna.org.uk/JsnaSiteAspx/media/jsna-media/documents/localbriefings/ESCC-LGBT-needs-assessment-march2012.pdf>

## Section 4 - Community Safety and Hate Crime

5.1 Brighton & Hove has a reputation as a diverse city where people can be supported. Camel Gupta from Queers of Colour told the Panel that there is a strong sense at LGBT events across Europe and elsewhere that Brighton & Hove is a good place to live. Despite this, the Panel heard that hate crime and incidents blight the lives of many trans people in the city. Combined with a lack of awareness and a fear of reporting crimes, many trans people are finding it difficult to live safely in the city.

5.2 People told the Panel their stories:

### Case Study – Hate Crime

*“It is particularly bad on Friday nights, especially as the clubs are opening; there’s a surge of macho men in the streets at that time. I don’t go to West Street at all now.”*

*“Many trans people in the city are in effect LGBT refugees who had fled to escape transphobia in other parts of the country and seek sanctuary”.*

*“I lived elsewhere and suffered many violent attacks in 18 months, some resulting in hospital admissions. If you are a visible trans person you can be at risk of your life. Eventually, I put my belongings in suitcases and came to Brighton.”*

*“I was a victim of hate crime from a middle class area of England. People do come to Brighton for that reason.”*

*“There should be zero tolerance of hate crime. We need to define what that means and how it would be carried through. It is felt to be acceptable to bash trans people and there has to be a step change – start with no tolerance.”*

*“Brighton is a great city to live in. I have found council people totally polite and efficient but other people have had different experiences.”*

### Hate crime

5.3 There are a number of issues surrounding hate crime – not least that it is historically under-reported. In 2011 the police figures show there were 225 LGBT incidents or crimes of which 167 were logged as incidents and 58 as crimes. Of those 58 crimes, 35 remained

undetected. Of the 225, in only 16 of these did the victim identify as trans with the remaining 209 identifying as LGB.<sup>39</sup>

- 5.4 The Panel heard from PC Rachel Piggott and Rory Smith of Sussex Police, and Peter Castleton and Eric Page of the Community Safety team in the council at separate meetings. PC Rachel Piggott told the Panel that she had been part of the Police LGBT Liaison team for the past two years. During this time she had worked with different community groups to gain trust and build confidence. The LGBT Liaison team hold drop-in sessions in public places (for example, libraries and cafes) and run a monthly on-line session for people to contact the police electronically. It is worth emphasising that the LGBT Liaison Team has been cited to the Panel as an example of good practice. Rory Smith is a civilian (rather than a police officer) who works as part of Sussex Police looking at LGBT Hate Crime. Part of this role was to examine hate crime reporting to try and gain more detailed hard data.<sup>40</sup>
- 5.5 Peter Castleton, Community Safety Manager and Eric Page, LGBT Officer, Community Safety Team, told the Panel that several years ago there was a difficult relationship between the team and the trans community but this has been improving year on year. The challenge was to establish trust and for the community to feel confident to talk to the police and the Community Safety team. A new duty phone number (the anti-social behaviour and hate incident reporting line) has recently been set up (01273 292735) and this will be promoted. **The Panel would like to see this number widely publicised and promoted.**
- 5.6 It is important that appropriate recording of police and community safety data on trans-related crimes and incidents is developed and used to inform preventative measures wherever possible. In a recent, and welcome, change the Police have started recording trans crimes as a separate crime to the LGB marker. In addition, the Community Safety team are developing a system to work with community agencies to get anecdotal evidence to help inform data collection. Without better reporting – and better evidence of transphobia – it is difficult to secure relevant funding to deal with the issue, or to put in place specific preventative measures. Eric Page told the Panel that the lack of monitoring was a key issue. Without hard data it is difficult to target specific mechanisms and preventative work.

*“There is a need to keep listening and expanding awareness of reporting”.*<sup>41</sup>

- 5.7 As part of this ongoing process, when the council funds the development of LGBT community safety projects or interventions, such

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<sup>39</sup> Written submission

<sup>40</sup> Evidence 20 September 2012

<sup>41</sup> Evidence 25 September 2012

projects should be required to demonstrate the active and meaningful participation of trans people.

***Recommendation 18: The robust recording of police and community safety data on trans-related crimes and incidents should be developed and used to inform preventative measures. Further work needs to be undertaken to encourage reporting of hate crime. Building on existing relationships, an action plan needs to be put in place by the community safety team in conjunction with Sussex Police to address low levels of hate crime reporting including trans related incidents.***

- 5.8 The view was expressed to the Panel that often it was visitors to the city who were the worst perpetrators of trans hate crime. There is no hard evidence to support this: one view is that those that carry out hate crime are not just transphobic but carry out other hate crimes.
- 5.9 The Panel were told that more needs to be done on training and trans awareness for pubs and clubs in the city. People need to know that hate crime – including harassing people because of their appearance - will not be tolerated and public venues were well-placed to help put this message across, for example with posters, or leaflets.
- 5.10 The council’s Statement of Licensing Policy states that:
- “In line with statutory requirements and the council’s Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.”*
- 5.11 In addition the Licensing policy supports the Crime and Disorder Reduction Partnership’s crime reduction strategy, in particular it seeks to “confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour”. Under the reviews section of the Statement of Licensing Policy it also notes that where a style of operation of a premise leads to applications concerning likelihood of racist, religiously motivated, or transphobic crimes or incidents, *“the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.”*
- 5.12 When the council is looking at licenses for premises in the city, there is a case to be made for ensuring that premises – and the staff that work in them – are fully open to all individuals. (The issue of facilities in venues is considered later in this report).**

## Training

- 5.13 The Panel are aware that there have been incidents when people have been wrongly assigned a gender by police officers when they call in to report an incident, which has led to upsetting and insensitive handling of that individual when they present to the police station.<sup>42</sup> There is a training DVD on trans awareness but it has not necessarily been widely used – it is important that trans awareness training is delivered across the police force.
- 5.14 The Panel questioned the Community Safety team about their training and there appear to be some gaps with new staff. The Panel recommend that the community safety team ensure that everyone on the team receives trans awareness training as a matter of some urgency.

***Recommendation 19: The Panel recommend that Sussex Police provide trans awareness training for its staff, in conjunction with the community safety team.***

## Domestic violence

- 5.15 The issue of domestic violence was raised with the Panel. Statutory and non-statutory services can forget that domestic violence affects trans as well as cisgender people. It was a concern that there are no safe spaces or refuges for trans men or women. Refuges and safe spaces may reject trans people – and even if they are let into these spaces, residents may associate them with their birth gender thus causing problems. The Panel heard that there were no funds for an additional refuge or safe space. **Nonetheless, there is a key issue around community safety and safe spaces for trans people who are either homeless or suffering from domestic violence or both that needs to be addressed. As part of this, staff in refuges should be trained in trans awareness.** The Panel heard from Joanna Rowland-Stuart from Regard, a charity run for and by disabled LGBT people.<sup>43</sup> The Panel heard that domestic violence is an issue for disabled and trans people. Disabled trans people can be refused care or asked to present in their birth gender and not their acquired gender.
- 5.16 The report *Domestic Violence. A resource for trans people in Brighton and Hove* stated that:

*“Trans people can experience domestic violence from a same or opposite sex partner, and can do so regardless of the gender identity of either person.*

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<sup>42</sup> Evidence 20 September 2012

<sup>43</sup> Evidence 25 September 2012

*In some cases, abusers will use the process of 'coming out' or transition as an additional form of control. This can be particularly difficult where children are involved.*<sup>44</sup>

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<sup>44</sup> <http://www.riseuk.org.uk/documents/Domestic%20Violence%20-%20A%20Resource%20for%20Trans%20People.pdf>

## Section 5 - Education and schools

6.1 During the Panel's listening exercise, one of the key areas where it was felt that changes could be made that would have a forward reaching positive effect was in terms of schools and the provision of education. Trans or gender-questioning children and young people can be hugely affected by what happens to them in their early life. Concerns around gender stereotyping, the curriculum, awareness and training, bullying, and lack of support were all raised.

6.2 Comments made to the Panel included:

*"PSHE should include people's different experiences of being human."<sup>45</sup>*

*"More training is needed in schools because bullying of trans people has been rife. There should be greater awareness by both children and parents. The whole range of different gender identities needs to be better acknowledged."*

*"I would have loved to have transitioned when I was still at school; that might have meant moving to a different school where I wasn't known, but that would have been ok."*

6.3 The Panel heard from Elliot Klimek of Transformers (the support group that works with young trans people between 16 and 25 years old: the group is part of Allsorts Youth Project, an LGBTU youth project), from Marianne Lemond of Allsorts Youth Project (a LGBT youth project) and Sam Beal of the Healthy Schools Advisory Service in B&HCC.

6.4 Transformers works with young trans people in group work and advocacy, and with parents. Elliot Klimek reinforced what the Panel had heard in other areas, that there are issues around accessibility and the physical environment in schools, for example, toilets, PE, changing rooms, competition in sports. Teachers can be nervous around the law on trans people taking part in PE lessons. One person who attended Transformers had never felt safe enough to go on a residential school trip.<sup>46</sup>

6.5 The Healthy Schools Advisory Service and Allsorts Youth Project work in partnership to "support schools to prevent and challenge transphobia and to support transgender and gender questioning children and young people in school settings".<sup>47</sup> The Panel were told that support materials and training were delivered to help schools meet the Public Sector Duty of the Equality Act 2010. The new Ofsted Framework identified trans children as a vulnerable group. These two things

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<sup>45</sup> Personal, Social and Health Education

<sup>46</sup> Evidence 20 September 2012

<sup>47</sup> Written evidence p1



together have led to more focus on preventing and challenging transphobia. In particular, the new Ofsted Framework can now be used to encourage schools to consider more closely the needs of trans children and young people.

- 6.6 Within this work they support primary and secondary schools to deliver effective PSHE education and provide careers education, information, advice and guidance. This includes work on developing anti-bullying and equalities, of which supporting schools to understand the needs of trans and gender-questioning children and young people is a part. In addition, Sam Beal told the Panel that materials are being developed to support the PSHE curriculum in schools to include work around transphobia, gender and gender identity as well as sexuality and homophobia.<sup>48</sup>
- 6.7 Allsorts and the Health Schools Team are also working on a trans Toolkit for schools on supporting trans and gender questioning children and young people. This is still in draft but the Panel heard that the Toolkit will include the issues that trans children face, such as toilets, and gendered uniform. As it is developed the young people involved in Transformers will be involved, as well as Allsorts. It is important that when the Toolkit is developed, people know how to use it and that it is well advertised and implemented. Schools will need to be confident that they not only know about the Toolkit but how to use it.
- 6.8 In terms of reaching out to schools and knowing what training is going on, however, there is not currently the time or resources within the council team or Allsorts to do this. For funding and capacity reasons, the support and guidance offered by Allsorts and the Healthy Schools team in this area, is reactive not proactive. They work with schools and parents who have approached them, and offer training support to all schools in the city. They offer central training as part of the Toolkit development but there is not the capacity to monitor what all schools are doing. Sam Beal told the Panel their workload was increasing:
- “Young people transitioning in school communities or between schools or with a trans parent are increasingly asking for help in a visible way. More people have made contact over the last eighteen months.”<sup>49</sup>*
- 6.9 Sam Beal explained that the main challenges are time, capacity, and training the whole school in a complex subject.<sup>50</sup> Marianne Lemond told the Panel that Allsorts were getting more demand for their support now: some of this is as a result of more younger people identifying as trans or gender questioning at an earlier age. She noted:

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<sup>48</sup> Evidence 27 September 2012

<sup>49</sup> Evidence 27 September 2012

<sup>50</sup> Evidence 27 September 2012

*“There has been an increase in the number of trans and gender questioning children accessing Allsorts and an increasing number of parents too. Currently, the demand for Allsorts service is exceeding capacity.”<sup>51</sup>*

- 6.10 It is also of concern that it is when children leave the more nurturing climate of primary schools for secondary school that is when gender questioning children face more problems. Elliot Klimek of Transformers noted that schools need to be capturing data on transphobic bullying and all teachers should signpost trans children and young people to Allsorts (some do, but not all). The Healthy Schools Advisory Service informed the Panel they will be launching guidance for schools on recording and reporting of bullying and prejudice based on incidents by type (including those resulting from perceived or actual gender identity). The local authority will also request that schools return bullying data by type, including that relating to gender identity.<sup>52</sup>
- 6.11 Whilst bearing in mind the financial climate, given the importance of children and young people’s formative years and experiences, both those who may be trans and gender questioning, and those who may not be, the Panel is of the opinion that if we are to create a cultural shift towards more understanding and awareness of gender diversity, more work needs to go into the provision of trans awareness in education and the schools in the city.
- 6.12 Schools will also need to be aware of their Public Sector Equality Duty (see p57 of this report) and be able to set out what they are doing to ensure that they are compliant with the duty in regard to gender reassignment.<sup>53</sup>

***Recommendation 20: The council must continue to actively support the work of the Healthy Schools Team and Allsorts to provide guidance and support to trans children and young people. As part of this, the resources given to this work should reflect the demands on the service. In addition, specific trans awareness training should be provided in schools, as well to general LGBT training.***

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<sup>51</sup> Evidence 27 September 2012

<sup>52</sup> Written submission p2

<sup>53</sup> The Equality Act 2010 provides protection for ‘transsexual people’ under the protected characteristic of gender reassignment. For more information see p58 of this report.

## Section 6- Leisure and recreation

- 7.0 The importance of exercise and a healthy lifestyle is well documented, both in terms of physical and mental health. However, the Panel heard that access to sports and recreational activities is problematic for trans individuals. Issues around gendered toilets, gendered changing rooms, and lack of awareness of trans individuals and their needs, and gendered sports (for example women's netball or men's basketball) were all raised with the Panel.
- 7.1 The Panel heard that many trans people can feel excluded at sports facilities not only because of transphobia, but because they feel uncomfortable using the changing facilities. There is a lack of general awareness around facilities for trans people, in particular a lack of gender neutral changing areas.

### **Case Study –changing rooms and toilets**

*“A lot of people don't like unisex changing rooms .. some women (and men) don't feel safe in mixed changing rooms.”*

*“A simple loan key system (for an accessible toilet) would make swimming more accessible for trans people.”*

*“Huge amounts of money have been spent on redeveloping parts of King Alfred Leisure Centre. It should have been easy to include suitable facilities – changing areas, toilets, showers – for trans people. That would make a big difference to me.”*

*“The only place I feel comfortable to change in, is the toilet.”*

*“Intergender loos – it would be nice not to think you are causing a problem just because you need to go to the loo.”*

*“If the only other option than M and F is ‘disabled’ then it should be called ‘accessible’ and be for people who can't use other toilets for whatever reason.”*

*“Often in men's toilets, even if there is a cubicle, often there isn't a lock. This is low down in pubs/clubs' priorities but as a trans person you feel unsafe.”*

### **Training and awareness**

- 7.2 The Panel heard from Ian Shurrock, Commissioner, Sports and Leisure and Toby Kingsbury, Sports Facilities Manager, B&HCC. The Panel

heard that the sports and leisure team had undertaken broad equalities training but no specific trans awareness training. The team recognised that further training was needed around trans awareness and would welcome views on how best to provide this training.<sup>54</sup> **The Panel would encourage the sports and leisure team to commission appropriate trans awareness training (see recommendations 1 and 2 on a service users audit and training.)**

- 7.3 The Panel asked for data and any experiences of trans people accessing services or transphobic behaviour, but there was none available. The point was made that the lack of reporting doesn't mean it isn't an issue. Indeed the sports service would be concerned if this meant that people were no longer using the facilities but the team were not aware of it.
- 7.4 Ian Shurrock told the Panel that his team welcomed the chance to talk to the Panel and take on board the issues for trans people in accessing their service. The team do run Muslim women only swimming sessions and noted that programmes can change in relation to demand. A session can build up from a low participant base. **Following the Scrutiny Panel meeting, the sports and leisure team started to explore the option of trans only swimming sessions in St Luke's swimming pool – the Panel welcome this as a positive step forward.**

## Facilities

- 7.5 A number of trans people told the Panel that one of the main things that prevented them attending activities in the city's sports and leisure centres, was the lack of changing areas and toilets where they felt safe.
- 7.6 **It is worth highlighting that the issue of appropriate, non-binary toilets and changing areas was raised in relation to all buildings (including schools, work buildings and pubs/clubs). The comments made in relation to sports and leisure facilities should be seen to be applicable to other buildings and venues.**

***Recommendation 21: The Panel welcomes the commitment from the sports facilities team that they will engage with the trans community. The Panel recommends that trans individuals are consulted in future facilities planning, and are also consulted and involved in helping to develop trans safe and trans only exercise sessions.***

- 7.7 A variety of options are available to make toilets more accessible. Suggestions have included offering trans people the option to use the

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<sup>54</sup> Evidence 27 September 2012

accessible toilets with RADAR locks. Whilst this may be helpful for some, there are associated problems. Any consultation looking at how to make more toilets accessible to all should include trans users and disabled user groups.

- 7.8 It is worth noting that changes to toilet provision would have a wider beneficial effect. For example, more unisex toilets would mean that toilet spaces are effectively utilised and may have the effect of reducing queuing.
- 7.9 A Scrutiny Panel has recently been set up to look at the provision of public toilets in the city. Whilst this is in early stages, that Panel should be aware of the concerns raised by trans individuals in relation to toilets.

***Recommendation 22: There should be provision for accessible and gender neutral toilets in all areas. The council should take the first step, with consultation with trans individuals, to ensure gender neutral and accessible toilets are available in public buildings. Where appropriate, this process should involve consultation with other groups affected such as disabled people who may have a view about widening access to toilet facilities designated as accessible for disabled people.***

- 7.10 The council should actively examine the changing rooms provided in its leisure and recreation centres to see if there are sufficient accessible changing facilities to accommodate all users, whatever their gender. In addition, when facilities are being refurbished, the opportunity should be taken to ask users what facilities they would like to see. As part of this process, trans support groups should be asked for their views.

***Recommendation 23: Individual changing rooms should be available in all leisure buildings and the council should actively encourage other organisations to provide changing rooms that are appropriate for all users, whatever their gender identity.***

## Section 7 – Employment

### Employment

- 8.0 Persia West, from *A Place at the Table* told the panel that employment was central to any consideration of how to make life more equitable for trans people. Employment gives people a place in the world, financial value and a sense of identity. However, trans people can find it difficult to find employment, and for those in work, there are often problems of abuse or lack of understanding, particularly if they are transitioning.
- 8.1 One person told the Panel how they ended up leaving their job - 'forced out' - as their employer did not provide support, or indeed allow them to use the appropriate facilities. Other people told the Panel that medical leave can be problematic for those transitioning. Unison has produced a factsheet (Transgender workers rights – April 2012) which states many trans workers face discrimination, despite the fact it is unlawful. It states: "41% of trans respondents to our most recent UNISON members' survey feared for their job security if people knew they were trans. 60% of them had experienced transphobic comments from colleagues and managers."<sup>55</sup>
- 8.3 Repeatedly, the Panel heard both how employers did not know the legal and employment rights of trans people, and that trans people themselves did not know their rights. In a complex legal arena, there is confusion and misunderstanding on both sides. Ultimately, in a difficult economic climate, any person whose needs are perceived to be more onerous than those of others (however misguided or uninformed that perception), may find themselves penalised. The Panel are aware that there are existing protocols and policies in place aimed at protecting the rights of trans people at work. However, there is an issue over how informative – or even factually correct – these are, and how well used.
- 8.4 Persia West told the Panel that there had been a LGBT jobs fair several years ago – it had been useful but had only been attended by a small number of people. Nonetheless, the council should consider arranging a new LGBT jobs fair to bring SMEs and advice organisations together. The previous job fair had helped identify the barriers facing trans people looking for employment. There is still a role for that today.
- 8.5 There is a lack of 'specialised' advice on employment rights for trans individuals –the Advice Strategy Partnership acknowledge this gap and are exploring opportunities for developing this service.

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<sup>55</sup> Transgender workers right – April 2012. From the website. There is no information on how many people took part in the survey.

8.6 From the other perspective, JobCenterPlus informed the Panel that:

*“Diversity in general is seen as a selling point and benefit to the city by most employers due largely to the city’s profile as a liberal and vibrant place to do business. The ‘Pink Pound’, Pride and other high profile events and festivals attract a huge cross section of society which is catered for by businesses in the city. Brighton Jobcentre staff closely mirror the diversity amongst its customers.”<sup>56</sup>*

## **B&HCC employees**

8.7 B&HCC carry out an annual staff survey. In 2012, 10 members of staff who filled in the survey identified as transgender. This small number makes it difficult to extrapolate meaningful data, but looking at the responses to the questions asked in the survey, the views of those who identified as transgender were similar to those of all staff.

8.8 At one meeting, the Panel were told that council staff did not feel safe to talk about their experiences with the Panel. On questioning Charlotte Thomas, Head of Human Resources and Organisational Development for the council, the Panel were perturbed to find that HR had no explanation for this. It is imperative that staff must feel safe to discuss any concerns or problems they have with the relevant people and to be assured that remedial action will be taken where necessary. The Panel heard that the council’s Trans Toolkit is available for managers to access over the intranet pages but there is very little in terms of active support. More worryingly, Panel Members highlighted two areas of the Toolkit where they had concerns over a lack of compliance: namely, in the section on what questions could be asked at the interview and in the section on how will personal records be amended & confidentiality assured. It is imperative that this is remedied as a matter of some urgency to reflect current legislation.<sup>57</sup>

***Recommendation 24: The council’s Trans Toolkit is due to be revised. The Panel recommends that the council take advice from experts in trans awareness to ensure the toolkit is fit for purpose. This new toolkit should then be proactively publicised and promoted to all staff within the council. Managers should be offered training on its use. In addition, guidance should be given for council staff on what to do when a person changes their name and gender marker following a gender transition.***

8.9 It is important that Human Resources engage with all staff – including trans staff. The feedback that the Panel heard that council staff were too anxious to talk to Human Resources is of concern. One person

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<sup>56</sup> Email from JobCentre plus

<sup>57</sup> P6 and p11 of the Trans Toolkit

expressed the view that the council as an employer didn't care enough about its trans staff and needed to do more to ensure that they understood their rights to protection from discrimination at work. However, one person did tell the Panel that they had managed a person undergoing transition and had found the council very good in supporting this person. This would indicate that there is good practice in the council, but it is down to individual managers.

- 8.10 The council has a LGBT Workers' Forum supported by the Communities and Equalities Team. The LGBT Workers' Forum Panel also supports a LGBT Mentoring Scheme. Whilst it would not be appropriate for the Panel to have information relating to this, it is hoped that processes are in place to learn from the experiences of trans staff.
- 8.11 Brighton & Hove City Council uses the Stonewall index to measure progress on employment equality for LGB people. **Stonewall does not include trans people: the council needs to consider how it is including employment equality for trans people in its assessment processes.**
- 8.12 Galop published a report called *Shining the Light* that set out 10 clear steps to becoming a trans positive organisation. Whilst this was aimed at LGBT organisations that want to be inclusive, not local authorities, it is a valuable document. When asked, Charlotte Thomas, Head of Human Resources at the council replied that on a scale of 0-5 in *Shining the Light*, the council would be 2.5. **The council needs to examine how to move towards being a trans friendly organisation – along the lines of the *Shining the Light* guide.** As part of this, the council needs to have a review of monitoring and employment practices, including how posts are advertised to reach trans people.

***Recommendation 25: B&HCC Human Resources in partnership with the BHCC LGBT Workers' Forum and the Equalities Team need to reach out to trans employees to listen to their experiences of working for the council and to make changes accordingly. The LGBT Workers Forum are to be congratulated on their activities on trans inclusion. The Forum must continue to be supported and resourced to develop its work on this.***

## **Small and Medium Enterprises (SMEs)**

- 8.13 It was suggested to the Panel that smaller employers were less likely than large organisations to have trans policies in place. This had a negative effect on trans people gaining employment and on support for those transitioning whilst in work. The lack of easily available information and of training and support was reiterated to the Panel. The idea of advocates was raised with the Panel as one way of giving support to a trans person, and this could include specialist advice for finding and maintaining work. **The council should look at ways of**



**opening a dialogue with employers in the city to raise awareness of the employment rights of trans people.**

## **Financial inclusion**

8.14 Paul Sweeting, from the Advice Strategy Project,<sup>58</sup> submitted a written paper to the Panel. This noted that trans people face significant barriers to employment, and discrimination in the work place. As a result of barriers to employment, they may be more likely to be on lower incomes and be reliant on benefits. The concomitant effects of this are self-explanatory.

8.15 Persia West told the Panel that if a person was well educated and employed, transitioning may not be a problem.

*“The problems arise for those not in such a good social position: for them transitioning can be a tragedy. It is important to look at the unemployed who may get caught in the benefits trap.”*

8.16 It is noted earlier in this report (Section 3 Housing) that the changes to the Single Room Rate have a particularly negative impact on trans people. The cumulative effect of benefits and welfare changes need to be examined.

***Recommendation 26: The particular impacts on trans people of government welfare reform agenda must be taken into account. As part of this, the specific vulnerabilities of trans people as recipients of welfare benefits should be explicitly acknowledged in the council’s strategy on financial inclusion.***

8.17 The Panel were told that if you are a trans person entitled to benefits, your details are restricted so that if you make a phone inquiry often you cannot be advised at once but have to be called back by someone with authorisation to access your files. This measure was introduced as a proactive step to protect information about a trans person’s status but it has had the unintended consequence of increasing delays and administrative problems for trans people. The Panel heard that the Criminal Records Bureau have a special phone line and a dedicated team that trans individuals can call when requesting a CRB check. This would seem a sensible way forward for benefits advisors to follow.

## **Lack of understanding**

8.18 Several people reported problems to the Panel in banks when staff insinuate a trans person is trying to de-fraud the bank or to use another

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<sup>58</sup> The Advice Partnership brings together a range of providers, funders and partners to develop a co-ordinated, strategic approach to advice provision.

person's bank account details. People in organisations such as banks need to be aware that individuals may not always comply with gender expectations. As one person put it:

*“People ought to recognise that an a-typical gender presentation is not a sign of criminality.”*

***Recommendation 27: When appointed the Council's Trans Champion (see recommendation 36) contact local high street banks, building societies and East Sussex Credit Union to encourage sharing best practice regarding staff training/awareness and bank records procedures for trans customers.***

## Section 8 - The responsibilities of Brighton & Hove City Council

### Public Sector Equality Duty

9.1 The Equality Duty is a duty on public bodies and others carrying out public functions. It came into force as part of the Equality Act 2010. The guide for public sector organisations states the purpose of the Duty:

*“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.”<sup>59</sup>*

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

- age
- disability
- gender reassignment<sup>60</sup>
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

9.3 The Equality Act designates people who have undergone or intend to undergo gender reassignment as having a ‘protected characteristic’ and places an obligation on public bodies (such as councils) to demonstrate how they are meeting the ‘equality duty’ for groups with such characteristics. The Act does not require people to be under medical supervision in order to be protected.

9.4 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.

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<sup>59</sup> Equality Act 2010: Public Sector Equality Duty. What do I need to know? A quick start guide for public sector organisations ([www.homeoffice.gov.uk/equalities/](http://www.homeoffice.gov.uk/equalities/))

<sup>60</sup> The Equality Act 2010 provides protection for ‘transsexual’ people defined in the Act as “people who are proposing to undergo, are undergoing, or have undergone the process of changing their sex”. These people now have the protected characteristic of gender reassignment.

- 9.5 The council needs to demonstrate very clearly how it is meeting its Public Sector Equality Duty. It is hoped that this report will assist the council in meeting its duty in regards to gender reassignment.

***Recommendation 28: All public bodies (including NHS bodies and schools) should publish an annual statement on what they have done to meet their public sector equality duty in respect of trans people.***

## **Equalities and monitoring**

- 9.6 Monitoring of trans service users or staff is a complex and sensitive process. The Scottish Transgender Alliance makes the following point:

*“When monitoring numbers of transgender service users or staff, the security and safety of the information that you gather is essential, and you may wish to consider the systems you have in place for storing and coding the information. Organisations who have attempted to gather this information in the past have found these systems are crucial to building the trust and confidence of those being monitored, whether they are staff or service users.”<sup>61</sup>*

- 9.7 They go on to say that many transgender people are extremely protective about the privacy of their gender identity and gender reassignment history. In addition, identifying somebody as having the protected characteristic of gender reassignment without their permission, even accidentally, could lead to either civil court proceedings for unlawful harassment and discrimination under the Equality Act 2010 or even to criminal charges under section 22 of the Gender Recognition Act 2004. It is therefore vital that data is anonymous and untraceable.
- 9.8 Mary Evans, Head of Equalities and Monitoring, B&HCC, told the Panel that through the City Inclusion Partnership a single monitoring form was being developed across the statutory sector. This would have the same questions and format so that information could be shared where appropriate. The form was originally based on the 2011 census but has now changed and has an additional question around gender identity. Mary Evans told the Panel there was now a question on gender and a ‘please specify’ option to allow people to identify as gender variant or genderqueer. The Council needs to ensure that a common data set is developed to ensure that monitoring information is uniform and can be analysed and compared.
- 9.9 Paul Sweeting, of the Advice Partnership noted that it is difficult to undertake a robust assessment of the current use of local advice

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<sup>61</sup> [www.scottishtrans.org](http://www.scottishtrans.org)

provision as it is not consistently or substantially monitored. Paul Sweeting suggested that the council “consider including the collection of equalities data in a standardised format by advice agencies as a standard requirement in funding agreement”.<sup>62</sup>

- 9.10 It is important that the council has a clear policy on monitoring, and uses a minimum data set with the same questions used consistently. Partners and subcontractors must be encouraged to use the same questions.

***Recommendation 29: City-wide there needs to be wider recognition of non-binary gender. Further discussion should be undertaken with the trans community to ensure that all monitoring is sensitive, appropriate and properly implemented. Furthermore, the results of this monitoring, appropriately anonymised, should be made publicly available on an annual basis.***

## **Community development and engagement**

- 9.11 B&HCC are one of the organisations that fund LGBT HIP – and this Panel has benefitted enormously from the help of Nick Douglas who facilitated the Panel’s ‘listening exercise’. However, there are issues around levels of funding to community groups, the capacity of these groups to take on more work, and engagement with the trans support groups. In addition, work needs to be done to embed trans awareness into the policies of the council and its partners.
- 9.12 As all different sectors of the council look at their training needs and their consultation processes with the trans community, they also need to consider the funding for these services.

***Recommendation 30: The importance of an on-going mechanism for consultation and engagement with trans people in the city should be recognised by the council. The Panel recommend that this should be funded accordingly.***

- 9.13 The Panel heard from several people that they referred trans or gender questioning people on to the Clare Project, yet the Clare Project is a small community based organisation with very limited resources. FTM Brighton, Allsorts and Transformers also raised the issue of limited capacity. In addition, these organisations and support groups explained that their limited resources are devoted to addressing the unmet need for information and support among trans people who are not receiving this from statutory services. This means they do not have the time or resources to put in bids for further funding - this becomes a self-perpetuating circle of under-funding and scarce resources.

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<sup>62</sup> Written submission

- 9.14 It is important that the issues of capacity building and longer-term sustainable funding are addressed. Without the capacity and the funding for long-term support, the trans community will continue to struggle to receive support.
- 9.15 Bearing in mind that the national picture is that of reductions across the board in public expenditure to reduce the deficit, the council still needs to ensure that these support groups – that have been described as “life saving” – are able to continue. The city’s trans support groups are currently small and not obviously part of the wider community and voluntary network. There are a number of generic and specialist infrastructure support agencies in the city, who could, as part of the wider Transforming Local Infrastructure project, be asked to collectively consider how they could help trans community groups have an active voice in decision making.

### **Transforming Local Infrastructure<sup>63</sup>**

- 9.16 A partnership made up of six infrastructure organisations in the city secured over £300,000 in government funding to transform local support services to grassroots groups, charities and other not-for-profit organisations in the city. The partnership leading the project is “committed to ensuring that the design and delivery of new and current support services are accessible and take into account the needs of equality groups.” As part of this, the project will need to ensure that trans support groups’ needs are identified and, where feasible, addressed.

***Recommendation 31: That infrastructure services and the Transforming Local Infrastructure project continue to consider how to engage the city’s trans community groups to ensure they have an active voice in decision making.<sup>64</sup>***

### **Trans Equalities Strategy**

- 9.17 Following the publication of *Count Me In Too*, work commenced on a city-wide Trans Equalities Strategy, led by Spectrum (Brighton & Hove’s LGBT Community Forum). However, following the closure of Spectrum, the strategy was never completed. It is unclear to the Panel what happened to this initial work, but the Panel is clear that following a comprehensive needs assessment (to include housing and adult social care, as well as health) a city wide trans equalities strategy should be

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<sup>63</sup> Transforming Local Infrastructure” (TLI) is a Cabinet Office project, with money being distributed through the National Lottery’s “Big Fund”. The project’s aim is to support infrastructure charities – those that provide services to other charities and voluntary or community sector groups, rather than direct to service users – to work in partnership more effectively; it is also aimed at supporting sustainability in the sector by increasing volunteering, fundraising and development opportunities.

developed. This strategy should be lead by the council's Trans Champion (see Recommendation 36) who will have a responsibility to ensure that the findings of this report result in action.

***Recommendation 32: Following the needs assessment (see recommendation 13) a city wide trans equalities strategy should be developed by the council and partner organisations with the full engagement and participation of trans individuals and support groups. This should include an action plan with clear leads and responsibilities. This should be led by the council's Trans Champion (see recommendation 36).***

## **Representation and acceptance of trans people**

9.18 Hate incidents and transphobia are closely linked with media representation. The Panel were told *"it is seen as culturally acceptable to harass trans people"* and *"transphobia is the last acceptable bastion of this sort of humour"*.

9.19 Whilst it is beyond the council to change media representation of trans people, there is a lot it can do in terms of making the public statement that both the council – and the city – are trans friendly. During the course of this inquiry, there was a substantial amount of incorrect and offensive media comment. This Panel put out a strong statement that this sort of comment should not be tolerated:

*"We acknowledge and regret that the tone and content of much of the on-line debate over the last week has caused distress and may have damaged the trust we have sought to build up. We condemn the offensive and discriminatory tone of much of that comment, and reiterate that all members of the panel remain committed to transgender equality. We also recognise the need for balanced, fair and accurate media reporting and will be working proactively to encourage this regarding the scrutiny going forward."<sup>65</sup>*

9.20 Brighton & Hove City Council as a leader in the city must do what it can to counter inappropriate representation of trans people and foster wider acceptance.

9.21 People told the Panel:

*"Brighton should invest in its public image as a gender diverse city, in the same way as there is LGB diversity."*

*"It is a public image issue not a police issue."*

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<sup>65</sup> <http://www.brighton-hove.gov.uk/index.cfm?request=c1210574>

*“It will take a long time for change. But this is a fantastic opportunity for Brighton to be a real star in separating out the T from the LGB. Normalisation is key.”*

*“It would be amazing if Brighton could put trans on the map, so there was no more embarrassment. That would take away the fear.”*

*“To feel included and supported by Brighton, its Lesbian and Gay community, the council and other professional services would go a long way to easing the sense of isolation and vilification we encounter.”*

- 9.22 The Panel agree that there is a lot the council can do to take the lead in changing perceptions of trans people. The council has a dual role in leadership as a ‘Trans Champion’ and also in helping to address the information gap. There are issues around the lack of publicly available information, both for employers and for trans people themselves in terms of their rights and entitlements. The council needs to be at the forefront of working with groups and organisations in the city to help close this information gap. There is also a case to be made to look at how Brighton & Hove as a city presents itself. For example, positive entry adverts that Brighton is a diverse city and intolerance has no place here could be located at key areas in the city like the railway station - and on the council’s website. One person remarked:

*“It would make a huge difference if the council made a big public statement that it is open to trans people.”*

- 9.23 Brighton & Hove City Council was one of the first to raise the transgender flag on council buildings on the Transgender Day of Remembrance on 20 November 2009. As noted by the report *Human Rights and Gender Identity – Best Practice Catalogue*:

*“Official endorsements by city councils help raise awareness on the situation of trans people and have positive repercussions in the respective institution as well as in society at large.”<sup>66</sup>*

- 9.24 As a city, Brighton & Hove is seen by many as a safe refuge and a place where they can be themselves and live their lives as they would wish. This is one of the city’s great strengths and something all who live here should be proud of. It is also a reputation that city leaders’ must enhance through actions and demonstrable policies of inclusion.
- 9.25 Trans people are as much a part of the population of the city as anyone and should be represented as such. There are obvious sensitivities

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<sup>66</sup> **Human Rights and Gender Identity** Best Practice Catalogue, Silvan Aguires, Richard Kohler, Sophie Aujean, Julia Ehrt. December 2011. [www.igla-Europe.org](http://www.igla-Europe.org)



over including trans people in publicity materials just ‘because they are trans’, but there is scope for reflecting the trans population in the same way that older people or LGB people are included in information.

- 9.26 Stephanie Scott informed the Panel that there had been a move to rebrand Pride, the annual event in the city, as Gay Pride. Stephanie Scott felt this move should be rejected.<sup>67</sup> The Panel agree – Pride has long aspired to be an inclusive event and to rebrand it in this way would be counter-productive.

***Recommendation 33: Any activity commissioned or supported by the council in relation to LGBT activities, and in particular Pride, needs to mandate trans inclusion.***

- 9.27 The Panel was told that there has recently been a publicity campaign running in Washington DC to educate people. As part of the role of ‘Trans Champion’, the council should consider running a positive educational campaign in the city.

***Recommendation 34: B&HCC should take the lead in creating an identity for the city as a trans friendly place that challenges stigma and discrimination. This includes such actions as a public statement on the website, trans branding, vocal support and partnership working with trans support groups, and publicity information including trans individuals as local citizens.***

## **Advocacy**

- 9.28 The subject of advocacy was raised with the Panel. People need to be supported to feel they can make complaints about services where appropriate. An advocacy service would empower trans people to make complaints and also to feel confident to engage with services.
- 9.29 Several people questioned whether complaints about council staff had been properly resolved. In response, the Head of Standards and Complaints, Brian Foley told the Panel:

*“It is very worrying that the initial consultation showed there was no confidence in the complaints system.”*

- 9.30 Brian Foley went on to say if there were any specific examples, these would be addressed – it is difficult to see where systems need to be looked at, based on generalisations.

*“Standards and Complaints can provide information to trans people on how to make complaints. I would be pleased to do what ever we can to ensure trans people have access to our*

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<sup>67</sup> Evidence 25 September 2012

*website, our email address, telephone number and complaints leaflets.”*

- 9.31 It is worth noting here that the new local Healthwatch will begin in April 2013. The Department of Health briefing states:

*“Local Healthwatch goes to the heart of the government’s ambition for a health and care service that is centred around patients and users. Local Healthwatch will gather people’s (whether current users of services or not) views on, and experiences of, the health and social care system. In this way, community views will have real influence with those who commission and provide services about what users, carers and citizens need and want from them. This can help them to be more responsive to what matters to service users and the public, and to design services around their needs”.*<sup>68</sup>

- 9.32 It is hoped that Healthwatch will be a strong voice for all patients and users – including trans people – and that there will be an advocacy role as part of this.

## **Forms and honorifics**

- 9.33 The Panel were told that some trans people found it difficult to select an appropriate option when completing forms – particularly online – that have an obligatory honorifics box. It can create an unnecessary sense of exclusion and frustration to be forced to accept a title that doesn’t reflect someone’s gender expression. One person gave the example of being unable to complete a form for a bus pass without identifying their title– an identity they did not wish to have. City Services told the Panel that recently, following a request from a customer, Revenues & Benefits explored the opportunities available across the service to use Mx as a title within their forms and computer systems to reflect the change in an individual’s gender identify. This change did not cost anything. The team explained:

*“Discussions took place with the technical support team to see if the software could accommodate such a change and it was found to be an easy add-on to the system. With regards to forms, no changes were required: some do not request a customer’s title and others have a blank box so people can choose their own. The whole process took about a week from initial discussion to updating the system to include the prefix.”*<sup>69</sup>

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<sup>68</sup> Department of Health *Local Healthwatch: A strong voice for people– the policy explained*  
<http://www.healthwatch.co.uk/sites/default/files/Local-Healthwatch-policy.pdf>

<sup>69</sup> Written submission

9.34 Given recent press coverage of the subject of honorifics, the Panel would like to make clear that they never had any intention of recommending that the use of honorifics should be removed. The recommendation of this report is aimed at giving more choice to those who do not want to identify as Mr/Ms/Mrs/Dr. It is worth noting that this may not just apply to trans people: others may not choose to use a honorific if given the option.

***Recommendation 35: The Panel welcome the addition of the honorific Mx by council benefits staff as giving an alternative option. The Panel recommend that all on-line forms are examined to look at the possibility of additional options, leaving blank or entering the title the individual feels is appropriate to them.***

## Conclusion

- 10.1 The Scrutiny Panel heard from a number of trans individuals, support organisations and service providers in the city. They heard that in many areas (health, housing, leisure, and employment) trans people faced more difficulties than many others.
- 10.2 The Panel were profoundly moved on hearing the experiences of trans people and how a better understanding and simple changes could have a huge impact on people's lives. One of the most upsetting things for a trans person, leading to mistrust and misunderstanding, is the mis-use of pronouns. Yet, this should be a simple thing to get right. People alter their gender presentation because of a profound and inherent conviction that this is their identity. Using the correct pronoun and respecting an individual's choice is paramount. This is just one example of how a step-change in social attitudes could make a real difference. Brighton & Hove prides itself on its inclusive and diverse reputation and it is time to take some steps to make this a reality for trans people who live, work, study and socialise here.
- 10.3 This report aims to remove some of the inequalities faced by trans people and makes a number of recommendations for action. The Panel would hope that all of these can be accepted and result in real change. A number of recommendations in this report are aimed at partners in the city, particularly in the area of health. The Panel intends that the council will play the role of trans champion, not only in areas where it has direct responsibility, but also in encouraging others to take these recommendations on board.
- 10.4 To ensure that tangible results do come out of this inquiry, the Panel recommends that a lead officer is appointed in the council to act as a 'Trans Champion'.

***Recommendation 36: The implementation of these recommendations is crucial and should be carefully monitored. The Panel recommends that a lead officer is appointed as a 'Trans Champion' within the council. This person should be at Senior Management level (within Corporate Management Team or Assistant Director level or above) and will be responsible to champion the rights of trans people both inside and outside of the organisation. They will also have responsibility for the commissioning of the trans needs assessment and the lead on the development of a city-wide Trans Equalities Strategy (see recommendation 32). In addition, a Councillor should be nominated as the council's trans-champion (as distinct from the existing LGBT champion).***

- 10.5 Despite the best efforts of the Panel, there are some areas that warrant further examination that this Panel did not cover. Adult Social Care

Services, in particular, Home Care Services, suicide prevention services, the support given to parents, domestic violence and safe spaces, and the wider issue of capacity building all need to be examined. In addition, the council needs to consider the access of trans people to democratic and political participation in the city. **The Panel trust that these issues will also be picked up by the Trans Champion.**

- 10.6 The Government is due to put out a 'call for evidence' following the Trans Gender Equalities Action Plan. The Panel would like this report to form part of that work.

***Recommendation 37: The work of this Panel should be forwarded on to the government departments looking at trans equality, specifically in response to the expected call for evidence after the Trans Gender Equalities Action Plan.***

# Legislation

## Equality Act 2010

The Equality Act was enacted in October 2010, and aimed to simplify and harmonise protection offered to people from discrimination, harassment and victimisation (Public Sector organisations also have the duty to promote equality and good relations between all protected characteristics).

The act covers nine protected characteristics, which cannot be used as a reason to treat people unfairly. Every person has one or more of the protected characteristics, so the act protects everyone against unfair treatment. The protected characteristics are:

- Age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Equality Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person.<sup>70</sup>

A key part of the Act is the Public Sector Equality Duty. Section 149, the public sector equality duty, includes the requirement that public authorities have due regard to the need to eliminate discrimination, harassment and victimisation against transsexual people, to advance equality of opportunity and foster good relations between transsexual people and others. **Under the specific duty, public authorities are obliged to publish information used to demonstrate how they have complied with this duty.**<sup>71</sup>

## Gender Recognition Act 2004 (GRA)

The purpose of the GRA was to provide transsexual people with legal recognition in their acquired gender. The legal recognition follows from the issue of a full **Gender Recognition Certificate**. On issue of a full GRC the person will be entitled to a new birth certificate in their acquired gender.<sup>72</sup>

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<sup>70</sup> <http://www.homeoffice.gov.uk/equalities/equality-act/>

<sup>71</sup> Taken from The Workplace and Gender Reassignment - a guide for managers

<sup>72</sup> It should be noted that surgical intervention/gender reassignment surgery is not a requirement for the issue of a GRC.

## **International context**

*The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* are a set of internationally recognised principles intended to address violations of the rights of lesbian, gay, bisexual, trans and intersex (LGBTI) people. They were developed at an experts' meeting held by the International Commission of Jurists (ICJ) and human rights experts in 2006 in Indonesia. The twenty-nine principles were adopted unanimously by the experts, along with recommendations to governments, regional intergovernmental institutions, civil society, and the United Nations (UN).

In March 2010, the CoE Committee of Ministers adopted a *Recommendation on measures to combat discrimination on grounds of sexual orientation and gender identity*. They address many key issues for LGBT people under various headings,

namely:

(i) right to life, security and protection from violence ((a)“hate crimes” and other hate-motivated incidents and (b)“hate speech”);ii) freedom of association;(iii) freedom of expression and peaceful assembly; (iv) right to respect for private and family life; (v) employment; (vi) education; (vii) health; (viii) housing; (ix) sports; (x) right to seek asylum; (xi) national human rights structures and (xii) discrimination on multiple grounds.<sup>73</sup>

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<sup>73</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1606669>

## Glossary

There are a number of sensitivities around the terminology used in talking about transgender. The list below is not exhaustive and reflects a number of sources.

**Acquired gender** refers to the gender in which a trans person lives and presents to the world. This is not necessarily the gender they were assigned at birth

**Cis-gender** is a term used for non trans people (people who experience a match between the gender they were assigned at birth, their bodies, and their personal identity).

**Cross-dresser** is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn't usually live permanently in that role. Sometimes referred to as a transvestite.

**Gender affirmation surgery** refers to any surgery which is part of transition. (sometimes referred to as gender realignment surgery or gender confirmation surgery)

**Gender Dysphoria** is often used by the medical profession to describe the discomfort that arises when the experience of an individual as a man or a woman is incongruent with the sex characteristics of their body and the associated gender role.

**Gender-queer** is a term sometimes preferred by a person who may identify as between genders or as neither a man nor a woman.

**Gender-questioning** is a term sometimes used for a person who is questioning their gender expression.

**Gender variance** is a term sometimes used to describe all variations from expected gender norms.

**Intersex** describes an individual for whom genetic, hormonal and physical features typically thought of as male and female both exist.

**Real Life Experience (RLE)** refers to the process of a person changing their name and living full-time in accordance with their gender identity as part of a treatment pathway. The RLE generally lasts for at least one year and is required by Gender Identity Clinics (GIC) prior to approval for surgical gender reassignment procedures.

**Trans** is an umbrella term for transgender. Trans individuals are those who feel inherently that the gender they were assigned at birth does not correspond to their gender identity. The term **trans man (FTM)** is used to refer to a person who was assigned female at birth but has a male gender identity. Trans men may plan to transition or may be transitioning or have



completed transition to live as a man. **Trans woman (or MTF)** is a person who was assigned male at birth but has a female gender identity and therefore may plan to transition, be transitioning or have transitioned to live as a woman. Both these transitions may or may not involve hormone treatment and various surgical procedures.

Susan Stryker and Stephen Whittle (2006) use transgender as their term of choice for: *“a wide range of phenomena that call attention to the fact that ‘gender’ as it is lived, embodied, experienced, performed and encountered, is more complex and varied than can be accounted for by the currently dominant binary sex/gender ideology of Eurocentric modernity”*.<sup>74</sup>

Transgender and trans are terms that: *“describe a person who feels that the gender they were assigned at birth is not a correct or complete description of what they are or feel themselves to be. The term transgender can be used to describe a person who undergoes gender reassignment in order to live in their self identified gender (for example, men or women), but can also be used to describe a wide range of gender expressions that are variations from normative gender expression (for example, masculine or ‘butch’ women, feminine men and cross-dressers)”*.<sup>75</sup>

**Transsexual** describes a person who wishes to undergo, has undergone or is undergoing transition. It is most commonly used in relation to clinical practice. The Gender Trust’s definition is: “A person who feels a consistent and overwhelming desire to transition and fulfill their life as a member of the opposite gender. Most transsexual people actively desire and complete gender reassignment surgery.”<sup>76</sup>

**Transitioning** is the process by which an individual moves permanently to a gender role that differs to the one assigned to them at birth. This process of changing gender presentation may involve social, medical or surgical change – or it may not.

**Transvestite** is a term for an individual who wears the clothing of the gender opposite to the one they were assigned at birth but who doesn’t usually live permanently in that role.

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<sup>74</sup> A Transgender Studies Reader, New York & London: Taylor & Francis: Routledge (with Stryker S., eds) (2006) p3

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[http://www.cssd.ac.uk/sites/default/files/downloads/supporting\\_transgender\\_students\\_at\\_central.pdf](http://www.cssd.ac.uk/sites/default/files/downloads/supporting_transgender_students_at_central.pdf)

<sup>76</sup> www.gendertrust.org.uk

## **Acronyms**

B&HCC	Brighton & Hove City Council
CCG	Clinical Commissioning Group
FTM	Female-to-male
GRC	Gender Recognition Certificate
GIC	Gender Identity Clinic
JSNA	Joint Strategic Needs Assessment
LGBT	Lesbian, Gay, Bisexual, Transgender
LBGT,Q	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning
MTF	Male-to-Female
NCB	NHS Commissioning Board
PCT	Primary Care Trust
PSHE	Personal, Social and Health Education

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<b>Subject:</b>	<b>Report of the Budget Scrutiny Panel</b>		
<b>Date of Meeting:</b>	<b>28 January 2013</b>		
<b>Report of:</b>	<b>Monitoring Officer/Head of Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tom Hook</b>	<b>Tel:</b> 29-1110
	<b>Email:</b>	<b>Tom.Hook@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report details the findings of the Scrutiny Panel established to examine the 2013-2014 Budget Proposals.
- 1.2 The Scrutiny Panel's report is re-printed as **Appendix 1** to this report.

#### 2. RECOMMENDATIONS:

- 2.1 That members:

Endorse the Budget Scrutiny Panel report and agree to refer the report recommendations to the council's Policy and Resources Committee.

#### 3. BACKGROUND INFORMATION

- 3.1 The scrutiny panel was chaired by Cllr Ken Norman and comprised Councillors Deane, Fitch, Pissaridou, Sykes and Wealls, with Jo Martindale representing the community and voluntary sector and Julia Chanteray from the Chamber of Commerce.
- 3.2 The panel agreed that it would seek:
  - To provide constructive challenge to the budget proposals brought forward by the administration
  - To understand the cumulative effect of budget proposals across the council and city, for service users and providers
  - To make recommendations as to how to improve the budget
  - To highlight areas of concern to panel members
- 3.3 The panel heard from each Committee Chair and lead member supported by senior officers.

#### 4. CONSULTATION

- 4.1 No formal consultation was undertaken in preparing this report, although some of the witnesses who gave evidence to the panel were asked for their comments on

drafts of the report, and these comments have been used to inform the final version.

4.2 The list of witnesses and timetable of meetings is included in the report.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

5.1 OSC's decisions in relation to this report (i.e. whether to endorse the Scrutiny Panel report and refer its recommendations to the Policy & Resources Committee for consideration) have no direct financial implications.  
Finance Officer Consulted: James Hengeveld Date:15 January 2013

### Legal Implications:

5.2 If OSC endorses the Panel's report and accepts its recommendations, it is required to prepare a formal report and submit it to the Chief Executive for consideration by the relevant Committee.  
If OSC cannot agree on one single final report, up to one minority report may be prepared and submitted, alongside the majority report, for consideration by the Cabinet or Cabinet Member.

### Equalities Implications:

5.3 None directly in relation to this report.

### Sustainability Implications:

5.4 None directly in relation to this report.

### Crime & Disorder Implications:

5.5 None directly in relation to this report.

### Risk and Opportunity Management Implications:

5.6 None directly in relation to this report.

### Corporate / Citywide Implications:

5.7 None directly in relation to this report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Scrutiny Panel report

### **Documents in Members' Rooms:**

None

### **Background Documents:**

1. None (other than those listed in the Scrutiny Panel report)



**Brighton & Hove  
City Council**

**Report of the Overview and  
Scrutiny Committee**

**January 2013**

**Budget Scrutiny Panel**

## **Chair's Introduction**

This is the second year I have chaired the Budget Scrutiny Panel; both times we have been looking at a budget brought forward in challenging conditions. Brighton & Hove City Council, like all local authorities, needs to respond to the wider economic realities in relation to the resources received from Government as well as those raised locally.

Politicians have to make difficult choices between competing priorities and ultimately deliver a balanced budget. The role of this panel has been to review the administration's draft budget proposals by critiquing and commenting upon them.

There have been five evidence gathering sessions with each of the lead members and committee chairs; I think it's fair to say that the budget this year has, as the second year in a two year budget, contained less detail. This factor along with an eye on the future and the budget reductions expected over the next few years has meant discussions have at times been more philosophic and reflective of issues such as models of service delivery and the possibilities of partnerships, pooled budgets and trading companies.

This process has thrown up fewer firm criticisms of specific proposals than last year, however it was evident that for the level of budget reductions to be delivered that are currently forecast, a different approach will be needed in future years.

I thank our witnesses, panel members, representatives from the community, voluntary and business sectors for their participation in this process.

Cllr Ken Norman  
Chair Budget Scrutiny Panel



## 1. **Background and Process**

- 1.1 The scrutiny panel was chaired by Cllr Ken Norman and comprised Councillors Deane, Fitch, Pissaridou, Sykes and Wealls with Jo Martindale representing the community and voluntary sector and Julia Chanteray from the Chamber of Commerce.
- 1.2 The panel agreed that it would seek:
  - To provide constructive challenge to the budget proposals brought forward by the administration
  - To understand the cumulative effect of budget proposals across the council and city, for service users and providers
  - To make recommendations as to how to improve the budget
  - To highlight areas of concern to panel members
- 1.3 The panel heard from each Committee Chair and/or lead member supported by relevant senior officers. The list of witnesses and timetable of meetings is attached to this report as **Appendix 1**.
- 1.4 The minutes of each of the scrutiny panel evidence-gathering sessions are appended to the report to provide a narrative of the scrutiny process (**Appendices 3-7**). These, along with the summaries contained later in this report, highlight the areas of questioning and Members' concerns regarding specific budget proposals.
- 1.5 The scrutiny panel itself forms part of the budget consultation process and ensures a greater degree of accountability than would otherwise be the case. There are however, concerns as to the utility of such an involved scrutiny process and the value it adds to the budget setting process.
- 1.6 Once again, the inclusion of a representative from the community and voluntary sector within the panel process has allowed for a greater degree of challenge and intelligence, whilst providing a useful resource for the council. The sector is a major partner of the council delivering a wide range of services and is directly, and indirectly, impacted upon by changes to the council budget.
- 1.7 The Community and Voluntary Sector Forum (CVSF) has produced a position statement which is appended in full to this report (**Appendix 2**).
- 1.8 For the first time a representative from the business community was invited to sit on the scrutiny panel. Julia Chanteray, Chair of the Chamber of Commerce, agreed to undertake this role.
- 1.9 Where available the fees and charges were presented to Members along with the summary documents from the different consultations the council has undertaken to date on the draft budget.

- 1.10 The findings of this report, its recommendations, lines of questioning and comments from members will be reported to the Overview and Scrutiny Commission for agreement on the 28<sup>th</sup> January 2013.
- 1.11 The report will be provided to the council's administration to inform a revised set of budget proposals that will be presented at the Policy and Resources Committee. These will take into consideration the feedback from further consultation, the scrutiny recommendations and the most up to date financial information.
- 1.12 The final responsibility for agreeing the council's budget for 2013/14 rests with all elected members at the meeting of Full Council on 28<sup>th</sup> February 2013.
- 1.13 Whilst the budget scrutiny process has rarely brought forward concrete resolutions, it allows lead members to test assumptions and enables questioning of proposals.

### **Feedback on the Budget Scrutiny process**

- 1.14 Feedback from members and officers regarding the budget scrutiny panel indicates that the scrutiny process has not been as successful as last year.
- 1.15 There was unanimous support within the panel for the early publication of the budget proposals and the multi-channel opportunities afforded to discuss and critique its content.
- 1.16 Concern however, has been expressed as to the level of information available from which to base scrutiny of the proposals.<sup>1</sup> Papers and discussion are focused on cuts/investments rather than existing budgets, resulting in a feeling of 'tinkering round the edges'.
- 1.17 The value of having input from the community, voluntary and business sectors in the budget scrutiny process was understood, well received and any future process should seek to encompass this.
- 1.18 A review of the budget setting process could usefully look at:
  - The role of scrutiny and service committees
  - The wider consultative process with residents
  - The level and range of data published

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<sup>1</sup> The Panel was presented with the budget papers as per the Policy & Resources Committee on the 29<sup>th</sup> November 2013, along with the Budget Book.

## **2. Budget Context**

- 2.1 The budget scrutiny process has been based on the information in the budget papers presented to the Policy & Resources Committee on 29 November 2012. Limited extracts from this are reproduced below to provide some context for the scrutiny process.

### **Extracts from the P&R Report - Provisional Local Government Finance Settlement for 2013/14 and 2014/15**

- 3.6 The Chancellor of the Exchequer is due to make his autumn statement on the national budget on 5 December 2012 and on the same day the Office of Budget Responsibility (OBR) will publish its economic and fiscal outlook. The provisional Local Government Finance Settlement for 2013/14 and 2014/15 depends upon spending and funding totals set out in the Autumn Statement so cannot be announced until some time afterwards with CLG quoting mid-December.
- 3.7 The council will no longer receive Formula Grant and certain specific grants, which are being rolled into the new funding system, will also disappear. The council will instead establish its equivalent funding position from a combination of the following:

#### **Revenue Support Grant (RSG)**

- + 49% of locally collected business rates (with 1% going to East Sussex Fire Authority and 50% to the Treasury)
  - A tariff (derived by comparing resource allocations under the old and new funding systems)
  - + A safety net (only if business rates income falls 7.5% below a threshold)
  - A levy (only if business rates income rises above a threshold; the levy will be about 10-15% of the increase over the threshold)
  - + Relevant Section 31 grants (depending on what is in and what is left out of the national spending control totals but as a minimum will cover Department of Education grant for support services to local authority schools and a new ring-fenced grant for Public Health responsibilities)
- 3.8 One of the original principles of the reform was “to reduce local authorities’ dependency upon central government, by producing as many self sufficient authorities as possible.” Under the system now proposed, most authorities will continue to receive substantial payments of grant through RSG. These payments will decline sharply over time as the Government continues to limit local authority funding to achieve their deficit reduction programme.
- 3.9 A key component of the original scheme was to “ensure a fair starting point for all local authorities” and a commitment<sup>1</sup> was given “that no

authority loses out in its ability to meet local service needs at the outset of the new system". The latest proposals show that the council will probably lose out significantly at the start of the new system in a number of ways:

(i) resources have been top-sliced from all local authorities to fund the safety net system that was intended to be funded from levies on high business rates growth; and

(ii) there are a large number of outstanding rating appeals against the 2010 rating list and for all the successful appeals determined after 31 March 2013 that result in a reduction in rateable value the council will be required to meet 49% of both the in-year reduction in the rates bill and the refunds for 2010/11, 2011/12 and 2012/13. An estimated one-off risk provision of £3m is included in the allocation of reserves to accommodate this impact.

3.10 The various CLG papers issued to date also give rise to the following significant financial issues which have been reflected in the latest savings forecast shown in table 2:

- **Specific Grants:** The specific grants rolled into the new system have not all been rolled in at current levels. Most significant is Early Intervention Grant (EIG) which has been reduced by 27% at a national level equivalent to £3m for Brighton & Hove. Additional grant will be paid through the ring-fenced Dedicated Schools Grant (DSG) to expand early education to more disadvantaged two year olds and existing expenditure of £0.5m can be legitimately identified and charged to DSG. However, to retain all of the services currently funded by EIG and provide the new services for two year olds would cost the council's General Fund an additional £2.5m.

- **Control Totals:** The local government spending control total used to determine the overall funding available to councils has been significantly reduced from the level shown in the March National Budget. This reduction has taken the form of new top-slices for the safety net and capitalisation totalling £345m and higher than anticipated top-slicing for future funding of the New Homes Bonus (NHB). A top-slice of £500 million for 2013/14 and £800 million for 2014/15 has been proposed by CLG to fund NHB for the next 2 years compared to the £240 million each year anticipated based on actual allocations made to date.

- **Section 31 Grant:** Funding of over £1.2 billion has also been removed and re-allocated to the Department for Education (DfE) to cover the costs of school support services (LACSEG). The Local Government Association believes that this sum is far higher than the real cost of providing these services. The DfE will allocate this funding back to councils and academies / free schools in proportion to the number of pupils at the different types of school. The council has had £4.9m funding removed most of which will come back as DfE Section 31 grant because the proportion of pupils at academies and free schools within

the city is currently relatively low. If more academies and free schools are created in the city then this grant will fall.

### **Council Tax Freeze Grant**

- 3.11 The council will continue to receive a grant of £3m per annum for 2013/14 and 2014/15 following the council tax freeze in 2011/12 whilst the council tax freeze grant of £3m for 2012/13 ends. In September, at the Conservative Party Conference it was announced that funding would be set aside to pay a new council tax freeze grant equivalent to a 1% increase in council tax for those councils who agreed to freeze their council tax in 2013/14. This funding would be for the two years of 2013/14 and 2014/15. It was also announced that council tax could not be increased by more than 2% without securing confirmation from a local referendum.
- 3.12 Full Council on 28 February 2013 will determine both the budget and council tax for 2013/14 but the resource forecasts shown in this report assume that council tax will increase by 2% next year. A decision to freeze the council tax in 2013/14 will require an additional £1m recurrent savings to be identified and agreed for next year and further increase the savings needed in 2015/16 by £1m when the new council tax freeze grant ends.

### **Latest Position 2012/13**

- 3.15 The month 7 Targeted Budget Management (TBM) report elsewhere on the agenda shows a projected underspending of £3.534m on council controlled budgets and projected underspending of £0.388m on NHS controlled s75 services.

### **Budget Savings Requirement**

- 3.27 Revisions to the budget assumptions have resulted in changes to the savings targets for 2013/14. The table below shows how the 2013/14 target has moved from £14m to £21.3m.

<b>Table 2 – Revised 2013/14 Savings Target</b>	<b>£ m</b>
Savings target at July Policy & Resources Committee	14.0
Reduce Council tax increase to 2%	1.5
Net loss on specific grant transfers to Business Rates Retention scheme	2.4
Estimated impact of top-slicing of government funding	0.9
Reduction in share of Business Rates income	0.5
Anticipated further reduction in government funding from Autumn Statement	2.0
<b>Budget Savings Requirement</b>	<b>21.3</b>
Less	
Actual Savings proposals 2013/14	-14.0
Full year effect of 2013/14 savings proposals funded by one off resources	-0.9
Council Tax Discounts and exemptions additional income	-0.9
Balance of New Homes Bonus 3 <sup>rd</sup> tranche released to support the budget	-0.6
Estimated VfM savings from a Voluntary Severance Scheme	-3.0
<b>Remaining budget gap 2013/14</b>	<b>1.9</b>

### 3. Recommendations

1. The early publication of proposals and the multi-channel approach to engagement of Members and the public aids a transparent budget setting process. It is recommended that this is continued.
2. A further look needs to be given as to the best manner in which to improve the budget development process. This should include:
  - Consideration of a longer-term collaborative approach with key partners
  - The role of scrutiny and service committees
  - The consultative process with residents
  - The level and range of data published to allow a deeper understanding of proposals
3. The continued commitment to undertake Equality Impact Assessments is to be welcomed and the quality continues to improve with the inclusion of mitigatory action, however more work is required to ensure the consistency of all EIAs.
4. Budget reductions should be made in relation to priority, impact, quality of service and value for money. In-house services should not be protected at the expense of those provided externally merely because they are council-run; the reverse is also true.
5. Funding provided to the third sector should be monitored. This should be published with the draft budget proposals.
6. The budget papers present some excellent examples of working between directorates to deliver savings e.g. adult social care and housing regarding extra care housing. It is not always clear however, that the cross-cutting impacts of cuts have been considered in relation to corporate priorities. The holistic and longer term impact of budget changes need to be considered.
7. The council needs to be mindful of the local market-place within which it procures and the need for healthy local competition.
8. A letter signed by all political group leaders should be sent to Government highlighting the problems caused by the late announcement of budget information.
9. The publication of a two-year budget for 2012/13 and 2013/14 was a welcome step forward and should be repeated for 2014/15 and 2015/16.

## 4. Summary of the Questioning and Comments

- 4.1 The section below provides a summary of the issues raised during each of the evidence gathering sessions. It is reproduced to provide an overview for ease of consumption. The detailed minutes of each meeting should be read in **Appendices 3-7** for a more complete view of the process and issues.
- 4.2 The 2012/13 budget was published as a two year budget strategy. As a result many of the detailed savings were presented in the first year and there are therefore fewer specific proposals to comment upon. It also means that many of the proposals put forward for 2013/14 have already received considerable public scrutiny.

### Budgetary Context

- Many of the central government budget announcements were very late, Members were concerned about the impact this has on budget planning.
- Cuts to local government funding from central government will continue for a number of years. The current system of developing budget proposals, asking departments and teams for cuts of 5/10/15%, needs to be reviewed. Every year the budget scrutiny highlights the need to move away from salami-slicing budgets.
- The government is looking for councils to become increasingly self-financing. Areas of the council have become less reliant on core local authority funding and have successfully increased their number of customers whilst also increasing prices e.g. tourism.
- Local government has an increased leadership role in relation to economic development. The creation of a regeneration team bringing together a number of different strands is welcomed.
- Various services have mentioned developing trading operations, looking to sell council services. Innovation and alternative methods of service delivery will be vital as central government support is reduced. However thought needs to be given as to whether the council should be competing with the private sector.
- The budget scrutiny process needs to be rethought. Whilst the current process allows for questioning on changes to the budgets it is hard to meaningfully critique proposals without understanding the budget in totality.
- Working across directorates is vital for the council as a whole to deliver savings e.g. Extracare Housing (ASC & Housing). The return of public health responsibilities to the council also offers significant opportunities in this regard.
- Whilst there are indications that more radical options such as trading operations, shared services etc. are being considered and in some cases are already in operation the 2013/14 budget proposals do not clearly articulate a longer term vision for how the council will seek to deliver its priorities through a period of prolonged and severe financial constraint.

## **Central Services**

- Recruitment controls are supporting the council to control spending, and provide some security for staff during challenging times but there is however a risk they can de-skill the council.
- In a similar vein the voluntary redundancy scheme needs to focus on the priorities of the council and the outcomes it is seeking to achieve.
- Centrally supported programmes such as Value for Money (VFM) and Workstyles continue to deliver significant savings and are vital to the delivery of future savings.
- Central support services are needed to deliver savings elsewhere, and large cuts to 'back-office' services can result in costs being disproportionately higher elsewhere. It is necessary to get the balance right.
- There was some concern that the full costs of a service are not understood by managers and therefore there isn't an incentive to reduce them. Members wanted a better understanding of property costs and how they are allocated across the organisation and how cost allocations drive the property and other overhead performance of each division/service area. It was agreed to write to the Director of Finance to seek clarification.
- Efforts to improve Business Rate collection need to be monitored.
- The lack of a reduction in the HR budget was questioned.
- There was support for the focus on savings to be made on unnecessary costs within the existing services – for example water leaks.

## **Environment and Sustainability**

- There was an understanding that many of the budget reductions within this area had been front-loaded during 2012/13.
- The South Downs National Park is a resource that the city should be looking to utilise further within its tourism strategy.
- Questioning as to the carbon reduction targets, their level and whether they are stretching enough, and how they will be achieved.
- Support for the need to address unnecessary waste for energy and water
- Need to ensure the council is receiving the maximum benefit from the contracts it is involved in e.g. incineration contract with Veolia.
- The issue of whether the council should be competing with local small businesses, or seeing them as a way in which limited public funds can be more efficiently spent, caused some debate and disagreement within the panel.
- Changes to school governance arrangements mean that they can now choose the service provider they wish – this could impact on any council service that provides services to schools e.g. grounds maintenance.



## **Economic Development & Culture**

- There was support and interest for the number of different initiatives where new ways of working were being explored, for example tourism, where over the last three years the council provided element of the budget has been reduced by approximately 45%, this has been covered by increased income from increased visitors, bringing in new sites etc.
- Agreement that new ways of delivering services should be exploited – for example the number of visitors accessing the visitor information centre has halved whilst online access to information has increased hugely.
- Debate as to whether the council should consider outsourcing the economic development function to the private sector.
- The Ride the Wave initiative had been successful during 2012/13 and this should be repeated during 2013/14.
- Concern over changes to fees where there are proposals to increase the costs of accessing pitches for youth football teams and the effect this could have on participation rates for young people.
- Support for introduction of the leisure concessionary card, a good example of prioritisation within an existing budget to deliver wider corporate objectives.
- Agreement of the need to exploit as many external sources of finance as possible to generate funding for the city and that the possibility of extra events, like an autumn half-marathon, being added to the city's calendar to generate economic activity should be explored.

## **Children and Young People**

- Welcomed the underspend that had been achieved through the VFM programme and the continued focus on placements.
- Provision of nursery places for 2 year olds is an issue, with funding for this still uncertain due to late government announcements. Currently funding 220 places, it will now have to fund places for the most disadvantaged 20% for 2013, which will be approx 500 places. In 2014 this doubles to 40%.
- Concern regarding the transfer of responsibilities re: young people on remand and the financial risk that accompanies this. This is both an opportunity and a threat to the council.
- There was discussion regarding the youth service, the continued commitment to which is welcomed.
- Members felt that in future it would be useful to see the details of the Direct Schools Grant within the budget papers to better understand these elements of the budget.
- There are concerns about the Home to school transport cuts, and the impact these have already had on the quality of service provision.

## **Adult Social Care & Health**

- 'Graph of doom' scenarios regarding costs for social care in relation to other council functions mean an extra focus needs to be put on adult

social care (ASC) spending. Proposals don't offer huge changes from current approach. National guidance is awaited on funding and eligibility regarding ASC services. Longer term planning is to some extent awaiting this. Focus is still very much on reablement, personalisation and the increased use of technology.

- The policy of maintaining frontline services & ensuring access to services by keeping existing eligibility criteria was welcomed.
- The focus on looking at those parts of the budget that are most costly, such as nursing homes, and looking at how these services can be offered in a more cost effective manner is also supported.
- There is a need to ensure that there are sufficient providers in the market to meet the differing types of homes required.
- Figures show that B&H is still an outlier in terms of numbers of people in residential care, so there is capacity to increase different models of support.
- Transition between children and young people's and adult services can be a very difficult time, especially for more complex cases. Needs to be assurance that early support is there.
- More work should be done to further promote the use of technological solutions such as telecare, epilepsy sensors, GPS etc.
- Current Public Health priorities of sexual health, smoking cessation, alcohol, children's health and reducing health inequalities relate to services provided across the council.

## **Housing**

- Current economic situation is creating a strain on services whilst also limiting funding.
- It is a priority to ensure the efficient management of housing stock, delivering an excellent service to tenants so that more meet the Decent Homes Standard.
- Joint working with ASC is vital for the council to be able to deliver services within an ever decreasing resource envelope.
- The council needs to be creative in how it meets the housing challenges it has, and how it can cross-subsidise between different housing and ASC budgets. There is recognition that the quality of accommodation has a direct bearing on health, educational attainment, crime etc. and that a saving to the housing budget may merely transfer costs to other areas of the council.
- The council has protected this area of spend as cutting it would transfer costs to other budgets. Much of it (98%) goes to the third sector. Locally the Supporting People programme is recognised as excellent and the council is urged not to look to reorganise into a single provider. It is clear that preventative services such as this save significant sums later on.





## Appendix 1 – Timetable & Witnesses

<b>Date</b>	<b>Member</b>	<b>Theme</b>	<b>Officers</b>
7 December	Jason Kitcat Leo Littman Ben Duncan	Overview Central Services Community Safety	Catherine Vaughan Tom Scanlon Linda Beanlands Abraham Ghebre- Ghiorghis Richard Tuset Angela Dymott Paul Colbran Nigel Manvell Valerie Pearce
14 December	Rob Jarrett	Adult Care and Health	Denise D'Souza Brian Doughty Karin Divall
	Liz Wakefield	Housing	Geoff Raw Jugal Sharma Nick Hibberd Anne Silley
17 December	Sue Shanks	Children and Young People	Heather Tomlinson Caroline Parker Jo Lyons Rosalind Turner Louise Hoten Peter Chivers Rima Desai
8 January 2013	Pete West	Environment & Sustainability	Geoff Raw Thurstan Crockett Nick Hibberd
	Geoffrey Bowden	Economic Development and Culture	Martin Randall Gillian Marston James Hengeveld
9 January	Jason Kitcat	Overview	Geoff Raw Mark Prior
	Ian Davey	Transport	Nigel Manvell James Hengeveld





## Appendix 2

### CVSF<sup>1</sup> Position Statement on the BHCC Budget 2013/14

#### Aims of CVSF in BHCC draft budget scrutiny

CVSF seeks to exert as much influence as possible during the budget scrutiny process to ensure that priority services, delivered by the community and voluntary are protected. We will:

- Maintain clear & transparent communication with all political parties on Brighton & Hove City Council and retain political neutrality
- Aim to protect the sector from disproportionate cuts
- Aim to protect the grants programmes from disproportionate cuts
- Collect and present supporting evidence
- Work to enhance the understanding of cumulative impacts and cross cutting themes.

#### Overview of members' views

CVSF members again welcomed the open approach to budget setting and scrutiny. It was recognised that there are fewer substantive service changes proposed in this budget as a result of the work undertaken by BHCC in 2012/3 to prepare a 2 year budget framework. This approach is to be commended and followed in future, as much as possible. Members commented however that the way in which information was presented could be improved with additional information about the whole service picture.

Our recommendations this year focus on suggested improvements to sector and public engagement in budget setting and service reshaping, along with our thinking on developing a shared understanding of the full costs and benefits of services.

We are grateful for the ongoing commitment to maintain the grants programmes in this year's budget proposals and that frontline services, especially for the most vulnerable, are largely protected. Our membership believes that small volunteer run services need greater support than ever from the City Council.

#### Key recommendations of Brighton & Hove's community and voluntary sector:

1. Budget reductions should be made in relation to priorities, impact and value for money, taking an evidence-based approach using **cost-benefit analyses** to inform decision-making. In-house services should not be protected at the expense of those provided externally

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<sup>1</sup> CVSF (Community & Voluntary Sector Forum) is the umbrella body for the city's community and voluntary sector. We have over 350 groups within our membership. [www.cvsectorforum.org.uk](http://www.cvsectorforum.org.uk)  
Twitter @cvsf\_bh Email [sally@cvsectorforum.org.uk](mailto:sally@cvsectorforum.org.uk) or telephone 01273 810230

- a. We are particularly concerned that the cost savings of **preventative** (often non-statutory) services, eg youth services, are not understood. Cuts to these services risks increasing the costs of high-end (statutory) services over the medium and long term. Any service review ought to encompass preventative investment in order to reshape for the future.
  - b. The costs, impact and outcomes from all council spending (both internal and external) should be measured and clearly understood. The new duty to evaluate **Social Value** in procurement could provide impetus to develop a framework to evaluate spending against the economic, social and environmental impact and start to provide an evidence base for preventative spend and understanding of the wider benefit of investment in our sector.
  - c. Specifically information on the significant **additional resources** held within community and voluntary organisations needs to be brought in and made relevant to budgets, to show how services can be delivered differently , eg to demonstrate how volunteer hours contributed affects service costs.
2. Funding provided to the community and voluntary sector should be monitored to ensure it is **not disproportionately cut**<sup>2</sup>;
- a. We are particularly concerned about the proposed “**service reviews**” in Social Care, Youth Services and Supporting People. The sector provides many services in these areas under contract. The remit of and framework for these reviews is currently unclear and there are no mechanisms for sector engagement in them. Public Health would seem an obvious choice for Service review as it integrates within BHCC.
  - b. We urge decision-makers to consider the **wider impacts of cuts** to the services provided by the community and voluntary sector.
    - i. Reduced funding going into the sector will reduce organisations’ capacity to support **vulnerable people**, when many are already struggling to accommodate an increase demand for their services, eg in the context of **welfare reforms**. The majority of CVS organisations are already very lean and even small cuts tip the viability balance.
    - ii. If funding cuts result in organisations closing then the **marketplace** risks be irreversibly affected
    - iii. Fewer vital resources will be **levered** into the city by the sector
    - iv. Citywide priorities such as improving the **health and wellbeing** of local communities are underpinned by sector activity
    - v. There will be **increased demand on public services**.

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<sup>2</sup> Investment in the sector at the time of the 2012/3 budget scrutiny was in excess of £20 million and we have requested and await an updated figure to track any change in the past year.



- c. Amalgamating 32 **Supporting People** contracts into a single contract (to achieve contract efficiencies) threatens the very nature of the local community and voluntary sector and is the largest single example of added social value in the City. We hope that this suggestion in the budget setting process was made to be illustrative of a point, rather than as a direction of travel. This contract represents £11 million investment in the local sector economy and provides synergy to a large amount of , but uncontracted, provision by the organisations. Each contract brings added value. It is useful for the city to have a **patchwork of provision** and it offers the most **resilient and sustainable model**. Disrupting the supply chain by combining contracts to save money not only risks this social value but also the years of experience and relationships contained in the varied organisations.
  - d. The **community and voluntary sector's workforce** should not bear the brunt of cuts via 'service reviews'. Work should be done to understand the impact on job losses in the community and voluntary sector throughout the budget reduction process. This information, together with information on volunteer hours should be gathered locally as part of understanding the impact of decision making on our sector and its ability to deliver services and support to our communities.
3. With another 6 years of deficit reduction budgets, the council will need to work more closely than ever with partner organisations in order to protect services outcomes and deliver the transformative change required. We urge the Council to develop a new **transparent and collaborative** approach to service review and redesign:
- a. Annual engagement Dec-Jan around the budget is insufficient. **Dialogue** should be ongoing and needs to continue from Feb 2013 in relation to 2014/5 budgets
  - b. Taking decisions on who provides services on a case by case basis requires **deep engagement** to avoid conflict and unnecessary unforeseen negative consequences
  - c. Taking decisions on who provides services on a case by case service risks not capturing the **full picture**, of need, existing provision, costs and the services which can best meet the outcomes required
  - d. Previous **silos approaches** to finding savings cannot be replicated in 2014/15. The mechanism applied in 2012/3 whereby proposals were put forward for 5%, 10% or 15% savings from service areas is not a rational approach: it risks failing to find service solutions and overlooking opportunities to invest in preventative services; there is nothing left to slice from budgets in this way; it reinforces a silo mentality rather than the collaborative approach required; and it exacerbates the contentious split around internal / external providers
  - e. City partners, including CVSF, should be involved in a 6 year shared budget **visioning exercise** to plan for the long-term. Leadership for this should be provided by BHCC and the Local Strategic Partnership Framework. Partners should commit to pooling budgets, removing duplication, streamlining

investment, plugging gaps and increasing their understanding of cross cutting themes thereby maximising the impact of their investments.

- f. **Leadership** within BHCC needs to focus on agreed **city priorities**, rather than political or internal priorities to achieve the necessary changes.
- g. Ongoing impact analysis of cuts, especially the cumulative impact of cuts, needs to run as a thread throughout the **monitoring and reporting** against shared strategies and plans, eg the City Performance Plan. There also needs to be greater evidence of the link between customer feedback and budgeting
- h. CVSF is keen to co-host a partnership conference specifically designed to focus on **reshaping a service** (one that is expensive to the city and where outcomes are essential and need to improve). The pilot event could bring together Politicians, commissioners, providers from all sectors, budget holders, users, community, to think creatively and explore solutions in a new collaborative space (without lobbying for particular services/providers). Ideas such a developing employee mutual could be trialled.

#### 4. **The Equalities Impact Assessment** is of inconsistent quality and detail.

- a. While the process has improved on last year, we believe sections of this document particularly those relating to Social Care and big service changes, need substantially more detail particularly around mitigating actions proposed.
- b. Of particular concerns are reductions to '**Looked After Children**', '**Home to School**' **transport** and the planning for service reductions in **Adult Social Care**. Some impacts may not have been identified or therefore understood.
- c. We applaud the ongoing local **commitment to EIAs**, in spite of the Government reviewing and potentially changing this requirement. We believe EIAs to be an essential tool to aid prioritisation and that they are especially important in the current climate to protect the most vulnerable.
- d. **Fees and Charges** proposals lack EIAs
- e. A secondary **equalities focused position statement** will be submitted by CVSF on 25<sup>th</sup> January capturing intelligence from a series of 10 equalities focused workshops CVSF has ran Nov-Jan. This will include specific comments on the EIAs in the budget proposals plus information about people's lives and how service change might affect or is already affecting them (not specifically related to the budget).

#### 5. **Public engagement in budget setting** needs to improve

- a. CVSF proposes it can **facilitate public engagement** in the budget setting process in partnership with Lead BHCC Officers. For the £15K budget available CVSF would work with member neighbourhood and community of interest organisations to carry out a series of dynamic, themed and well attended events across the city to engage local communities in understanding the budget and

helping to prioritise spend. This would be supported by appropriate online activities. We could design a suitable mechanism/approach in dialogue with BHCC, with input from stakeholders who were involved in the 2011/2 and 2012/3 budget setting processes and pilot the approach before rolling it out. We would argue that CVSF members are a good route to engaging more people in the budget process, people who are often not heard through traditional means and the new digital approaches.

6. **The following service specific comments** were collated during our engagement activities:
- a. **Personalisation** is not yet working to transform social care services. Service choice does not appear to be increasing and there are questions about consistency and quality of services
  - b. **Eligibility thresholds** have not been explicitly changed however how they are interpreted has been, which is resulting in reduced access to services (eg in some learning disability and autism services (detail provided on request). In relation to autism we are also concerned that the promised Autism strategy is not yet implemented.
  - c. With a **16% increase in homelessness** what are the strategies and plan behind the budget around prevention and planning for future housing need? And given that the voluntary sector is a large provider of homelessness and related services organisations should be more involved in creating a joint strategy and action plan
  - d. Risk of **digital exclusion** is a thread throughout the budget proposals (egs access to Family Information Service and the implications of Welfare reform) and needs close monitoring/preventative action especially taken with the cuts to adult community learning.
  - e. Given the impacts of welfare reforms and the economic situation it is timely to ensure that the **Child Poverty Strategy and Action Plan** is fit for purpose and that the actions are being implemented.
  - f. The **Public Health budget** coming into BHCC (£18 million TBC) should be used strategically to fund preventative services which can achieve broad health outcomes. Budgets around this should be better aligned from 14/15 and duplication of staff time and effort reviewed.
  - g. £20K should not be cut from the **City Community Fund**, which provides flexibility to support community and voluntary groups on the cusp of being eligible to apply for other BHCC funding. This small sum in grants buys significant impact and grant resources are essential for staff to be effective.
  - h. Some parts of the council are only being asked to make 2% **carbon savings** rather than the overall target set out via the Sustainable Community Strategy of 4%. How does this impact on the overall target of 4% reduction by the Council and its commitment to achieving this target?

- i. What is the BHCC budget which is being set aside for sector delivery on the **Stronger Families, Stronger Communities programme**?

### Budget Scrutiny 7 December 2012

#### 1. Chair's Communications

Councillor Ken Norman (KN) welcomed all panel members and attendees to the first substantive meeting of the 2013-14 budget scrutiny panel. He was pleased to note that all Lead members and senior officers would be attending the meetings and thanked them for their input.

This was the first of five meetings to look at all aspects of the proposed budget. KN reminded members that this was not to be a political debate but should be focussed on factual detail.

KN also welcomed Julia Chanteray to the panel, on behalf of the Chamber of Commerce; this was an additional place on the panel.

#### Procedural Business

- Declarations of substitutes – Cllr Robins for Cllr Pissaridou
- Declarations of party whip – none
- Declarations for interest – none
- Exclusion of press & public – as per agenda

#### 2. Approach and Overview

Councillor Jason Kitcat gave an overview to the budget process and principles.

- He was pleased to see that this was the second year of the budget going through a formal scrutiny process.
- There were a number of successes that should be recognised – BHCC had been successful at managing its finances, with underspends delivered year on year through changing working styles and ways of delivering services, particularly in Adult Care & Health (ACH)/ Children & Young People (CYP). Through Value for Money, £10 million savings had already been achieved, with a further £8.4 million projected for 2013-14.
- In terms of funding, B&H has some of the most deprived wards in SE England, but had received the highest levels of budgets cuts in the region. As for all local authorities, the budget cuts have been front loaded and continue to be added to.
- Budget planning began with £14million savings as a target (considering budget reductions, demographic pressures, Council Tax savings etc). Initially a 0.8% reduction in core funding was predicted, but this has increased to 10%.
- Business Rates Retention (BRR) is a major shift for local authorities, with each local authority now keeping 49% of BR collected, as opposed to all BR going to central govt with a grant being received in return.

There will be a number of caveats for BRR. In addition, the appeal process costs will be borne by the local authority – in B&H 40% of rateable properties have outstanding appeals. This means that £3million has been reserved in the budget for costs associated with appeals.

- There is a significant change in education, with the budget being top-sliced to fund free schools/ academies etc.
- The Autumn Budget statement was released this week – there should be no further mainstream budget reductions this year.
- The LGA has produced a projection graph known as the ‘Graph of Doom’ which indicates that CYP & ASC will take an ever greater share of local authority finance unless there is considerable reform.
- There is a lot of joint working with partners including NHS/ police/ academics/ neighbouring authorities to work on shared approaches, joint procurement etc.
- BHCC needs to have open conversations with partners and citizens and to be clear about the challenges. Through collective action, we can move forward; the budget scrutiny is welcomed as part of this.

The Chairman thanked Cllr Kitcat for his opening comments and reminded members that this was a non-political process, focusing on the council budget, not a discussion on the Government’s fiscal policy.

Members had a number of comments and questions regarding the overall approach and the budget settings process:

- It would be useful to set out which services were statutory; this would aid members in evaluating proposals – *The focus of the budget was on savings rather than investment. There was a budget book available but not in the P&R papers. P&R budget papers don’t cover the services where no changes are made.*
- When will public health budgets be known? - *It would be part of the financial settlement due on 19 Dec. There was still debate over which services would come to BHCC and which wouldn’t. More information would be available for Jan P&R. However Central Govt has said that they would honour existing contracts.*
- How will synergies between corporate public health aims and CVS public health aims be managed? – *With the uncertainty over the detail at present, would want to manage expectations carefully, especially over the next year and work to align outcomes. Jan P&R committee will be the beginning of that conversation.*
- Is there a local ‘Graph of Doom’ for B&H? – *Yes, but not very different from the national picture. It does make a lot of assumptions, and the results could be taken in different ways, it is just one model. However it is a strong indication that nationally councils need to focus on social care services.*

- Is consideration given to delivering services in different ways? Is the current council structure helping or not? There should be better scrutiny of in-house provision and comparison with external providers, to see if money can be spent in different ways with more of a focus on outcomes – *Commissioning is a tool which is good for some jobs but not others; eg in ASC it's been very successful in reducing costs but other departments have been less successful. Councillors can get obsessed with the structures but success isn't dependent on structure, other factors can be of more importance.*

*Benchmarking has been used in the budget setting process, though there is a resource implication in checking all services internally and externally. Some services are better delivered externally, and others better internally.*

- Regarding BRR, could it be the case that very successful cities would be penalised for too much BR creation? *B&H is proud of its economic options and wouldn't want to see a cap put on growth. B&H has a long way to go before it reached limits of BRR scheme. Most B&H business start ups are small companies, digital/ creative etc and don't bring much BR anyway. There are a no of challenges with the BRR scheme, including businesses who will now expect more from BHCC than before. B&H is recognised as a digital economic provider and has been successful in its bid for 4G.*
- What are the opportunities for joint commissioning on shared priorities, e.g. domestic violence/child poverty that were part of the Intelligent Commissioning pilots? – *the LSP and PSB are discussing this. A number of public sector agencies have similar remits, eg to increase digital inclusion- so makes sense to work together, and agencies are very willing to do so. Trying to develop a common infrastructure*
- How can we break barriers to pooling budgets and joint spending? – *some agencies e.g. NHS have different drivers than others so hard to pool spending but BHCC is willing to keep trying to get best deal for residents.*
- Regarding the new formulae for budgets, are there any safety nets for councils if the impact is too extreme? – *Current funding is based on the principle of resource equalisation, the needs of the area and their ability to raise finance. The new system does not have this principle, so it's a huge change. The new system will be about local authorities being self sufficient, generating enough income to meet their residents' needs. There are safety nets eventually but we'd have to lose a huge amount of funding before reaching them.*
- How is procurement managed? – *it's always important to spend resources wisely, there are a no of different ways to do so, and a contract that suits one service may not be best for another. Some contracts need more flexibility and short term approach, others benefit*

*from long term fixed terms. Some procurement is carried out with neighbouring authorities, some regionally, some individually – there are many factors.*

- *Its key to maintain a high quality of staff, to help deliver more service with less resource. How is this being managed, with lower quality staff being handled appropriately, and with the voluntary severance packages being offered? – the voluntary severance package is a key saving, it is a challenge for the service to manage the loss of staff and skills and balance it all appropriately.*
- *It's important to maintain in-house technical skill and knowledge especially for monitoring internal and external partners' services. Also need to recognise the resource needed to set up and maintain a partnership.*
- *true that partnership does need resources and time to be effective, especially legal and procurement resource. The budget has allowed for increases in both legal and procurement as there are significant risks related to both . The more we rely on external partners, the more we will need high quality legal and financial advice to ensure high quality.*
- *Does this budget represent a whole scale rethink or just tinkering at the edges of how services are offered? Its clear that fundamental changes are needed. – there have been some major changes especially in ASC and CYP. It's easy for 'Value for Money' to sound like something simple but they involve a lot of restructure and changes. Eg in personalisation, it can have a huge impact on what services are offered and who offers them. Another eg is the reablement programme, where people out of hospital have intensive care package to make them as well as possible before making decision about where they will live; this is resource intensive at the start but means that fewer people end up in long term nursing home placements or hospital.*

*In CYP, its key to think about where to invest to support children and families so they don't end up in care. One looked after child could cost up to £250, 000 per year, wiping out all savings made elsewhere*

*Its true this budget doesn't suggest huge outsourcing programmes etc but there are lots of changes being made.*

The Director of Finance reinforced the level of uncertainty about the spending cuts and budget announcements. It is currently extremely challenging to predict future budget changes in what is a very fluid context.

### **3. Community Safety**

Cllr Ben Duncan (BD) introduced the section on community safety with Linda Beanlands and Tom Scanlon (Head of Public Health)



Unfortunately with the introduction of the Police and Crime Commissioners (PCC) very little is known about the resource allocation for Community Safety at this stage. The budget figures presented are based on current spend.

Cllr Duncan advised Members he is on the Police and Crime Panel, and has asked the PCC what her priorities are. She has committed to a council tax precept freeze and has spoken to the PSB about her views on alcohol and its effect on crime but otherwise there is no information about her plans.

The Head of Community Safety advised members that Community Safety gives a real chance to look at how services are structured in order to achieve cost benefits in ongoing services. For example providing high quality Domestic Violence services means less children are likely to go on to the Child protection register, and associated resource implications. It's important to invest in CS services to achieve longer term savings. A similar situation can be seen in Public Health, where wise investment has numerous longer-term benefits.

Members were advised that there is considerable evidence supporting the priorities and programmes the community safety team provide, and that they are confident that the CS services being offered are broadly the right ones for the city.

Tom Scanlon (TS) – this year gives the opportunity to look at how services are joined up/ aligned and where savings can be made without affecting service delivery.

#### Questions/ comments

- How much information is known about the CS budget? How can assumptions be made? – *Almost all CS work is funded by specific grant funding. We don't yet know which grants are continuing so have to assume that services can be provided in the same way as they are now, in the absence of any other information. We don't know what the PCC will wish to prioritise but it's fair to assume that she will wish to consult on any changes so this won't happen instantly.*
- How have reductions been identified? – *There have been a number of budget challenge meetings, since July 2012 P&R. Members & officers are looking at spend options, benchmarking. The scrutiny committee can add value by thinking about priorities/ themes etc.*
- It's very hard to try and scrutinise CS as no information is known about the budget at all. – *It's an accident of timing that CS was the first subject timetabled, as budget information has not yet been received. However panel members will be updated with budget information as it becomes available.*
- There are no direct proposals to save money in 2013/14 but some services might be delivered differently. Partnerships are an over

arching theme, it's about integrating areas of work rather than making budget savings. Work is underway to reduce management costs rather than cut frontline services.

- The CVS welcomes comments on the importance of early intervention and on evidence based decision making. Can they assume resourcing will stay the same for now? – *There are a number of budgets that we know we are losing to PCC, eg preventing violent extremism grant. Currently planning on the same amount of resource for next year but this depends on BHCC topping up funding and this cannot be sustained indefinitely. Also know that one third of the Drugs Intervention Grant will be going to the PCC and there has had a commitment from the PCC that the contract will be rolled over.*
- The PCC has broadly indicated that she wishes to focus on areas of domestic violence/ sexual violence/ domestic abuse. This might affect the funding that BHCC receives but the service will still be provided for the community. The PCC has also committed to listen to communities; assume that there are no plans to take funding away unless there is a clear local voice to ask that this happens.
- It feels that BHCC has very little local control over what is spent locally. What would BD/ LB's priorities be if they had more control? – A lot of influence comes in partnership working and putting resource into communities to build community resilience for community groups to engage with the LA. The Environmental Improvement Team is also a priority; it works across directorates to improve the city environment eg by decorating empty shop windows, clearing clutter etc. The team uses community groups as a network to provide responses to problems.
- Also a priority would be those crimes that cause most harm – in order, substance misuse/ domestic violence/ sexual violence. Work is already underway with neighbouring authorities to deliver effective DV/ SV services and share a commissioner post.

#### **4. Central Services**

Councillor Leo Littman introduced the Central Services (CenS) budget; it was often the first area in mind for cuts, but without effective CenS, other frontline services cannot function properly. Central services include Legal and democratic support/ ICT/ Property and design, all which support other teams. It also includes the City Services delivery unit, with the exception of the Libraries service which come under economy and culture.

He outlined some of the main issues within the portfolio:

- Drivers for change include year on year funding decreasing, and a change to the local govt structure including BRR and pressures caused by welfare reforms.
- For the first time, BHCC will have localised Council Tax support, Universal credit, to implement a benefit cap and a localised Social Fund. All create additional pressures.
- The VfM and workstyle programmes make budget savings while continuing or improving the services offered

- He has tried to be fair in the budget proposals but would be interested to hear the panel's views.

The Director of Finance summarised some of the proposals relating to central services:

- In City Services, the Housing Benefit administration grant is reducing, there is a stretch saving for Benefits that is going to be very challenging. There is also a risk that any delay in HB processing can lead to additional costs elsewhere.
- There's an estimated increase in life events income from a number of sources
- Property and Design are leading on the workstyles programme across BHCC
- ICT has a VfM programme, carrying out joint procurement work with neighbouring authorities as part of the South East 7
- Legal and Democratic Service/ Policy, Performance & Analysis are all highly reliant on staff with little other costs – all are making savings
- Finance dept- significant savings on reduced audit costs
- No savings are proposed for HR 2013/ 14 because they were accelerated as part of the 2012/13 proposals with a sum of approx. £500,000 compared to the 2011/12 spend
- CenS can be a deliverer of savings elsewhere, but they need sufficient resources to do so. It is necessary to get the balance right.

There were a number of questions relating to the proposals for central services:

- How widely does the council seek to use benchmarking data? Does the Audit Commission still undertake this role? - *The Audit Commission has reduced the scope of its service greatly, e.g. no more Comprehensive Area Assessment. There are benchmarking clubs which can be used, but they can cost £1,000 a time to join so are resource-heavy. Extensive benchmarking data was supplied during the budget challenge process.*
- Is there more detail available about the woodland burial site (p138)? – *woodland burial is a service BHCC offers. One site is full, there is a huge demand for a new site. The new site in Woodingdean should open soon. Assume it will raise £100,000 in extra income. The more woodland burials/ cremations that happen, the better for sustainability and resource reasons.*
- Why do CenS have property costs etc attached? *Shouldn't these be re-charged? How will teams be incentivised to reduce those costs?* – *CenS provide services to all other frontline services and those services get re-charged but for budget purposes, the costs are grouped together so that officers/ members can scrutinise their*

*effectiveness. The best way to incentivise cost reduction is for managers to see it as 'The Council' rather than individual services*

- workstyles programme helps teams to co-locate and/ change work systems etc. It has produced huge efficiencies, better working practices and synergy. It makes both service and corporate savings*
  - the property services team work closely with services across the council to understand their different needs, reduce property overheads and re-design their services*
  - In terms of property costs, a number of services are already coming to Property and Design saying their rental/ lease costs are too high, and looking for help as to how to lower them. They work together to find accom at lower cost to reduce outgoings*
- 
- *How will BR be collected? Where does the extra £200,000 come from in the budget? – £200,000 is additional income, until April 2013, the local authority is better focussing its attention on collecting Council Tax rather than BR. This isn't just about collecting BR more quickly or at a higher rate, it's about streamlining the processes and reviewing who should be paying BR. There are now additional incentives to collect more BR now as we keep 50% of the money collected. BHCC will be listening & working with businesses to see what can be changed in the collection process to help them, looking to continuous improvement.*
  - *Which properties may be being missed from BR collection currently? - there may be some unused properties where there will be benefit to getting them back into business use to collect BR and help the local economy.*
  - *How will proposals to reduce energy consumption be put into practice? –we already collect consumption data and are adding more meters to council buildings. Reducing heating costs is a quick win, it's the most costly and there are some places, eg buildings not used at weekends, that don't need to be heated*
- 
- *Why has there been no reduction in HR budget? – For 2012/13 HR had to save £300,000 to address a pre-existing overspend and for 2013/14, a further £225,000 saving had been suggested. These two amounts were grouped together to total a saving of over £500,000. HR has made some progress towards this, largely through staffing reductions. Further cost reductions might require a rethink over how much HR support BHCC wants. This might have further implications in terms of reduction of other services eg health and safety.*
  - *On p129, there are savings related to communities. Firstly would like it noted that it's hugely welcome that BHCC has protected discretionary grants, but even a freeze is effectively a cut due to inflation, and any cut can make a huge difference to service users. Secondly, the city community fund is losing £20,000 leaving only a very small pot. The current funding means that Communities and Equalities Team can*

respond to emergencies, the budget is a small one, can it be reinstated? – *BHCC always wants to protect Community and Voluntary Sector as much as possible, and there is still £10,000 left in budget. In 2012/13 the £10,000 enables flexibility to respond to emerging needs, and they will work with groups to help them access the small grants programme.*

- Response- Small grants do have a lot of impact in the community, that will be lost.



**BRIGHTON & HOVE CITY COUNCIL**  
**SCRUTINY PANEL - BUDGET 2013/2014**  
**1.00pm 14 DECEMBER 2012**  
**COMMITTEE ROOM 1, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor K Norman (Chair)

**Also in attendance:** Councillor Deane, Fitch, Robins, Sykes and Wealls

**Other Members present:** Cooptee Joanna Martindale (Community Voluntary Sector)

**PART ONE**

**6. CHAIR'S COMMUNICATION**

Cllr Norman welcomed everyone to the meeting.

Declarations of substitutes – Cllr Robins for Cllr Pissaridou

Declarations of party whip – none

Declarations for interest – none

Exclusion of press & public – as per agenda

**7. ADULT CARE & HEALTH**

**Opening remarks**

Cllr Jarrett introduced the Adult Social Care & (Public) Health (ASCH) budget proposals, setting out the main themes that had underpinned them:

- Responding to current fiscal constraints and the need to reduce the overall council budget
- Maintaining frontline services & ensuring access to services by keeping existing eligibility criteria
- Budget was largely frozen during 2012/13, however there will have to be reductions in 2013/14
- This is a reflection of the wider budgetary position, ASC though has been prioritised and afforded some protection
- The focus has been on looking at those parts of the budget that are most costly, such as nursing homes, and looking at how these services can be offered in a more cost effective manner

- In many cases it is possible to deliver better outcomes for residents by better addressing needs whilst also reducing the overall cost
- Examples of this principle can be seen in reablement, extracare housing, etc before the use of carehomes
- There is a need to ensure that there are sufficient providers in the market to meet the differing types of homes required. The council therefore can't seek to drive costs too low or the quality of care will suffer
- A review of transport provision is to be undertaken as it can be expensive and has grown up in a rather ad-hoc manner. It is being reviews alongside transport provided by children's services
- Whilst some savings are being sought within the commissioning structure this is already a streamlined area and there is a danger that if too large a saving is required commissioning and contract management may suffer. The proposed saving strikes the right balance.
- Demand for services will continue to increase as people live longer, there are more demands on learning disability services and instances of dementia increase.

Tom Scanlon, Director of Public Health introduced the Public Health budget. The Public Health function will be moving over to the council with a budget of approximately £18million. An announcement on the exact amount will be made by Government shortly. The public health team is a commissioning team with 24 members of staff.

Current priorities include sexual health, smoking cessation, alcohol, children's health and reducing health inequalities.

Whilst the funding is ring-fenced the function is not. This allows the council to be creative in how services are delivered and priorities aligned. The council will be judged on an 'Outcome Framework' for public health, this measures outcomes such as life expectancy etc.

Some public health responsibilities such as immunisation will not be transferring to the council.

The Director of Adult Social Care made some introductory comments regarding the Adult Social Care budget. Again the focus is on prevention and identifying the most appropriate type of care for the individual.

Most people want to retain dignity whilst also remaining in their own home. Figures show that B&H is still an outlier in terms of residential care, so there is capacity to increase different models of support.

Whilst internal services are more expensive than those provided in the third sector the council has duty to provide care and as such some capacity is needed. Often the council is care provider of last resort and provides support to those with very complex and expensive needs.

Members asked questions across the full remit of Adult Social Care and Health.

- Are there any truly revolutionary changes within the approach being taken given the 'graph of doom' predictions? – *It's more about personalisation, reablement and using technology, such as telecare. It will be important to develop new markets and ensure choice and flexibility within the market to meet people's different needs.*



- Increases in rates to independent care homes have been related to the need to keep them in business. How do we work with this sector? – *As a major buyer of services its in the council's interest to have a vibrant and high-quality sector. If we look to drive costs down too far quality will suffer. The Council tries to work with providers to ensure there is the correct mix of care available but some areas are harder to deliver than others, the obvious example being dementia care. Homes are businesses though so it's a case of influencing rather than seeking to dictate. The Council works to avoid situations of unexpected failure.*
- What work is done to try and improve the energy efficiency of care homes? – *The council does meet with the care home association but care homes as private businesses. The Council could look at offering more help and support in this regard and look at including this within future contracts, perhaps through help with capital spend. There are examples where the design of care homes has been undertaken looking for energy savings e.g. Patching Lodge. It would be possible to encourage the joint procurement of energy across the sector to get better rates.*
- Is the £50k saving to the commissioning element of the service a false economy, as 90% of the service is commissioned? - *The saving is a one off that has come about through vacancy management and improved joint working with health partners.*
- How is the transport saving being arrived at? – *This is part of a corporate VFM project that is looking at transport costs across a range of services.*
- Descriptions of the in-house service seem to suggest it acts as a sponge for emergencies, high-need cases? How can then this run at capacity? – *There is a need for emergency provision incase of unexpected demand, or where care homes unexpectedly close. It is necessary to keep a dialogue with home providers to predict supply and demand.*
- What is the longer-term plans for the service, through to 2020 with ever tighter financial settlements? – *ASC regularly look to redefine their core business as the understanding of need changes, for example the eligibility criteria haven't been changed as it is likely national guidance is about to be published and therefore it makes sense to wait. Changes to benefits may also have an impact on this.*
- How do you work with CYP re transitions, joint planning for complex cases etc? Where are the gaps and what are we good at? – *Transition can be a very difficult time, especially for more complex cases. There are a number of jointly funded posts between ASC & CYP with the aim being to avoid a cliff between the two services. ASC try to work with families from the age of 13, rather than wait until 15/16.*
- How are demographic changes and projections impacting on the budget proposals? – *Has previously been a larger number of over 75s but latest census actually shows a decline in the over 90s which will impact on which services are required. This does challenge existing ideas re the B&H population. Ideally the aim should be for a healthy ageing process, with less need for intensive interventions until really needed.*
- How is technology used? – *Telecare is an assistive technology that allows people to remain in their own homes. This benefits the user as well as being cheaper than residential care. Other examples include the use of epilepsy sensors, again supporting independence. GPS can be used to support dementia sufferers.*
- A lot of the issues being described regarding ageing are going to be picked up within the 'Age Friendly Cities' initiative. It is about building resilience in communities, keeping people active and ensuring services are joined up.
- Future funding arrangements – Personalisation has led to increased efficiencies and resulted in lower costs for some elements of carer support. Outcomes have also

improved. A reduction in residential placements will mean more people can be supported for less.

- An autism strategy is being developed, which will help develop the support pathways and will address thresholds.
- Would staff mutuals be supported? – *They offer a different model of services provision and if appropriate would be supported. The ‘Able & Willing’ initiative is an example of where this has been successful. The council is also looking at possibilities of shared service provision, working with other local authorities and support across sectors.*
- A number of third sector organisations receive various pots of money from the council, these can be short term, for small amounts and difficult to manage. How can this make this work better? – *Hopefully situation like this are improving as health and council partners get better at working together and through commissioning as there is a more holistic approach within the council.*
- The Prospectus for the third sector has been a useful develop. The relationship with the sector is a key one which the council is looking to actively support.
- How is the council supporting prevention within the older population, especially in keeping older people fit? – *GPs to try and offer appropriate fitness/exercise options and can prescribe gym sessions. Across all ages there are a range of options such as green gyms, weightloss classes, etc.*
- Within the public health spend there are mandatory services such as sexual health and alcohol reduction. However the service as a whole is looking to be more innovative in how it talks to the city. For example with regard to healthy eating rather than getting everyone to eat salads, make sure takeaways take account of portion size, don't use transfats etc. This even includes helping to teach people how to cook.
- The Community Meals service had recommendations regarding locally sourced food from the scrutiny committee. How is this progressing? *Different residents have different needs and the review will look to provide a range of options suitable for all, this will take into account all of the scrutiny recommendations.*
- How does ASC balance quality and price? *A lot of benchmarking work is undertaken on costs, quality, thresholds etc across local authorities. The Director of ASC also chairs the SE Commissioning and Contracts Group which looks at value for money and benchmarking data. Without good quality services issues with safeguarding quickly arise which become more expensive to resolve.*

## 8. HOUSING

Cllr Liz Wakefield introduced the housing element of the budget and outlined some of the issues and priorities within the housing budget including:

- Current economic situation is creating a strain on services whilst also limiting funding
- It is a priority to ensure the efficient management of housing stock, delivering an excellent service to tenants
- Looking to continue Improving homes so that more meet the Decent Homes Standard
- Supporting adaptations to homes to ensure people can stay in them for longer
- Working closely with ASC, for example on extra care housing
- Building new council housing to meet the huge demand
- There is an increase in levels of homelessness – individuals often have extremely challenging needs such as dual diagnosis

The Strategic Director of Place clarified the different funding streams within the housing budget. Members were advised there are two distinct parts to the housing budget, the Housing Revenue Account (HRA), which is the money received from tenants and the spend from which is ring-fenced for certain activities. The second part of the budget sits within the general fund and can be spent on a wider variety of activities.

The SD, Place outlined some of the wider contextual issues relating to the housing budget:

- The city is characterised by a large private rented sector due to the universities, expensive housing and limited supply. Waiting lists for housing are high
- Joint working with ASC is vital for the council to be able to deliver services within an ever decreasing resource envelope
- Ultimately the economy underpins the budget and housing can be seen as a vital piece of the jigsaw.
- The Council is working closely with the Homes & Community Agency to deliver a substantial regeneration programme to increase the number of available homes within the city
- There is considerably less grant money currently available with which to create a supply of new homes
- The HRA, as a self-financing ring-fenced pot, can be seen as quite healthy; the general fund is far more challenging, and will be until at least 2020

Members had a number of questions and comments regarding the proposed housing budget:

- What is the link between extracare and sheltered housing? How does housing support ASC? – *Both offer support to residents without the need for full care. Housing are helping to meet the need for extracare housing however there is limited access to council accommodation. Where possible housing and ASC work together to plan where housing is located to ensure that care can be provided as efficiently as possible.*

*The Council is looking to create extra supply by converting existing housing stock and through new-build. Longer term leasing arrangements with the private and third sectors allow for them to put in the necessary investment into properties to turn them into different types of supported accommodation. For example current plans require leases of 25 years.*

*Extracare/sheltered housing deliver considerable savings over the cost of carehome costs, and ensuring there is sufficient supply is vital for ASC to deliver future savings.*

- Sheltered housing usually becomes available on an ad hoc basis in small numbers. It is therefore hard to use as extracare housing in a lot of cases.

There are 750 units within 23 schemes in the city. However it is possible to create extra supply by adapting existing properties – this can be done in specific units without having to convert entire blocks. It is also possible to develop a care package around someone in sheltered housing, this can however be more expensive than other options.

- How extensive is the use of B&B accommodation? – *The council tries to limit the use of B&B accommodation and no-one stays in it for more than six weeks. The number of people entering B&B is increasing.*

*It costs around £50-60 to spot purchase B&B accommodation but only £18 if a longer term agreed for a whole building can be negotiated. The Council receives £25 from government for each person in B&B accommodation.*

*People are moved into 'self-contained' units from B&B. The council leases these on anywhere from 3 to 10 year leases. Increasingly these units are being sourced outside of Brighton due to availability and cost. (Peacehaven/Newhaven etc). It is possible to cross-subsidise housing services from the difference between rates claimed for and paid for these units. The council is looking to enter longer term leases for a number of units outside of its boundaries.*

The council is seeking to be creative in how it meets the housing challenges it has, and how it can cross-subsidise between different housing and ASC budgets. There is recognition that the quality of accommodation has a direct bearing on health, educational attainment, crime etc and that a saving to the housing budget may merely transfer costs to other areas of the council.

- Supporting People – will the protection to this budget remain? - *The council has protected this area of spend as cutting it would transfer costs to other budgets. Much of it (98%) goes to the third sector. The ratio of spend for SP means is £1 to £3 so there is huge benefit to retaining it.*

Locally the Supporting People programme is recognised as excellent and the council is urged not to look to reorganise into a single provider. It is clear that preventative services such as this save significant sums later on. There is a significant local multiplier for such a spend.

- How are we seeking to address studentification/what affect does this have? – *Providing more specialist student accommodation might reduce the number of students in HMOs, however the demographic and cost of living in B&H will mean that there continues to be a large number of HMOs occupied by young professionals.*

*Loft conversions do increase the number of rooms available and can help turn smaller properties into larger family homes. The council does consider these on the properties it owns.*

*Students can also have a positive impact on areas, as with most things it is necessary to get balance right between competing priorities.*

- Does the council offer incentives to leave homes that are under-occupied? – *yes however there is no legal requirement for people to do so. Benefit changes due to go live in 2013 may make this a more attractive proposition for tenants in the future.*
- Could crates be used to house homeless people? – *A number of cities use crates as a way of creating quick cheap housing and this is being considered in B&H. However homeless people often have extremely complex needs and a long-term solution is often not to be found in just offering accommodation is there is not also a support package of some description attached.*

- The £250k reduction in private sector renewal – what will the impact of this be? – *This relates to the increase in the requirement for HMO licences in certain areas of the city. The council will be looking to work with partners such as energy companies to continue to improve the quality of the stock available. This will not impact on adaptation work.*

*There is an increased requirement re HMO licenses meaning that an extra 500 properties will now need them.*

- It is welcomed that the funding to prevent rough sleeping has not been cut. It is likely that as the benefit changes come into affect during 2013 this service will come under considerably more pressure.

## 9. NEXT MEETING

The next meeting will be on 17 December, looking at the Children and Young People budget

The meeting concluded at 4.00pm

Signed

Chair

Dated this

day of



**BRIGHTON & HOVE CITY COUNCIL**  
**SCRUTINY PANEL - BUDGET 2013/2014**  
**12.00pm 17 DECEMBER 2012**  
**COMMITTEE ROOM 1, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor K Norman (Chair)

**Also in attendance:** Councillor Deane, Fitch, Robins and Wealls

**Other Members present:** Co-optee Joanna Martindale

**PART ONE**

**10. CHAIR'S COMMUNICATIONS**

Cllr Norman welcomed everyone to the meeting. He reminded everyone of the date of the next meeting, 8 January 2013 in the Council Chamber, HTH

This was the third budget scrutiny meeting and was a single issue meeting, focussing on Children and Young People's Services

**Procedural Business**

- Subs – Cllr Alan Robins for Cllr Anne Pissaridou
- Apologies from Julia Chanteray, Business Sector Co-optee and Cllr Ollie Sykes
- Cllr Andrew Wealls said that he had a declared interest as he was a trustee of Impact Initiatives
- It was agreed not to exclude the press and public.

**11. CHILDREN AND YOUNG PEOPLE**

Cllr Sue Shanks, Chair of the CYP Committee, introduced the item, along with Heather Tomlinson, Interim Director of Children's Services and Rosalind Turner, Caroline Parker, Jo Lyons, Louise Hoten, Peter Chivers and Rima Desai.

Councillor Sue Shanks gave a brief overview of the service:

- She began by saying she wanted to congratulate all of the CYP staff for contributing to an amazing underspend, largely due to reviewing the placements for children. The dept was also looking at other savings to help the overall council budget position.

- Pleased that BHCC can keep all its children's centres open.
- Schools have been doing really well (there has been a change in support offered due to central govt legislation but still working well)
- Most of the budget savings were highlighted last year and have been agreed by Cabinet/ Committee

A number of issues were highlighted as areas of concern:

- Provision of nursery places for 2 year olds is still an issue, with funding for this still uncertain due to late government announcements
- Savings will be made on the music service budget

The Interim Director of Children's Services advised that the latest projected underspend for 2012/13 is £3.058 million largely delivered through VfM initiatives. This is an immense achievement, especially compared with other local authorities and should be recognised as such.

The underspend can be projected forward (although it cannot be completely guaranteed and does have an element of risk attached).

For 2013/14, seeking £3.7 million savings made up of three main areas - £2.6 million VfM savings which are mainly savings on agency placements, £0.6 million through Early Years provision and £0.4 million on Home to school transport

## Questions and comments

### Youth offending/ Stronger Families, Stronger Communities

- From 2013, councils will have financial responsibility for YP on remand as they will be classed as Looked after children; this is outside our control but what steps have been put into place to help minimise numbers? Have links been made with Youth offending service etc?  
*– A small amount of money has been attached to the new duty. It's containable at the moment, but it does certainly add an incentive to keep YP out of remand. The Youth Offending Service has relatively low numbers of service users, although there is less success at dealing with repeat offenders. The YOS is being restructured to help address this.*

*It is a budgetary risk and BHCC needs to keep on top of it, working to keep YP out of care and out of remand. There is also a target to reduce time in remand to 26 weeks, from current average of more than a 1year.*

- Can services work with YP whilst they're in custody to address re-offending likelihood?  
*– This is a flaw in the system currently, YP don't get support whilst they're in a young offender's institute, and currently little planning for what happens after custody. It's a national issue and needs to be addressed.*  
*– Also need to take into account the YP who re-offend without having been in custody, there are potential new re-offenders coming into the system all the time.*  
*– Steve Barton oversees the Stronger Families, Stronger Communities (SFSC) project and also has responsibility for VfM so there are clear links between the two*



*workstreams. One of the key SFSC outcomes is reducing re-offending so there's a strong focus (other priority areas are increasing school attendance and tackling worklessness)*

*SFSC has an element of payments by results – over a three year period. Budget for the SFSC programme has not been predicated on achieving funding by results element so any resources gained through this will be a bonus which will be spent on identified priority areas, however criteria are very high. We are unlikely to achieve 100% results,.*

*SFSC is currently working with approximately 50 families, will assess outcomes achieved for these families and based on this will make budget plans for results money.*

- The CVS sector is well placed to support SFSC outcomes. Has any money been allocated to CVS for commissioning? – *yes some has been earmarked but can't confirm commitment to fund CVS or final amounts at present.*

### Early Intervention Grant

- There have been cuts to the Early Intervention Grant – how has this been addressed in the budget? – *The reduction has been taken as a corporate funding issue, savings don't all come from CYP. The EIG funded lots of services, some of which have been cut. No further cuts are being proposed.*

### Youth Services

- p97, the section on Engaging People who live and work in the city. Can you clarify the thinking? Is there a role for the CVS? – *There is a commitment from the administration to keep services inhouse as far as possible, with CVS and third sector provision too. It's a very important service for YP who don't qualify for other services, believes it's important to have some universal services for all YP not just for YP in crisis.*

*A review of Youth Services ended in a decision to commission a collective of CVS providers. There is a period of capacity building and support being given to the collective, to deliver grassroots youth work. There is a commitment to youth work in the city although it's a non-stat service*

- BHCC is unusual in its commitment to youth services and helping YP before problems arise, this is very welcome. Can the CVS be used to provide other YP services in a different, more resource efficient way? – *there is a danger that youth work will be cut nationally – its an easy target as it's a non stat service. If services are contracted out they tend to cut funding and provision. Providing youth services is tiny part of total BHCC budget, only £1 million overall.*

Whilst there is political commitment to maintain youth services, there are huge ongoing budget pressures. A 'task and finish' group is to look at youth services across the city. Some services could be better joined up, some may be duplicating services. Current system of reducing budgets by asking individual teams to make cuts is unsustainable, and it will be possible to offer better services by seeking a more holistic unified service. This will build upon learning from the VfM placements programme.

## Service Structure

- Intelligent Commissioning was meant to be a way of looking across services – is this going to be scrapped or revisited?

*– From CYP perspective, Intelligent Commissioning has been a useful discipline through which to deliver results – e.g. the £3 million savings in placements. Modern councils need to work intelligently to engage and work in partnership, understanding why and where they are prioritising resources. The new Chief Executive doesn't see IC as a principle for organisational structures. It has led to an unhelpful split between commissioning and service delivery. It looks like commissioning and delivery will be more closely joined up in future.*

- It seems from p93 that youth services will be re-shaped, are any other service areas similarly affected? – *'Early Help' services need to be re-thought, its not just a service for early years but for early help in a variety of areas, before someone's problem becomes critical (and more resource-intensive). The full range of services that contribute to Early Help are not fully understood or joined up.*
- On p102 there is mention of £71K back office savings? – *The Connexions team used to cover all of Sussex/ B&H, but now it's a much reduced service. £71K comes from management and staff costs, to protect front line services. Do need some back office function though to support services. In Youth Employment Services, back office costs cover marketing, training resources and universal access to a shared IT system. All this has been reviewed.*

## Dedicated Schools Grant/ 2 year old nursery provision

- What does the Dedicated Schools Grant cover? – *the DSG is always under pressure, but there are clear guideline with regards to what this can be spent upon. BHCC works with the schools forum to agree expenditure and reviews its spending frequently.*

*The SEN strategy comes from the high needs block of the DSG; BHCC has saved £2 million by not sending YP out of area, and by reducing agency placements from 221 to 61 placements. It has been reinvested in prevention and other services.*

- Members felt that in future it would be useful to see the details of the DSG to better understand which elements of the budget are allocated to each part. *DSG figures are included in TBM figures but more information could be shared.*
- BHCC now had notification of the position on funding nursery places for disadvantaged 2 year olds. Currently funding 220 places, it will now have to fund places for most disadvantaged 20% for 2013, which will be approx 500 places. In 2014 this doubles to 40%.
- There has been some additional funding to pay for 2 year old places, it's not been ringfenced in the DSG but has been labelled as for 2 year olds. £1.4 million has been given to pay an hourly rate for care, with £0.5 million trajectory funding.

### Home to school transport

- There are concerns about the Home to school (H2S) transport cuts, they've already made savings last year and parents have reported a worsened service as a result. How will the £0.4 million impact upon services? – *please could parents share concerns with her so they can be addressed? BHCC has been benchmarking H2S spending, there was a high spend and high number of users so it's all being reviewed.*

*There are less children who need high cost transport. Through the SEN strategy, the numbers of children going to specialist placements has reduced, so less demand for H2S. For some children, independent travel may be an option. Taxi contracts are being reviewed to re-group children more appropriately. Also working with schools and headteachers to use their own transport e.g. minibuses where appropriate.*

*They understand some families do have difficulties, and they will work with those families who really need assistance.*

*Cllr Shanks clarified that the reduction is more of a budget adjustment, as its been underspent and some costs have been reduced. Also reductions in Looked after children means less demand for H2S. Gil Sweetenham is meeting with individual parents to resolve their issues and has also arranged to meet with the charity Amaze.*

- Will there be coaching available to help YP become independent travellers? How many have taken it up? Glad that BHCC recognises its not just about transport, its also about care. Also pleased to note that no additional savings are planned – *can get figures for independent travellers circulated*

### Service Pressure Funding

- On p57, there is service pressure funding money of approx £0.5 million to be reallocated, is this for inhouse services only or could some come out to CVS who are also under pressure? Many CVS groups use BHCC funding to draw down other central funding to benefit all YP. – *'pressure funding' relates to council budgets currently under pressure, BHCC is holding a central pot as a reserve in case of difficulties.*

### Music and Arts funding

- The service had a funding reduction last year too, how was it managed? The Music and Arts service is such an important service for the city. – *The funding base is 62% funded by parental/ school fees, 24% Arts Council, 14% local authority. There has also been reduction on Arts Council funding. Has taken a multi-stranded approach, increased some fees, reshaped leadership. Some staff have retired, others moved on, and service has been remodelled accordingly.*  
*- the schools also provide music support. She feels the music and art service is very successful and strong and would like to build on its success.*

### Family Information Service

- The FIS offers telephone and web advice, it has been proposed to move this to a web-based service. With welfare reform agenda and Digital by Default, easy to assume that people are digitally literate but would like to see some cross council thinking to help people become digitally able. Digital exclusion and financial exclusion are closely linked, FIS priorities should be aligned with ASC, Housing and others. – *there is no intention to end the telephone service. But promoting the web information and making sure its comprehensive. There has been 100% increase in web hits this year. FIS are targeting their face to face service on the most disadvantaged families and have piloted case work, looking at wider information needs on eg fuel poverty. In some cases FIS staff can get a better deal than individuals.*

## 12. NEXT MEETING

The next meeting would be on 8 January 2013. Cllr Norman brought the meeting to a close, thanking all members and officers for a constructive meeting. He wished everyone a merry Christmas.

The meeting concluded at 2.00pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL**  
**SCRUTINY PANEL - BUDGET 2013/2014**  
**11.00am 8 JANUARY 2013**  
**COUNCIL CHAMBER, HOVE TOWN HALL**  
**MINUTES**

**Present:** Councillor K Norman (Chair)

**Also in attendance:** Councillor Deane, Fitch, Pissaridou, Sykes and Wealls

**Other Members present:** Co-optees Julia Chanteray and Chris Todd

**PART ONE**

**13. PROCEDURAL BUSINESS**

Declaration of Substitutes - Chris Todd was subbing for Joanna Martindale

Declaration of Interest - Chris Todd is Chair of the City Sustainability Partnership

Party Whip - None

Exclusion of Press and Public - As per the agenda

**14. CHAIR'S COMMUNICATIONS**

Councillor Ken Norman, chairing the panel introduced the meeting; this was the fourth of five public budget scrutiny meetings. The panel would hear firstly from Councillor Pete West and accompanying officers about Environment and Sustainability, and secondly from Councillor Geoffrey Bowden and officers about Economic Development and Culture.

**15. NEXT MEETING**

The fifth and final meeting would be on 9 January 2013.

**16. ENVIRONMENT & SUSTAINABILITY**

Councillor Pete West, Lead Councillor for Environment & Sustainability (E&S) introduced the budget proposals:

- Thanks to budgetary management and officers' efforts, they have managed to find a manageable way forward for 2013-14.
- They are increasing efficiency whilst protecting services for vulnerable people
- E&S are key areas for the administration; services include refuse and recycling, green spaces, food safety, public safety etc which affect everyone
- In the public budget consultation, three out of five of the top priority areas for public were E&S issues – refuse/ recycling; parks; public safety
- Key priorities are to run services sustainably and to reduce adverse carbon impact
- Considerable savings have been made in the past and services are heavily stretched; the savings proposed today are limited
- On p117 of the budget papers – E&S are working with cricket clubs to reduce service costs to the council
- Sustainable planting will be rolled out to all parks with the Floral Clock and Old Steine as exceptions
- There has been a saving in the Waste PFI due to a reduction in the amount of waste that households are creating; this leads to a reduction in disposal cost
- A vacant post in the Health and Safety Team has been removed
- Trading Standards telephone advice line will be moved to a web based advice service
- Priorities will be set out in the revised corporate plan – looking to improve waste minimisation and recycling rates
- Have won Govt funding to roll out communal recycling in the city centre (in pilot scheme, rates increased by 70%)
- Improve working with South Downs National Park Authority to make the most of the links between B&H and the National Park
- Continue to champion parks and open spaces
- Its important to invest more in sustainability
- One Planet Living provides an important framework, informing policy and decision making in BHCC, e.g. savings made in energy and water use in the Brighton Centre, reducing the carbon footprint and water use
- 4% target in carbon saving reduction; rising fuel costs mean that carbon reduction gives financial as well as E&S benefits
- LED light fittings for street lights being rolled out

Geoff Raw, Strategic Director and senior responsible officer for E&S:

- This is a very important service area; it touches everyone in the city. Also central to the political agenda
- In terms of budget setting, keen to have focus on benchmarking – this is going forward
- This is part of an ongoing process- this is the 2013-14 budget but mindful of future years where there is likely to be a greater reliance on self financing
- The corporate plan and service strategy plan is being revised; changes have been made to the top of the service, this is likely to move down service lines

James Hengeveld, Head of Finance:

- This is the second year of a two year strategy; savings were heavily weighted towards 2012-13 so less savings can be seen in the 2013-14 budget proposals.
- Benchmarking is key element of the budget process, but is also used year round as a way of understanding and comparing council services.

**Questions and comments**

- E&S has a huge budget; these are relatively minor savings – what are the plans for the future? *Benchmarking will continue to show how the council compares; looking at VfM, overhead costs, management structure, staffing costs etc*

*Cityclean/ Cityparks always plan ahead for budget pressures; e.g. £85K savings have been covered by 12 month vacancy management programme. The services would have to stop some of their provision in order to save more money, e.g. paper going to committee about potential closure of some bowling greens. Changes need time to take effect, e.g. planning how to reduce/ close a service*

*Cityparks are also managing service pressures such as a loss of income from schools*

- The reduction in Cityparks staff has had a negative impact on estates grounds work. Used to employ temporary staff to cover seasonal work but no longer the case. The more that the service contracts in size, the more impact it will have on employees. *Work for Housing is tightly managed by tenants and by housing staff, it is subject to a separate contract that is not part of the budget reductions published.*
- What about work with schools? *Cityparks has lost schools maintenance contracts; this means increased budget pressures, which are managed through vacancy management. Schools can choose to opt in/ out of a maintenance contract individually. Some are opting for smaller businesses, often individuals who have significantly fewer overhead costs (unlike the BHCC which included pension/ H&S costs etc). It means that the council costs are higher. Schools are facing their own budget pressures and are having to prioritise where they choose to spend their money*  
*Cityparks have met with schools to promote the services provided but cannot subsidise school's maintenance costs at the expense of other maintenance services to parks for example. We know that BHCC was competitive when they could bid for a contract for all of the schools and could deliver a good service.*

*Its part of a larger picture looking at how the council operates, some councils now have 'trading arms'. BHCC is looking into this – want BHCC to be in the best possible shape to compete and adapt*

- The discussion regarding small local businesses taking on work for schools has an overly negative slant that is anti-local business. Should the council not be looking to support small businesses, seeing them as part of a thriving local economy? *Comments were intended to show how school governance and budget impacts across all of public services had impacted upon the council services, rather than commenting upon business practice.*
- Should BHCC give up competing with SMEs or if not, BHCC should change the way it delivers services to be more competitive. The outcome would be better for schools, the council and the city.
- How else is money saved in Cityparks? *Sustainable planting is going to save costs for BHCC both in terms of plants and staff costs. Customer satisfaction for park use is high*

*(87%?). There are 12 vacancies not being filled (out of a total of 153). Reviewing bowling green provision. Cityparks has been subject to competitive tendering for decades and has low management costs.*

- There is very little evidence of the Olympic legacy in B&H, obesity is a huge cost. Bowling, which is under threat, is a great social network especially for older people who may have most other support. Where is the Equality Impact Assessment? *The panel looked at some of the public health issues at an earlier panel. The Shadow Health and Wellbeing Board would be looking at a lot of public health information. There are strong links between public health and BHCC priorities and policies.*

How has there been a saving in the Waste PFI contract? Are we creating less waste as a total, even with an increase in household numbers? *There are more households but still less waste created as a total. This has been going on for a number of years and is not exclusive to B&H. There was money set aside for risk provision in PFI, have been able to release some of this money which relates to waste growth and around discussions around the share of the electricity income produced by the incinerator; the waste is combined with waste from East Sussex and income from electricity generated is shared between the authorities above a certain price level. If electricity prices go up, BHCC and ESCC benefit*

- The incinerator recovers 4000 tonnes of steel annually, is this money shared with BHCC? *BHCC gets a share of all recycling income but unsure whether the steel income is shared – this will be checked. The contract is very specific*
- How is the PFI contract scrutinised? *It was heavily scrutinised at the outset through various committees.*
- How are savings allocated across E&S? *There was a two year budget setting process across the council where all depts were asked to find 5%/10%/15% savings; then political choices need to be made about where savings are to be made. It's about thinking cross-departmentally.*
- How can the 4% carbon reduction be managed? *One of the key focus areas for 2013-14. Can be achieved through management of water (which costs approx £1 million annually) – installing automatic water metering would allow BHCC to identify leaks etc. Workstyles programme will help – more efficient use of buildings will help reduce carbon use. Also, targeting most energy inefficient buildings will help. It's about behaviour change; can implement programmes but its down to people's behaviour.*
- We need to reduce the fines we pay for carbon production; the easiest way would be to have less office space. How is the office space managed – what are the projections for future use? *Workstyles falls under a different directorate so doesn't have that many details but is aware that there are active moves to reduce office space and think more smartly around how space is used. However buildings don't always lend themselves easily to Workstyles programme, it's not just a case of moving people out of a room and making savings.*



- On p 149 (appendix 6), it lists some council buildings that have 2% carbon reduction target rather than 4%, how is this possible? *Think that not all of the council's operations are subject to carbon targets but not sure – we will check and report back.*
- What are the plans for Stanmer Nursery? Could it perhaps be promoted as a shopping venue to help with revenue generation? Could the land be leased? *There is a space at Stanmer now that the sustainable planting policy has been implemented. There are proposals to look at wild flower growth and selling, it would be good for bio diversity. Cityparks is working with Kew Gardens and the South Downs National Park. A business plan is being developed*

*In relation to a question about leaseholders in Stanmer Nurseries - there are ongoing lease negotiations. A new masterplan is being drawn up for Stanmer Park which will cover the nursery; this has been developed over the last year. The National Park is a key player in the masterplan. Any agreements made now will not jeopardise future plans for the area.*

- The tourism offering for the city is very important; it tends to focus on the seafront but it should include more mention of the National Park – is this in the masterplan? *Ecotourism will be covered in other plans,. It's hoped that this might attract a different type of tourist or those who might stay for longer.*

## 17. ECONOMIC DEVELOPMENT AND CULTURE

Councillor Geoffrey Bowden, Lead Member for Economic Development & Culture (EDC), introduced the topic and answered questions and comments from the panel.

Geoff Raw, Strategic Director, Place, said that the coalition Government had a 'challenge funding' approach, meaning that it was more important than ever to respond to opportunities which may bring in more funding.

Paula Murray, Commissioner for Culture, said that budget areas in EDC are largely non statutory (all except for libraries) – but the impact of even a small amount of funding is huge, in terms of partnership and in terms of leveraging in other funding sources. She outlined three key elements of the budget strategy going forward to 2013-14:

- **Developing new ways of working** – two examples being; the joint catering plans for the Royal Pavilion and Museums and the Brighton Dome and Festival and the re-visioning and re-provision of the Visitor Information service
- **Increasing income** – two examples being further marketing and leasing of seafront sites and increasing income from the Royal Pavilion fees increases ( charges as agreed at Economic Development and Culture Committee November 2012)
- **Supporting other services** to make savings or improve quality – two examples being the role of sports and leisure in delivering Health outcomes and the role of Libraries as community hubs.

### Questions/ Comments

- There is a fine line between managing fees and affecting visitor numbers, how is this balanced? *Services consider the effect of fee increases on sales but have usually been*

*able to deliver income growth over and above increasing fees by developing and improving the visitor experience through for example continuously changing exhibitions at the museums service.*

*What's happening with the Visitor Information Centre (VIC)? Budget proposals will result in the closure of the current VIC, however a review of visitor services for the city will follow to the March Economic Development & Culture Committee. Patterns of how people access visitor information has changed dramatically over the last decade with tools such as the website and apps reaching many more visitors than traditional visitor information. Additionally many VisitBrighton Partners can support Information Delivery by acting as information portals for visitors. A current example of this is the Toy & Model Museum. Officers will also explore how transactional services at the current VIC can be incorporated into the Brighton Centre box office. The current location of the VIC will be developed as part of the new catering arrangements for the Royal Pavilion.*

- *How have budget savings been allocated/ calculated? Services contained within Tourism & Leisure have taken out about 45% of budget over the last 3 years so have achieved a great deal already. Many of the current proposals rely on increased income but officers are confident that despite the economic conditions knowledge about future bookings gives confidence in the income targets being achieved.*

*Is it possible to quantify the effect that BHCC efforts have had on tourism? There are economic impact models that show the value and employment created by tourism activity. These are all available on the visitbrighton website.*

- *Accepts the point about indirect staff inputs to aid tourism/ business e.g. parks, highways, cleansing etc – can we agree that those must be priorities for BHCC to help economic growth? Broad agreement from Members attending.*
- *How close are the links between the Chamber of Commerce and BHCC? JC – there are a lot of links, she wouldn't criticise BHCC for this.*
- *How will EDC team work with the new Regeneration Team to ensure best outcomes for the city? The City Regeneration Unit was established last month and brings together a number of teams including sustainability, Economic Dev, Estate Dev, joining up to make the most of the benefits of regeneration funding. For every £1 invested in housing regeneration, £3 worth of benefit is recouped. The team is looking at how to have the best effect on local supply chains and local businesses.*

*BHCC is working with neighbouring authorities on City Deal, housing and also working with the Local Economic Partnership. You can't overestimate the council's role in the growth of the local economy, as well as working in partnership. In 2015 a new match funding approach will require all partners to pool their resources.*

- *How do you measure the outcome/ value of an Economic Dev team? It's a similar picture to measuring the output from Tourism. In terms of income, over 2012 the ED team brought in £1.163 million investment themselves and helped to bring in other bids. In a wider role it facilitates and works in partnership with business networks on a number of pilot schemes, support for businesses, e.g. through the Brighton for Business website*

*The research arm of the team tracks what is happening locally in the economy and compares that with other regions to help develop solutions to problems. They also consult with different sectors, work in partnership with businesses etc. It is very hard to secure external funding if you can't give an accurate picture of your current economic position and as such the work of this team is vitally important.*

- *Would the ED team ever be outsourced to be embedded in the business community? There is the issue of democratic control to be considered, as well as the danger of ensuring a level playing field for all businesses. There would be a constraint on outsourcing as you often need an accountable body for Government funding, so this would tend to suggest the local authority. However consideration as to the best manner in which to deliver economic development support for the city is a conversation worth having.*
- *Will there be more funding for the Ride the Wave programme for businesses, this was very successful but as organisers were not able to charge for attendance, it was unsustainable? BHCC would like to re-run the programme but the funding from external sources is no longer available so it may be on a smaller scale.*
- *What is being done to encourage older people's participation in sport? Cllr Bowden is on the Older People's Council to build links, bidding is underway for WHO Age friendly city status – this would need a lot of work in the city. Also the Take Part festival is growing, more people are trying out sports*

*Healthwalks are also getting more popular- 2-3000 people annually take part.*

- *What is the rationale for the concession card? This will give concessions of 40% for those on a range of qualifying benefits to use sports facilities. The scheme is achievable whilst keeping the other fee increases, that pay for it, to prices that are either on or below the regional average for these activities. The health outcomes of taking part in sports is well documented so would like to increase it. The concession card's effectiveness will be monitored to see if it increases involvement.*
- *Agreement with the concept of the concession card but concern over the increase in fees re young people to cover it - why have some fees been increased by 10% (above inflation) eg the all weather pitches? A lot of youth groups use the pitches, this is unfair on them, has an equality impact assessment been carried out? There is still a small grants programme which can help clubs with a small amount of money (£500 or so) can make a huge difference.*
- *What efforts are made across departments to ensue that cuts in one services do not negatively impact upon the aims of another, the obvious example being sport/leisure and public health re obesity?*

*The JSNA has been used as the basis of the draft sports strategy and we are working closely with health commissioners. All prices have been kept aligned to, or below, the regional average prices for the same facilities.*

Can the council send small grants information to youth teams to help them offset the price increase? *Agreed*

- What about externally organised events? *BHCC encourages events to come to the city, e.g. the marathon. It acts as a spur to take part and also boosts the economy at otherwise quiet times of the year. The marathon season is carefully timetabled so need to fit events in that work well with other marathons and half marathons nationally and internationally. It's a challenge for all cities to have a balanced pattern of events and business year round.*

*There is a cross party bid to host some of the Rugby World cup events in the city.*

*The events team is very small and manages approx 400 events per year. We should pay tribute to them as they lead to a huge boost for the city.*

- What are the plans for dance in the city? Will there be a studio/ rehearsal space at Circus St? *Yes there's currently a lack of dance and rehearsal space in the city, the council supports the new plans. Dance is very popular in B&H, especially helping young women who might otherwise not take part in sport. The National Dance Agency is based in Brighton; Circus St will become its base. The Circus St application will go to Planning Committee in May 2013, then will take 2-3 years to complete. Circus St site is central, and also backs onto Turner estate, so hope to involve Turner residents once its built.*
- Do planners help regeneration or put barriers in the way? *Planners are necessary to help keep the system moving and they do a good job-. Its absolutely vital that Planning supports the economy and the regeneration agenda, and work to secure planning permission in a timely fashion.*

*BHCC has the lowest cost per planning officer in South England, and lower costs for residential planning applications. Costs are on average over £812 in the South East (more for unitary authorities), but BHCC costs £456.*

The meeting concluded at 2.00pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL  
SCRUTINY PANEL - BUDGET 2013/2014**

**1.00pm 9 JANUARY 2013**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor K Norman (Chair)

**Also in attendance:** Councillors Cox, Dean, Fitch, Pissaridou and Sykes

**Other Members present:** Co-optee Joanna Martindale

**PART ONE**

**18. PROCEDURAL BUSINESS**

- Apologies were received from Julia Chanteray.
- Cllr Cox was substituting for Cllr Wealls
- There were no declarations of interest.
- Exclusion of press and public was agreed as per agenda.

**19. CHAIR'S COMMUNICATIONS**

Cllr K Norman welcomed everyone to the final budget scrutiny meeting. It was agreed that the meeting could be filmed.

Cllr Norman thanked Cllr Kitcat for coming back to the panel for a final session. The intention was the session to provide an opportunity for any updates on the budget setting process, for Panel members to reflect issues back to Cllr Kitcat that have been raised and for a more general discussion on wider budgetary issues

**20. BUDGET PROCESS AND APPROACH**

Cllr Kitcat provided an update on the budget setting:

- The LG settlement is still being analysed but it doesn't look to have made a massive difference on the 13/14 budget.
- An extra 2% will be taken from the 14/15 budget. This will be tough to find.
- The Public Health allocation hasn't been announced yet.
- The School's Capital budget is also still outstanding – this is very concerning for the city as there is obviously a need for extra class capacity.

There was debate over the nature and breadth of statutory services and whether future budget reductions will mean that the council focuses on providing statutory services.

It was noted that focusing on 'statutory or non-statutory' services is something of a red herring. Often there will be a duty to provide a service, however how this is provided, to what level and quality will however be for local determination.

There is also an ever changing range of responsibilities relating to local government. For example whilst responsibilities re schools may be decreasing those with regard to public health are increasing.

However whilst it may be the case legal responsibilities re education may be decreasing this doesn't mean the council shouldn't be seeking to influence this very important area. Indeed there are a number of areas where the council has limited statutory requirements but will want to be very active.

The introduction of a general power of competence also means the council has extremely broad powers that it should be seeking to utilise. The Government is making it clear for example that councils need to take on a larger role with regards to economic development.

- Is the voluntary redundancy scheme the best way of making budget savings? Whilst more palatable to unions and staff it may be more expensive and less strategic in identifying what capacity the council needs going forward?
  - There is a voluntary scheme underway with the deadline for applications the 18<sup>th</sup> January. The last scheme was more limited in scope and even then there was excess demand.
  - Not all applications will be accepted. Only where there is a business case /service redesign and where it makes sense for the organisation will it be agreed.
- Have there been any major issues flagged up during the consultation process?
  - Obviously haven't been through each response yet but to date nothing huge has come forward.
  - There may be changes once the final settlements are fully understood.
  - The scrutiny report will be looked at to see whether this flags anything that needs changing.
- How good is the consultation process?
  - Budget:
    - Always trying to improve it and happy to take feedback.
    - Are publishing budget proposals earlier than ever. Supporting the most detailed scrutiny process to date.
    - There is an online tool, a public consultation event, and the city tracker is also being used.

- It is a multi-channel process where the administration is happy to support the most effective way in which to consult on proposals and give them the greatest possible public scrutiny.
- There is however a very small pot of money available for this consultation.

General

- The LSP has reviewed the number and reach of consultations
- The CEF provides a framework re consultations
- Looking to develop a centre of excellence of staff who can support good practice for all consultations
- Has been a growth in the number of people who consider they can influence the council (city tracker results)
- Trying to be as open as possible – webcasting meetings, committee system, introducing neighbourhood governance pilots
- The point was made that if changes are made following a consultation accusations of a u-turn are usually forthcoming.
- There is a need to ensure that consultation allows for all to have a say, not just those with the loudest voices.
- Happy to consider all ideas for improved engagement for example deliberative juries.

§ The CVSF welcomed their involvement in the budget setting process. It allows for a different voice and perspective on proposals. Given the nature and scale of the challenges to come the sector feel a more sustained conversation with the council would be useful. The sector has considerable intelligence with regard to the impact of changes to public services. It was suggested discussion on proposals for 2014/15 budget proposals and those beyond that should start very rapidly after the 2013/14 budget is agreed.

- Cllr Kitcat agreed that the inclusion of the CVS within the budget setting process has proved very useful.
- A more permanent arrangement to allow discussion of budgetary and service changes could be considered, however it would need to take into account existing partnership structures.
- With a new Chief Executive and new Chair of the LPS imminent a review of partnerships is to be undertaken which could look to address these issues.
- A dialogue with individual service leads and the CVS could be very useful.
- The role of service committees re changes to future services and budgets will be key to ensuring that decisions taken are as good as they can be.

- Is the council looking to learn from elsewhere to see how councils are dealing with these financial challenges?
  - Yes. We work closely with the LGA and a number of specialist associations.
  - Other e.g. are Eurocities network, networking at local/national/European levels.
- The Council's role re economic development is increasing, it's clear that the council does a lot already but the actual impact across the city of this work isn't always obvious. Indeed the impact won't always be felt immediately.
  - The Council is stronger if the city is stronger; the council has a major role in leading the economic development of the city. We need to facilitate innovation and creativity, we need to help draw in funding from external sources, we need to

have the evidence to support the best projects – those that have the best chance of securing funding.

- The City Deal represents an excellent opportunity for this. Lord Heseltine’s report into econ dev highlights that in future less funding will be automatic, with more available for those projects that are likely to be ‘winners’.
  
- § The general power on competence, and ever reducing budgets will present stark political choices. Local priorities are clearly articulated within the Sustainable Community Strategy and the Corporate Plan.
  
- § Are there any plans for outsourcing services? Should we be competing or supporting small businesses?
  - There are political differences between parties as to merits of outsourcing
  - For the current administration it is not a priority, rather judgements are made on a case by case basis as the merit of where services are delivered
  - A pragmatic, rather than dogmatic approach will deliver the best results
  - For example councils that have outsourced too much are now struggling to enter into joint working arrangements that can deliver significant savings
  - Also to properly manage contracts requires a significant degree of capacity centrally. There are also issues relating to accountability and transparency relating to outsourcing
  - Does the localisation of business rates benefit the city?
    - 51% goes back to government and the rates will be set nationally, therefore its not really the localisation of BR.
    - We will have more of an incentive to ensure collection as the council will take a share.
  - Would you support a local sales tax?
    - Generally supports local taxation where it replaces national taxation.
    - Taxes need to be clear to residents as to what benefits they bring.
      - What is happening with regard to the Mayor’s number plate? Could it be put back on the Mayor’s car whilst it’s being marketed?
    - The number plate is currently being marketed at a price the council has been advised is realistic. The Mayor is currently using a different vehicle for a trial period and as such is using a different number plate.
    - There is a political disagreement as to whether this should be sold or not.

## 21. TRANSPORT

Cllr Davey introduced the transport budget highlighting the importance to the city of transport and the public realm. This was the second year of a two year budget strategy with many of the larger savings already having been taken during 2012/13.

The LTP remains a key element of the transport budget allowing important capital programmes to be undertaken. Key issues within the portfolio include ensuring the city can move about which is vital for the economy, road safety (including 20mph zones), air pollution, parking and public transport.

A significant element of transport spending is made up of funding secured from bidding applications, for example £3.3 million from the Better Bus Area fund and £900k secured for flood defence work over the next few years.



Good progress is being made in a number of areas, for example:

- B&H is the least car dependent city outside of London
- It has the most bus journeys per person outside of London
- Station Gateway project is progressing well
- Valley Gardens scheme is also on track
- Seven Dials project is ongoing with the consultation completed
- The Regency and Trafalgar St car parks have received upgrades
- The local bus market has been supported with now 6 operators within the city, including a number of smaller operators

Parking has remained a contentious issue; the administration has listened to traders in London Rd and the seafront and been able to reduce parking fees. There is also a wider general freeze on tariffs.

The LTP capital budget is being protected as this is vital to delivering the aims of the council. The Director of Place and Lead Commissioner for Regulation and Infrastructure highlighted a number of issues including:

- The increasing use of technology
- There has been a restructure to bring all transport elements under one management team
- Bidding is vital to the successful implementation of the council with regards to transport. In this regard reputation and deliverability of schemes are vital. The council needs a number of schemes 'ready-to-go' at any one point as funding deadlines can appear and go very quickly.
- There are usually economic imperatives behind transport schemes, it is more complex than simply getting people from A-B.

There were a number of questions with regard to the budget proposals:

Clarification was sought with regards to the parking income (approx £14million) and the saving within this. Members were advised this related to a contractual element of the vehicle compound.

It was asked what would happen were there no parking restrictions – this would lead to chaos and the city would grind to a halt. With 8 million visitors restrictions are needed. There has been a parking review undertaken over the last couple of years. Parking fees also pay an important role in supporting free bus travel for pensioners, and other sustainable transport schemes.

At a more philosophical level parking is never free there is always a cost to be born, it just may not always be obvious and immediate. An effective parking policy is vital for a vibrant and successful city; the current balance is about right. The Administration has introduced an evening tariff to encourage people to come into the city for restaurants, shows etc and has a one hour tariffs for shorter trips.

The city could grind to a halt if parking controls were non-existent or too cheap. The council does promote sustainable transport and is encouraging more people to use buses and trains to travel to and within the city, however a balanced parking policy is also required. It was noted that a number of other cities have parking rates higher than Brighton and Hove's.

Road maintenance and utilities work on the roads are coordinated as much as possible. The city council is in the process of developing a permit scheme to improve management in the future.

There were a number of questions regarding the carbon reduction commitment and budgets. Staff travel accounts for 30% of the total, how is this being addressed? There is an ongoing piece of work being progressed with Council staff and trade unions, regarding proposed changes that will seek to reduce this figure through a Staff Travel Plan. It has been a long standing problem that is looking to be addressed during 2013/14.

Air quality has long been an issue in the city – is there any clarity yet as to whether the council will be fined? It is still unclear as to how the fines will be apportioned. However what is clear is that if action is not put in place to tackle the problem the greater the chance that the council will be held accountable. Figures re air pollution should be available in the late spring. The fines will come from the EU and the government will decide how they are apportioned. There was acknowledgement that the administration has sought to consult people on its transport plans, and that at one time or other people will use a variety of forms of transport.

Figures were requested as to the extra income generated as a result of the increase in traders permits last year. It was agreed to provide these for the next Transport Committee. Trader permits are now available online etc and far more user friendly than previously.

Clarification regarding the timing of bus passes for older people was asked for. It was explained that the government scheme allows for a 9.30 start, the council has moved this back to 9.00 - the difference in cost being about £200k.

It was confirmed there will be no further financial reductions in supported bus contracts during 2013/14.

CVSF equalities sessions raised a number of issues with regard to disabilities and the state of pavements in the city. It was confirmed there was no reduction in the highway maintenance budget and indeed a number of benches were now being added around the city.

The CVSF has had very positive feedback with regards the consultation undertaken re the Lewes Road project. It was felt this was a model consultation and should be repeated elsewhere.

Assurance was given that carbon monitoring is now standard as part of the development of all transport schemes. Actual measurement and monitoring is based on proxy measures.

Cllr Norman thanked Cllr Davey and the all the officers present.

## **22. CHAIR'S CLOSING COMMENTS**

The Chair thanked everyone taking part in the budget scrutiny panel for all of their involvement.

The meeting concluded at 3pm

Signed

Chair

Dated this

day of



### Scrutiny & Policy Review Panels 2012/13

No	Topic	Members	Notes	Timetable
1	Trans Equality (JR)	Cllrs Mac Cafferty, Cobb, Morgan Jay Stewart & Michelle Ross	To report to Jan OSC.	May 2012 – January 2013
2	Local Council Tax Support (MvB)	Cllrs Phillips, Cox, Pissaridou Rosemary Figgins, ESCU	Reported to P&R and full council.	Completed
3	Budget 2013/14 (TH)	Cllrs K Norman, Wealls, Pissaridou, Fitch, Sykes, Deane CVSF – Jo Martindale CoC – Julia Chanteray	To report to Jan OSC.	November 2012 – January 2013
4	Youth Justice (KV)	Cllrs Pissaridou, Wakefield, Wealls Mark Price, University of Brighton	Light touch review – agreed direction of travel of service following external reviews. Meeting in spring 2013 following restructure.	July 2012 – December 2013
5	Homelessness (GR)	Cllrs Wealls, Robins, Sykes	Ongoing	September 2012 – March 2013
6	Public Toilet Provision (KA)	Cllrs Kennedy, Cobb, Robins OPC – John Eyles	Ongoing	October 2012 – April 2013
7	Alcohol	TBC	Presentation to HWOSC in February to determine scope.	February 2013 –
8	Social Value	TBC	CVSF request.	February 2013 –
9	Bullying in Schools	TBC		
10	Services for children with autistic spectrum conditions	TBC		
11	Community Mental Health	TBC		
12	Cultural Provision for Older People	TBC	Referred to Age Friendly City steering group.	
13	Benefit changes/financial inclusion	TBC	To commence once benefit changes are in place and have been operating for a while. Won't start until winter 2013 at earliest.	Winter 2013 –



## Agenda Item

### OSC Work Programme

Issue	Responsible Officer	Overview & Scrutiny Activity
26 <sup>th</sup> July 2012		
Equalities Update	Commissioner: Communities & Equality	Noted. Information on pay grades by gender requested plus an update to include action on trans scrutiny panel
Support for the Retail Sector	Head of Scrutiny, BHCC	Report endorsed for referral to P&R. Costing of scrutiny recommendations queried and report asked for.
New constitutional arrangements	Head of Scrutiny, BHCC	Noted
OSC workplan	Head of Scrutiny, BHCC	Agreed as 'draft' to include flexibility
Workshop on Council Tax Reform	Head of Scrutiny, BHCC	Noted. Scrutiny panel agreed following request from Council Leader.
10 <sup>th</sup> September 2012		
Local Strategic Partnership (LSP) presentation and report	Chair of LSP	Noted
Annual Performance Update of the Council's Corporate Plan 2011/2012		Officers asked to develop scrutiny approach to performance management
City Performance Plan and Organisational Health Report	Head of Analysis and Performance, BHCC	Noted
Proposal for a Budget Scrutiny Panel	Head of Scrutiny	Agreed
Proposal for Urgency Sub-Committee	Head Of Scrutiny	Agreed
Financial Implications of Scrutiny Reports	Head of Scrutiny	Agreed
Feedback re topics for scrutiny	Head of Scrutiny	Panels agreed as listed below

5 <sup>th</sup> November 2012		
Council Tax Support Scheme Scrutiny Panel	Head of Scrutiny	To agree scrutiny panel report
Parking Review	Lead Commissioner, City Regulation & Infrastructure	To comment on the work of the review prior to a decision early 2013
28 <sup>th</sup> January 2013		
Trans Equality Scrutiny Panel Report	Head of Scrutiny	To endorse the report & recommendations
Budget Scrutiny Panel Report	Head of Scrutiny	To endorse the report & recommendations
22 <sup>nd</sup> April 2013		
Complaints & Compliments Report	Standards & Complaints Manager	To identify areas of concern that require further investigation.